



WESTERN CAPE
LIQUOR AUTHORITY

Physical: 3rd Floor | Sunbel Building | 3 Old Paarl Road | Bellville | 7530
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Email: Liquor.Enquiries@wcla.gov.za
Tel: +27 (0) 21 204 9769 | www.wcla.gov.za

465/630

Reference number: 2017/1603 /

Date: 20 August 2020

Enquiries: Kullwano Maphike

SA Police Services (Kleinmond)
P.O. Box 12
KLEINMOND
7195

APPLICATION IN TERMS OF SECTION 36 OF THE LIQUOR ACT, ACT 4 OF 2008:
PREMISES NAME: The Pringle Rock Distillery
MAGISTERIAL DISTRICT:

For attention: ADJ. OFF. CB Lakey

Dear Sir/Madam






Your application lodged 27 October 2017 refers.

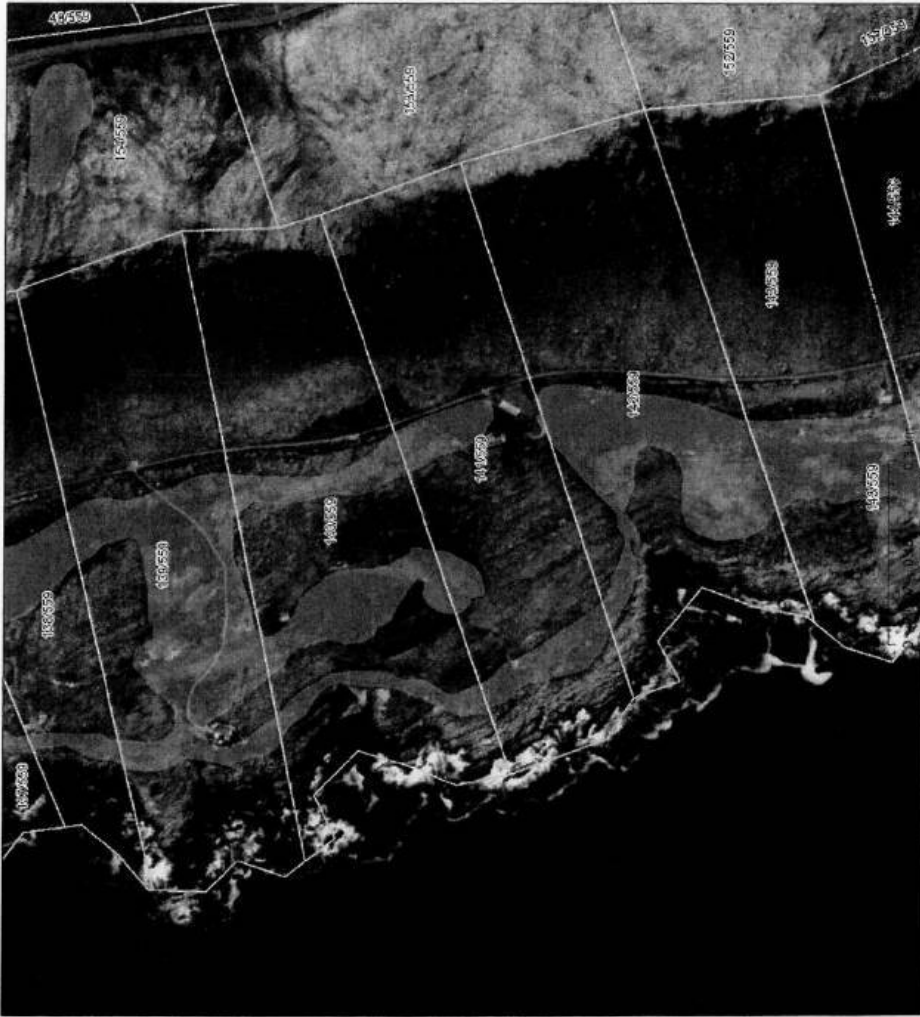
The said application was **REFUSED** by the Liquor Licensing Tribunal.

Yours faithfully

Western Cape Liquor Authority

Wetland Map - 141/559

- Legend**
-  Farm Portions
 -  Wetlands (NWMS)
 -  Depression wetland
 -  Floodplain wetland
 -  Seep wetland



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Scale: 1:9 028

Date created: June 2, 2021

Compiled with CapeSim/Kagiso







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PO Box

26 May 2021

TP - A Theart
(H vld. stoep)

Municipal Manager
Overstrand Municipality
PO BOX 20
HERMANUS
7200
Email: loretta@overstrand.gov.za

YOUR REF: MUNICIPAL NOTICE 70/2021 PORTION 141 OF THE FARM HANGKLIP NO 559
OBJECTION TO THE APPLICATION FOR REMOVAL OF RESTRICTIVE CONDITIONS, CONSENT USE
AND DEPARTURE

Dear Sir / Madam

Introduction

1. I hereby lodge my strong objection to the above development.
2. I am the owner of a nearby smallholding Portion 137 of the Farm Hangklip 559 and have lived here since 1992.
3. I have a direct interest in this matter as my property is very close to the proposed distillery/visitor facility. I have substantially the same title deed restrictions reflected in the title deed of my property.
4. This new sophisticated 2021 application is, in essence very similar to the 2018 one (MN 69/2021). The new application is very elaborate and cleverly written to obfuscate the basic principles thereof, which should not be overlooked, namely that it is a noxious and potentially dangerous industry in a remote and ecologically sensitive area. The whole concept is utterly wrong.
- 4.1. The proposed whisky and gin distillery / manufacturing is completely inappropriate in the area which has been designated an important biodiversity conservation area. The type of tourists who typically visit distilleries and tasting facilities (focusing on whisky and gin) would be completely undesirable and out of place here.
- 4.2. The property involved is completely inappropriate for the purposes of a gin/whisky factory. Access for distillery tourists and customers could hardly be more difficult. Typical distillery tourists would be much happier in busier surroundings in the adjoining Pringle Bay, Rooiels or the Kleinmond Harbour precinct. It makes for bad

FILE NO: Ptn 141/559
Hangklip
SCAN NO: 12
COLLABORATOR NO: 1546899

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town planning allowing those areas to languish, whilst approving a new manufacturing enterprise in an ill-suited and undesirable area.

5. It appears that obfuscation of the essence of this application has been the intention of the drafters thereof, in an apparent attempt to avoid the public outcry and close to 100 objections received in 2018. The application presents a mix of distortions, half-truths and baseless claims. It begs the question whether and how the town planners have been involved and whether they are acting in accordance with the ethics of their profession?

Poor Environmental record of Applicant who is clearly not "conservation-conscious" - clear examples of "spin" in the application

6. The Applicant's claim of active promotion of conservation is baseless and false.
7. I have had an interest in Portion 141 since 1986 (some 35 years ago), when I seriously considered purchasing it when it was on auction. That was before the barn/stables and horses.
8. Since then, I have watched the state of this property deteriorate alarmingly – especially so during the last 15 years while owned by the Applicant.
9. The trustees expressed an intention to eradicate Kikuyu (including through the help of Ostriches!) Nothing came of this. They expressed an intention to remove all gum trees and alien vegetation. Nothing came of those intentions. Instead they have allowed the Kikuyu to thrive and the stand of gum trees has become a real fire threat to the greater area (including my property.)
10. Various excavations for water features plus an illegally constructed dam, present scars where natural vegetation should have prevailed if the Applicant was truly "conservation conscious".
11. This application tries very hard to "spin" the narrative of an "environmentally conscious and environmentally responsible" Applicant. Such a conclusion is not supported by the facts. The Applicant recently constructed a dam of 600 square meters while ignoring the fact authorization in terms of NEMA was required. These are not the actions of an environmentally responsible and knowledgeable Applicant. It would be highly irresponsible to allow such an Applicant to operate a distillery, which is by its very nature a high risk operation.
12. The Applicant has shown no concern for the environment in the past when he let his sheep wander and graze where they wished all along this critical biodiversity area, including on my property. This was at a time when tiny fynbos plants were re-sprouting after the wildfire. Why should he now be trusted to mitigate his impact on the environment?

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13. An all-time low (certainly in my eyes), was reached when a caracal, confined in a trap and completely defenseless, was shot in cold blood. This happened despite clear advice from a knowledgeable authority that the animal should be released and would not return. Furthermore, an employee/caretaker boasted proudly in my presence that, whenever he saw a mongoose, he shot it. Conservation conscious? I think NOT!
14. As will be set out in detail hereinafter, the applicant's claim that the distillery constitutes a *"sustainable economic activity with minimal impacts on the surrounding area"* is baseless, unproven and completely untrue.

Dangers of establishing a noxious industry in an area of high conservation value and significance

15. The area in which the proposed distillery is located is an ecological gem of international significance. This fact is not disputed by anyone and requires no proof. It is a known fact that Nature Conservation authorities have always regarded this area as a key component of the declared Kogelberg Biosphere reserve and it has Buffer status. Numerous threatened species and types of fynbos occur here and nowhere else in the world. Do we really want to take risks with handling noxious and hazardous materials in this area? This is not good and responsible town planning.
16. Noxious means "harmful, unpleasant or unwholesome". The nature of the distillery is such that it uses a lot of energy and water and produces a product (alcohol) which in its undiluted distilled form is extremely poisonous to all life. Waste products from the process are also poisonous and escape into the air, land and water. The cumulative effect of a distillery in the long term is that the surrounding ecosystem is systematically poisoned. This may happen very quickly in the case of negligence or accidents at the distillery or may occur slowly and cumulatively over many years. But the bottom line remains; the ecosystem will be much worse off.
17. It doesn't matter how well they are run, distilleries world-wide are classified as "noxious" due to their harmful waste products, including both emissions, "fermenter sludge" and "spent wash".
18. Except for scale the distillery processes of a micro- manufacturer are not significantly different to that of a macro – manufacturer of exactly the same product.
19. The Applicant concedes the noxious nature of the proposed distillery by correctly applying for the removal of title deed restriction C6 prohibiting noxious trade or activity from being conducted on the property.
20. It should be noted that a distillery, however small and well-run it may be, is still a dangerous and noxious industry. A single accident or act of sabotage may impact and destroy much of what is precious about the area. This is not the right place for such an industry. It is a recipe for disaster and it will be irresponsible for the municipality to approve it. It should ideally be situated in an area zoned for light industry where it can be properly monitored and regulated.

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The Precautionary Principle needs to be applied correctly

21. I would like to point out an important misconception regarding the Precautionary Principle, a misconception apparently shared by the town planners and incorrectly applied in the 2018 recommendation.
22. A good explanation was given of the Precautionary Principle in the objection by the Rooiels Conservancy dated 25 July 2018 (to the failed 2018 application):

"The Precautionary Principle, is a principle established in SA Environmental Law and entails that the utmost caution should be applied by any decision making authority before authorizing something which may have irrevocable, unintended or unknown environmental outcomes. This is even more so in respect of this Property, where it is known that the area in which it is situated is of vital conservation and ecological importance.

In summary, the Municipal Planning Tribunal is therefore obliged to take a conservative and precautionary approach in this matter as:

- (a) *the area is situated in an ecologically significant, valuable and sensitive area, but no specialist reports whatsoever have been submitted for public scrutiny; and*
- (b) *additional rights are being sought by the Applicant which are more than likely to impact negatively on the natural environment and possibly also on the health of neighbours."*

(See the full letter by the Rooiels Conservancy attached hereto)

23. The important mistake that Ms Haneen van der Stoep previously made in her report to the Tribunal in the 2018 application, was the misconception that environmental impact or harm must somehow be proven by the objectors (p 406). This is totally wrong.

In fact, the opposite is true when applying the Precautionary Principle. The burden of proof that there will not be any environmental impacts in an area of great ecological importance, lies wholly with the applicant. It is certainly not appropriate to assume that impacts are negligible until proven otherwise.

The Reasons for the Withdrawal of Previous Application are Half-truths and misrepresented in this Application

24. A good example of half-truths and spinning which proliferates in this application, is the statement in the application that the *"reasons for the withdrawal were to refine and supplement the written motivation for the application and to undertake further investigations in relation to the restrictive conditions of title."*
25. What is carefully omitted from the application, is that the Tribunal on 31 October 2018 resolved that "the item **be referred back** awaiting legal opinion."
26. Such legal opinion was presumably not favourable to the 2018 application - despite Ms Haneen van der Stoep's recommendation of the distillery.

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27. In the light thereof, the application was withdrawn by the applicant. I received an email of notification of such withdrawal dated 30 June 2020.
28. The content of this legal opinion has not been disclosed, even though it is now in the public domain as part of the minutes. It is pertinent to the consideration of this new application for essentially the same rights. This is not procedurally fair nor transparent and gives rise to justified fears of collusion between the applicants and the town planners concerned.
29. It is also not disclosed in this application that the applicant's liquor license application was REFUSED in terms of a letter dated 20 August 2020 due to the absence of proof of the correct zoning of Portion 141/559.
30. The "reasons" offered by applicant for withdrawal of the 2018 application amounts to pure obfuscation of the REAL reasons, which have not been disclosed. Such lack of candor and full disclosure to the Tribunal, should be enough grounds alone to refuse this application.

Porter Drive Misrepresentations

31. Porter Drive, which is supposed to be the access road to the distillery, also crosses my property.
32. The following is common cause regarding Porter Drive:
 - It is a simple narrow dirt track, which is very rocky and sandy in places and in other places requires a vehicle with fairly high clearance.
 - It can only accommodate a vehicle going in one direction at a time.
 - It is also used as a footpath by the many hikers, bird watchers, runners and tourists who love walking along this pristine stretch of coast.
 - Both the applicant and Overstrand Municipality claim that Porter Drive is a municipal street and thus open to the public.
 - Yet a vehicle gate has been erected on this municipal street, by the owners of the smallholdings and with the knowledge and consent (formal and/or tacit) of interested official bodies and organs of state.
 - Mr Leigh Elves of the Applicant personally controls who has vehicular access to this part of Porter Drive through a 'phone in' system.
 - This section of Porter Drive has never been maintained by the Municipality since 1986 according to my own personal knowledge, but in all probability it was not a local authority responsibility long before that time.
33. If Porter Drive is a municipal street, how can vehicular traffic through this sensitive area legally be controlled by Mr Elves on behalf of the Distillery? It appears as if this is another instance of obfuscation and glib half-truths.

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34. If Porter Drive is a municipal street, how could Ms van der Stoep so glibly have stated in her 2018 report, that the application will have no effect on municipal engineering services?
35. If this section of Porter Drive is a municipal street, how has it come about that Applicant is "maintaining it" by dumping his building rubble (Pringle Bay side) and other inappropriate and unsightly material on the road under the guise of "maintaining" a municipal street? Is this yet another example of how "environmentally friendly" the Applicant is? How has this so-called "maintenance" by the Applicant of Porter Drive been controlled by Overstrand Municipality in the past? Did such "maintenance" by the Applicant occur with the written permission of Overstrand Municipality? How could this have been used by Ms van der Stoep as justification for approval in her 2018 report to the Tribunal?
36. In the light of the above, it is clear that there exists a totally inappropriate relationship between officials of the Overstrand Municipality and the Applicant which taints this application.
37. In the light of my questions and concerns in the preceding paragraphs, I trust that it is abundantly clear that the Applicant's undertaking to limit visitors and vehicular traffic on Porter Drive is pure window dressing. It is totally unenforceable. It is aimed at deceiving potential objectors to the application in an attempt to minimise the number of objections. It would be improper and irregular for the Tribunal to take this nonsense into account.
38. It is a common sense fact that the proposed distillery will substantially increase vehicular traffic on this section of Porter Drive. The Applicant will need to apply for a micro manufacturing license for the Distillery, which will entitle him to produce a substantial amount of liquor (2million litres of spirits per annum). This would require many tons of barley to be transported in to the property per annum. There is also additional traffic necessitated by the visitors, packaging, waste products and sewerage – all which require trucks or big vehicles.
39. This Application is seriously damaging to the environment from a transportation point of view and the unnecessary use of fossil fuels. Everything is transported in and then everything is transported out.
40. The claim made by Applicant on how transportation will be limited are baseless and totally unenforceable. There are simply no legal mechanism in place to reduce such extensive use and the very undesirable environmental consequences thereof.
41. As a person who needs to use this road to get to my home, I object to any increase in traffic due to commercial activities. This road is simply not constructed to bear heavy commercial traffic on a daily basis. I also object to any widening or construction of this road abusing municipal funds solely for the benefit of a single developer or property owner. This would clearly constitute and inequitable use of municipal resources.

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Agricultural zoning and use of Departure mechanism is incorrect

42. Portion 141 has never been used for *bona fide* agriculture. I do not believe that the owner is entitled to apply for a distillery under the definition of "agricultural industry" as he meets none of the requirements of this definition. The Application is based on a fatal legal flaw. The only legal route available for the Applicant is rezoning.

Removal of Title Deed Restrictions

43. These title deed restrictions were imposed by Hangklip Beach Estates lieu of a local authority (which was not in existence at the time) and Ms Waller's consent as the sole member of a company is of no consequence here. The removal of such conditions of title fall within Overstrand Municipality's sole purview.
44. Title deed conditions cannot be removed willy nilly if it is not in the "public interest" (as legally defined) to do so. I find no compelling reason in the Applicant's report why the application is in the public interest.
45. It is important to retain as much of these title deed conditions as possible, as these conditions create the very character of a particular area. Typically most nearby properties have similar title deed conditions. My title deed conditions are similar to that of Portion 141, for example. It follows that any change in this status quo may have consequences and disparities for all other nearby properties owners.
46. It should also be considered that the Applicant is seeking to change the status quo of the area in a way that will seriously impact on the existing use and enjoyment of the area by the general public. The potential cost to the environment, negative publicity for Overstrand, and very real loss of income from eco-tourists like the birders (including the restaurants and accommodation facilities serving them) by far outweigh the benefits of having a distillery. In my opinion, there are no benefits, only serious risks. The Applicant has failed to prove public interest.

There appears to be considerable over-reach in the removal of title deed conditions going way beyond what are required to be removed for the operation of a distillery

47. I draw your attention to C1 which the Applicant applies to have removed. This condition deals with the conveyance of electric and water mains over the property. The main water pipeline servicing Rooiels runs over this property.

Set back lines

48. The building and set back lines are there to ensure harmony and uniformity among properties in this area. Allowing this in respect of one property will be out of keeping with the other properties and makes for disharmonious town planning. It directly affects me as my property is bound by this condition.

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A Pattern of Half truths, Spin and Distortions of Fact in this Application

49. It is estimated that the Applicant has already spent in the region of R2 million in the creation of a dam and the substantial double storey / double volume building with special antique windows from Cape Town's original station. This is by no means a "modest addition to the former stable building" (p1), nor has there been a "minor extension" (p3) thereto.
50. Upon enquiry about these additions, Ms Haneen van der Stoep (OM Senior Town and Regional Planner), responded that "A Building plan was submitted and approved relating to the stables. Until such time I have proof that it is used for any other use than Agriculture, I cannot do anything about it. Should it not be the case, procedure to address the use will be followed."
51. The building plans for the additions were lodged by the Elves family, well before bringing this application and well knowing that it was for a distillery, not for stables. In fact, the additions are now already completed. It is clearly a distillery building and not stables. Please note the misleading use of the future tense in this application: "this will require" (p1). Please also have regard to p 14 showing an outdated photograph before the extensive addition, creating the false impression that the construction of the distillery will only take place after approval of this application. Please note that the extensions were already complete at the time this application was advertised.
52. Consequently, the building plans for the additions were clearly submitted by the Elves family under false **pretenses and without full disclosure of the future intended use thereof**. They did not act in good faith. Moreover, should the Town Planner(s) have been aware of the fact that these additions were actually intended as a distillery and advised / allowed the submission of the plans as "additions to a stable", they would be party to this deceit and clearly be in breach of the code of conduct and ethics in terms of the Planning Professional Act. 2002.
53. The application goes to great lengths to emphasise the folksy and family nature of the enterprise. For example: "...micro-distillery that will produce *small batches of bespoke whiskey and gin in handcrafted copper stills*" (p1). The fact is that any "micro-distillery" in terms of legislation, can produce up to two million litres of spirits per annum. This is not an insignificant volume. The word "*bespoke*" means custom-made or customised for a particular person and is clearly just used here for effect, as is "*handcrafted*" copper stills. Most, if not all, copper stills are handcrafted.
54. Another example of "spinning" is the repeated reference to the "small" dam (see p1 and elsewhere). This dam is in fact SIX times larger than the minimum size, in respect of which authorization is required by NEMA.
55. "...the proposal is not a distillery of an industrial scale with concomitant impacts on utility services, traffic and waste by-products" This is misleading as even a micro-distillery (up to two million litres of spirits per annum) has many impacts, including on

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utility services, traffic and waste by-products. Their business model certainly doesn't make sense in the light of the significant and expensive building works. It should be noted that the extensive building work has already had an impact on Porter Drive. It is also significant that the Rooiels gate was used by all the heavy concrete mixers and brick lorries. So much for the stated intention of the Applicant to limit its impact on the Rooiels side of Porter Drive!

56. The application glibly states on p 7 thereof that the proposed distillery "is consistent with the biosphere principles" because of the so-called "small scale" (potentially 2 million liters!) and "recycles an existing building". It is clearly not consistent with the biosphere principles to have a toxic noxious micro distillery in the Buffer Zone of an otherwise pristine area.
57. On p 1 the application states "*It represents a re-cycling or re-use of an existing building which is no longer used for its original purpose*". The very logic of this argument is suspect. By this logic if the distillery should fail, the mere existence of these extensive buildings should then be a compelling motivation to allow another development such as a wedding venue, campsite or a rave venue.
58. Much is made of the fact that the new development is on the area invaded by Kikuyu. The application furthermore glibly states "stone wall to prevent Kikuyu from encroaching into the fynbos". Why should the Applicant who for 15 years did not control the Kikuyu, now be trusted to stop the spread thereof? This statement has no substance.

The Applicant has allowed the invasion of alien plants over more than 15 years. The offer of restoration of the land as a bargaining tool for development rights has a hollow and cynical ring to it. The Applicant should not be rewarded and allowed to benefit from his mismanagement of the environment on the property over the years

59. The Applicants profess their "commitment to establish a sustainable eco-friendly lifestyle on the property." The transportation of raw materials to the site, removal of waste from the site and the pumping of liquid waste into the septic tank system don't support this statement.
60. The unsubstantiated statement is made that the distillery "makes use of renewable resources and operates in accordance with sustainable production processes." It is abundantly clear that the carbon footprint of the transportation is not ecologically sustainable.

It is also clear that the extraction of subterranean water used in the distillery is not ecologically sustainable and will have an effect on the water table and aquifer of the area.

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61. The statement is made that "a short educational lesson about the reserve" (p8) will be given to guests. This is frightening, given the Applicant's very poor environmental track record over the past 15 years! Nowhere in the application is any mention made of the function and importance of the Buffer Zone. It is deliberately downplayed throughout the application. This is another attempt at window-dressing the application as environmentally friendly when it is actually destroying the environment.

Waste Water Disposal

62. A number of alarming statements are made about waste water disposal. Liquid waste with its high concentration of chemicals and minerals cannot be used for irrigation purposes and would contaminate the soil and have devastating effects on the nutrient poor soil which fynbos needs to survive. Greywater also contain high levels of chemicals, minerals and nutrients and cannot be used in a fynbos region.
63. An environmental assessment needs to be done by a specialist regarding the effect of irrigation and that of increased phosphates on the fragile natural fynbos ecosystem in which Portion 141 is situated. The effect thereof such a system on the seepage areas and run off into the sea should also be studied by a specialist.
64. The waste management plan by the company Distillique has obviously just been copied and pasted from the internet for the application. It lacks proper substance and real thought. It is furthermore indicative that this aspect has not properly been considered and made site-specific. It is also indicative of the Applicant's cavalier attitude towards the environment and the extensive window dressing mechanisms employed in this application.

This application must please be turned down.

Yours faithfully

Michael Harrison
Email: _____

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ROOIELS
CONSERVANCY / BEWAREA
PO Box 89, Bettys Bay, 7141

25 July 2018

The Municipal Manager
Overstrand Municipality
Hermanus

Dear Sir

**OBJECTION TO REMOVAL OF TITLE DEED RESTRICTIONS, CONSENT USE AND DEPARTURE: PORTION 141 OF THE FARM HANGKLIP NO 559
Your reference Municipal Notice 69/2018**

Rooiels Conservancy is registered with CapeNature. The Conservancy Area comprises Rooiels township and its adjacent smallholdings up to the Buffels River (i.e. including the area in which Portion 141 of the Farm Hangklip is situated).

The Rooiels Conservancy was established in pursuance of the biosphere principles set out in UNESCO's Biosphere program. Both the Rooiels Conservancy Area and Portion 141 is situated *in* the internationally registered Kogelberg Biosphere Reserve. (Please note the deliberate use of the word "*in*" and not "*near*".)

The fynbos biomes of the Biosphere Reserve (*encompassing Portion 141*) have been deemed important enough to be given international, national and provincial protection status. To give some context to the importance of the Kogelberg Biosphere Reserve (and here we are *not* referring to its Core zone only), many of its plant communities and species are as endangered as the black rhino, for instance.

Accordingly, very special considerations must apply when considering an application such as the present one for a brewery, distillery and on-consumption facility.

1 The Proposed use of the Property (Portion 141) does not align with the Land-use character of the area

The Property falls within an area that is highly protected and worthy of conservation on a number of levels, making this development highly undesirable and extremely risky.

- 1.1) It is situated within the registered area of the Rooiels Conservancy, with the Conservancy's stated aim of keeping this area as natural as possible and encouraging eco-tourism. Light industrial development on the Property (especially one which is known for producing dangerous toxins), is certainly not in keeping with this and inappropriate in a Conservancy. Apart from the danger of severe environmental harm caused by accidental spillage, explosion, pollution of groundwater and other accidents, there is also greatly increased vehicular traffic,

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distillery visitors (who are not necessarily nature lovers), noise, liquor abuse, etc. This is totally in conflict with the present character and sense of place of Rooiels and surrounds.

- 1.2) The Property falls within an almost pristine stretch of land between Rooiels and Pringle Bay, comprising both *critically endangered* Kogelberg Sandstone Fynbos vegetation and *endangered* Hangklip Sand Fynbos. This forms "a green lung" demarcating the two villages and preventing both urban and industrial sprawl.
- 1.3) The Agricultural 1 Zoning of the Property is a historical anomaly and totally out of keeping with the rest of the smallholdings in this area which are zoned Indeterminate. No *bona fide* farming activities have ever taken place on this property, nor is it suited for farming. The small size, soil, topography and nutrient poor fynbos simply cannot sustain any *bona fide* farming activity. A previous owner stabled 3 horses for a while when the Agriculture 1 Zoning was erroneously obtained, but horse feed had to be transported in for these animals. Likewise, the present occupant attempted to keep a handful (less than 10 sheep), but had to allow them (without consent) to forage on neighbouring properties and even in the Nature Reserve. The anomalous zoning of the Property which is already out of keeping with its surrounding area, should not be expanded and made worse, by allowing Agricultural Industry thereon. Fragmentation has been proven to have an irrevocable negative impact on the environment.
- 1.4) The area between Rooiels and Pringle Bay where the Property is situated has been designated as of "*Critical Biodiversity importance*" by the South African National Botanical Institute (SANBI).
- 1.5) The Property falls within the Buffer zone of the Kogelberg Biosphere. The purpose of the Buffer zone is to buffer and protect the Core zone which is absolutely pristine. It goes without saying that this is clearly not an appropriate area in which to locate an industry - especially a particularly "dirty", noxious and hazardous industry. (See par 5)
- 1.6) The development of an industry on the Property does not fit in with Overstrand's Draft Environmental Overlay Zoning and pre-empts the future protection of this area.
- 1.7) The development of an industry of the Property does not fit in with Overstrand's Draft Heritage Overlay Zoning and will disturb the scenic landscape character of the area.
- 1.8) The area in which the Property is situated is recognised in the SDF and other planning documents as an Ecological Support area.
- 1.9) The numerous considerations and protections listed in 1.1 to 1.8 above, point to the fact that this is indeed an area widely considered suitable for conservation and highlights the fact that the proposed use of the Property as a brewery and distillery, will be completely out of sync with the Land-use character of the area.
- 2) **The Scoping and EIA process has been cleverly circumvented. This has the effect that inadequate information on the Property and the potential environmental impacts are before the Municipal Planning Tribunal rendering any decision taken by it flawed.**
- 2.1) The Applicant misrepresents / fails to disclose various material facts in this application as will be highlighted throughout this objection. The Applicant deliberately downplays the extent ("*smallish*" see p3) of the development and does not disclose the hazardous nature of the proposed industry in order not to trigger a full-blown EIA. The Applicant (who is a professional

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Planner and not a lay person) deliberately misrepresents on p6 that the Property "borders of the Kogelberg Nature Reserve". This is completely untrue. The Property is *in* the Kogelberg Nature Reserve itself, specifically in a crucial section of it which has been designated as of "Critical Biodiversity" importance by SANBI.

- 2.2) As detailed in paragraphs 1.1 – 1.8 above, both the presence of:
- (a) the myriad of environmental protection layers which apply to this Property; and
 - (b) the Property falling in the center of a designated "Critical Biodiversity Area" of worldwide importance;
- must alert decision making authorities that this is not just another straightforward "run of the mill" application.

Environmental and heritage considerations (of International dimensions) apply and the absence of a scoping report, public participation and specialist reports is both glaring and shocking.

Given the importance and sensitivity and importance of the area - which is undisputed by all - is clear that the Municipal Planning Tribunal lacks detailed and specific scientific input on which to base a proper and informed decision. It is noted that none of the members of the Municipal Planning Tribunal are qualified environmental experts.

- 2.3) The **Precautionary Principle**, is a principle established in SA Environmental Law and entails that the utmost caution should be applied by any decision making authority before authorizing something which may have irrevocable, unintended or unknown environmental outcomes. This is even more so in respect of this Property, where it is known that the area in which it is situated is of vital conservation and ecological importance.

In summary, the Municipal Planning Tribunal is therefore *obliged* to take a conservative and precautionary approach in this matter as:

- (a) the area is situated in an ecologically significant, valuable and sensitive area, but no specialist reports whatsoever have been submitted for public scrutiny; and
- (b) additional rights are being sought by the Applicant which are more than likely to impact negatively on the natural environment and possibly also on the health of neighbours. (See concerns raised in paragraph 5.)

- 2.4) The **incremental effect** of the industry on the environment **over time** is another important consideration supporting the commission of a scoping report, specialist studies and /or EIA before approval. While the Distillery is likely to start off as a small industry, avoiding triggering a full blown EIA, this situation will become much more serious once the industry becomes established and more successful, increases its production and bottling facilities, increases its staff, increases its discharge of effluent and emissions, caters for a greater number of visitors and has to expand its logistical operations in transporting the grain to the Property and distributing the distilled product from the Property. This is clearly not sustainable on this Property in the long run and will undoubtedly have a serious and irrevocably detrimental impact on the environment.
- 3 **The proposed brewing and distilling of beer, gin and whiskey (according to the liquor licence application) on this Property is clearly not allowed in terms of the definition of "Agricultural Industry" and constitutes a clear abuse of this provision.**
- 3.1) The definition of "Agricultural industry" refers to an enterprise for the processing of

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agricultural related products "on or close to the land unit where these agricultural products are grown, harvested and raised where processing in such proximity is due to the nature, perishability and fragility of such agricultural products". This Application falls foul of the definition of Agricultural industry in at least three respects:

- 3.1.1) The main components of these products (grains, hops, ethanol) are not produced "on or close to" the Property, nor can this Property ever produce such products given its topography and soil. In fact, these products will probably have to be transported at least 50kms to the Property. Any mention of "fynbos flavouring" being added on the Property is pure sophistry and has nothing to do with the essence what is proposed on the Property. Even if a little fynbos is actually used as "flavouring", this is a miniscule and arbitrary additive in proportion of less than 0,05% of the product. This is clearly not the situation which is intended in the provision allowing agricultural industry.
- 3.1.2) The Applicant is not by any stretch of the imagination a "fynbos farmer". To the best of our knowledge no permit has been issued by CapeNature for the industrial harvesting of fynbos on the Property, nor is it likely to be given in the light of many threatened and near threatened species occurring on the Property; e.g. *Protea compacta*, *Diastella thymeriades*, *Erica brachialis* to name but a few.
- 3.1.2) The definition of "Agricultural industry" furthermore requires that processing "in such proximity" [which it is clearly not], must be due to "the nature, perishability and fragility of such agricultural products". None of the products used in the Distilling process, including any so-called "fynbos flavouring" are of such fragility or perishable nature that they cannot be transported to an appropriate industrial facility. These are all products known for their long shelf life. Grain and ethanol in particular can be stored for years and fynbos is robust and regularly exported overseas, lasting weeks to no ill effect.

4 Application for Removal of Title Deed Conditions

4.1) Failure to give proper notice in terms of Section 39(2) of the Western Cape Land Use Planning Act, 2014

Proof needs to be furnished that proper notice as contemplated in Section 39(2) was given to other smallholding owners and community organisations representing them, including the Rooiels Conservancy.

4.2) Removal of these title deed conditions are not in the public interest

These title deed conditions are praedial or reciprocal in nature and also appear in the title deeds of the other smallholdings in this area.

According to the Supreme Court of Appeal; the reason for the insertion of title deed restrictions should always be taken into account when considering an application. The Court has likewise held that such title deed restrictions are **not** made obsolete by Zoning Scheme regulations, contrary to what the Applicant alludes to in Section A of the Application.

The Applicant (who is a professional Town and Regional Planner) thus deliberately makes an incorrect and misleading statement on p3 of the Application stating that title deed conditions are 'regarded as "burdens" to Authorities and landowners since zoning schemes have been in

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place for years already in terms of which the development parameters of properties are regulated by local authorities."

This is clearly incorrect and not the legal position. The Supreme Court of Appeal in *Van Rensburg N.O. and another v MEC for Housing, Local Government and Traditional Affairs*, held that:

"Restrictive conditions of the kind in question enure for the benefit of all other erven in a township, unless there are indications to the contrary. They are inserted for the public benefit and in general terms, to preserve the essential character of a township."

"If landowners across the length and breadth of South Africa, who presently enjoy the benefits of restrictive conditions, were to be told that their rights, flowing from these conditions, could be removed at the whim of a repository of power, without hearing them or providing an opportunity for them to object, they would rightly be in a state of shock."

The reason why these reciprocal title deed conditions relating, *inter alia*, to building lines, noxious trades, shops, business premises etc, were imposed, was to create and protect a certain sense of place and character.

An industry of this kind is completely out of sync with the character and sense of place of this particular area and there are no similar or comparable activities taking place on any of the smallholdings in the area.

The Applicant incorrectly and misleadingly alleges on page 6 of the Application: *"The proposed distillery – development is merely an extension of and/or similar to the existing character of the area"*. This unsubstantiated statement is blatantly untrue.

Because these title deed conditions are applicable to **all** the properties in the green belt between Rooiels and Pringle Bay, any removal of conditions would create imbalances and injustices and create spacial and environmental fragmentation. Such removal will certainly not be to the public benefit and nor in the public interest.

Section 47 of the Spatial Planning and Land Use Management Act (SPLUMA), specifically stipulates that due regard must be given the **public interest** as opposed to merely the owner's interest. There is wide spread opposition in our community to the removal of any of these title deed conditions and as a community organization representing this area, the Rooiels Conservancy places on record that it is **not in the public interest** to remove same.

4.3) Lack of spatial justice and the *ad hoc* nature of this particular development is not in keeping with spirit of SPLUMA

As stated above the Argiculture 1 Zoning of the Property is already an anomaly and out of sync with the surrounding properties. This inequality and injustice will be made much worse by the removal of the title deed conditions in question while the remaining area remains subject to the very same title deed conditions. This will be allowing development to occur in a **disharmonious** and *ad hoc* manner and is clearly **spatially unjust** to the rest of the community.

It is clear that this application is not in keeping with the principles of "integrated development", "spatial justice" and "upholding consistency of land use measures in

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accordance with environmental management instruments" as is legally required by SPLUMA and by which the Municipal Planning Tribunal is bound.

There is no doubt that a distillery, bottling plant and tasting facility will create fragmentation of this area.

4.4) Lack of greater Social Benefit accruing and detrimental effects on Eco-tourism and economy

- 4.4.1) The "green lung area" between Rooiels and Pringle Bay is extensively used for eco-tourism purposes and is frequented daily on foot by various birding and botanical groups and tour groups (some of which are from overseas), which support local businesses and B&B's. The area is world famous for the elusive Cape Rock Jumper which frequents this area and birders from abroad specifically walk along the Porter Drive to view this bird.
- 4.4.2) The area is also frequented by nature lovers, hikers, cyclists and runners - all who use Porter Drive on foot.
- 4.4.3) A potentially dangerous and noxious industry with heavy duty delivery vehicles and slightly inebriated distillery visitors driving up and down along Porter Drive, (which is only a narrow dirt track in this area) will greatly detract from the present eco-tourism use of the area and the social benefit of retaining the pristine and natural sense of place of the area.

4.5) Condition 6 relating to the prohibition of "noxious trades" will preclude the use of the Property as a distillery, but is not included in the present Application

"Noxious trade" is a term used to describe activities that cause or carry the risk of causing a great deal of pollution. There can be no doubt that the term "noxious trade" includes industries such as breweries and distilleries. Distilleries and breweries are high risk and infamous in this regard, which a rudimentary internet search will reveal. For example, raw distillery wastewater (which typically includes ethanol, chlorine and other toxic chemicals) is very toxic to plants, to the soil microorganisms and to the ecosystem, when it seeps out through a spill or via the septic tank system which is in place on the Property. CO₂ and ethanol emissions are also significant and tend to cause a black fungus that settles downwind on plants and is unhealthy to humans and other animals.

In the event of Application not being brought to remove this Condition 6, the Applicant will be precluded from operating a distillery on the Property.

5 Various Safety, Health, Fire, Water and other Environmental Concerns

5.1) Road Capacity, Services and Traffic:

- 5.1.1) The Applicant devotes almost 4 pages (a quarter of the Application) to the extensive benefits of tourism that will be generated by the proposed Distillery. All these tourists will presumably visit the facility in busses or private vehicles that travel along Porter Drive to the Distillery.
- 5.1.2) It is clear that none of the materials used in the production of the beer, gin or whisky will be produced on or near the Property and that all raw materials (wheat, grain, ethanol) will need to be transported in along Porter Drive in heavy trucks.

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- 5.1.3) Bottles from the bottling plant will have to be brought in in heavy vehicles along Porter Drive.
- 5.1.4) The gin and whisky produced on the Property will be transported from the Property to various distribution points in heavy trucks along Porter Drive
- 5.1.5) Supplies for the visitors to the Distillery (food, utensils, etc) will be transported to the Property along Porter Drive.
- 5.1.6) The Applicant states that all waste material "will be carted away" (p7). This again will be transported in heavy trucks along Porter Drive.
- 5.1.7) The Applicant states that the toxic effluent from the Distillery will merely go into the sewerage system which consists of a "septic tank", that will be emptied from time to time by the municipality (p7). The heavy municipal sewerage truck will use Porter Drive for this purpose. It is well documented and researched that breweries and distilleries are heavy users of water and also produce large amounts of toxic effluent. This, together with the effect of the sewerage produced by the many tourists visiting the Distillery, could make sewerage and effluent collection a bi-weekly occurrence along Porter Drive.
- [Does the Overstrand Municipal Sewerage Works in fact do processing industrial effluent containing ethanol?]
- 5.1.8) The Applicant on p6 of the Application makes the unsubstantiated assertion that the present access to the property from Porter Drive "will provide safe access to and exit from the proposed development".
- 5.1.9) On p7 of the Application it is glibly stated that the "low level of traffic generated by this planned kind of development will have no significant impact on Porter Drive and the existing street networks of Pringle Bay and Rooi Els and the traffic flow patterns around the site will not be affected at all. Because of the foregoing, no traffic impact assessment or environmental impact is necessary with this application."
- 5.1.10) The Applicant states on p9 that "The proposed development will be self-supported and no extra services will be required."
- 5.1.11) It is clear that the Applicant's statements referred to in paragraphs 5.1.8 - 5.1.10 are blatant untruths. The Applicant furthermore fails to disclose vital information, such as that this stretch of Porter Drive is a narrow, rocky single lane on which only one normal size vehicle can travel at a time and that the road will be need to be widened and remade.
- 5.1.12) The Applicant fails to disclose that Porter Drive is frequented on a daily basis on foot by eco-tourism groups, birders, botanists, hikers, dog walker, runners and photographers. The Applicant fails to mention that Porter Drive is regularly used for organised community fun runs and mountain bike rides.
- 5.1.13) The Applicant fails to mention the dangers posed to the pedestrian use of this road and furthermore fails to quantify the loss of such considerable eco-tourism and sport tourism to the greater community, as a direct result of the use of this track by heavy vehicles supporting the industry on the Property.

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5.1.14) In the light of the above, it is shocking and disturbing that no traffic impact assessment or environmental impact assessment has been required by Overstrand Municipality.

5.2) Increased Fire Risk

Alcohol is a highly flammable substance and the fire risks associated with micro distilleries have been well documented - as a rudimentary internet search will reveal. The area in which the Property is situated is particularly vulnerable to fire. The fire safety of the whole surrounding area is likely to be compromised by the proposed Distillery in the vicinity with insurance premiums likely to increase for neighbouring properties.

5.3) Effluent treatment

Disposing of toxic industrial effluent containing ethanol and other waste products of the distilling process into an existing "septic tank" built many years ago (see p7 of the Application) is illegal and highly irresponsible. A septic tank system is designed to allow sewerage to break down and to seep into the soil slowly over time. Industrial effluent in this system will without a doubt contaminate the soil and kill micro-organisms vital to the fynbos biome. It will also poison the surrounding wetlands and eventually the marine environment too.

It is shocking that no expert reports have been obtained from an effluent treatment specialist and a ground water specialist. It also appears that no measures are in place to curtail accidental leakage and spillage which can have serious consequences for the greater community.

5.4) Carbon Dioxide and Ethanol emissions

We are concerned about the effect of carbon dioxide and ethanol emissions by the Distillery in this sensitive area and its unforeseen detrimental effects on this Critical Biodiversity Area. It is known that ethanol emissions cause a black fungus harmful to plants, humans and other animals. Specialist reports need to be made available for public scrutiny.

5.5) Water

Distilleries and breweries are water intensive industries. This is a water scarce area. We are concerned about the long term effect on the ecology of the area of ground water being extracted from the well point and borehole on the Property. Kindly furnish us with a copy of the Applicant's permit for groundwater use in terms of the National Water Act, 1998.

We accordingly request the tribunal to **refuse** this application. Please grant us an opportunity to make a verbal submission to the Municipal Planning Tribunal.

On behalf of the Rooiels Conservancy

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Janette Yeats

L Gillion

487/630

From: Michael Harrison <
Sent: Thursday, 03 June 2021 17:32
To: L Gillion
Subject: Objection MN 70/2021 Portion 141/559
Attachments: REC objection Distillery 141-1.pdf; M Harrison 2021obj141-2.pdf

Dear Loretta

I submitted my objection last week but forgot to attach the letter by the Rooiels Conservancy, which I was referring to in my objection.

Accordingly I am sending you everything again. Please note my objection comprises 2 pdf documents.

Thank you
Michael Harrison

L Gillion

TP-A Theart
(Hvd Stoep)

488/630



From: Marti Louw < >
Sent: Friday, 04 June 2021 17:14
To: L Gillion
Cc: Illah Nourbakhsh
Subject: Objection to Rooiels Erf 141 deed amendment (resent w/corrections)

Division Caledon: Portion 141 (A portion of portion 133) of the farm Hangklip No. 559

Application for removal and amendment of restrictive title deed conditions, consent use and departure

As landowners of Erf 187 and 221 in Rooiels, we wish to register our objection to the above proposed application for deed amendment and the incompatible development of an agro-processing facility. The proposed distillery is to be developed in the heart of one of the few remaining coastal belts of natural beauty not bisected by R44 and subject to housing and commercial densification. We are concerned from a governance and zoning perspective that the Overstrand region accounts for eco-sustainable commercialism development in a Critical Biodiversity Areas and considers the development of projects that plan for the long-term economic growth, employment and well-being of the Overstrand region and the natural resource which sustain it.

Our grounds for objection are multifold.

1. Increasing the fire hazard risk to landowners, and fire service providers
2. Air and groundwater pollution risks
3. Additional monitoring and enforcement of natural resource use
4. Freshwater aquifer depletion during dry periods and due to increasing population demands
5. Degradation of the landscape for nature conservation and related tourism activities the region is known for (e.g. Cape Rock Jumper, whale watching, rare coastal fynbos)
6. Hazards associated with industrial waste removal, storage, and mitigation
7. Poor road structure and supporting infrastructure services
8. Long term alignment of eco-sustainability industries in the region and skills development and jobs creation

For these reasons, we are against the proposed amendments and distillery application as currently presented.

We look forward to your responses in addressing the community's long-standing concern over this proposed development.

Your sincerley,

Marti Louw & Illah Nourbakhsh

FILE NO:	Ptn 141/559 ✓
Hangklip	
SCAN NO:	Louw
COLLABORATOR NO:	1547337

1

- 4 JUN 2021

TP-A Theart
(Huid Stoep)



Diana and Malcolm Hunter
Stand 285, Porter Drive
RooiEls
28.05.2021

Notice 70/2021 Portion 141 of the Farm Hangklip No 559

**on: Portion 141 (A portion of portion 133) of the farm Hangklip no. 559, Division Caledon:
Application for removal and amendment of restrictive title deed conditions, consent use and
departure: Planning Partners (obo Free Life Trust)**

To whom it may concern

As residents of RooiEls, we would like to respond to the proposed distillery

There are many issues arising from the possible removal of restrictive clauses and the relaxation of rules which affect more than just allowing trade as a distillery and the relaxation of a building line in this application.

While it seems true that a distillery could be deemed an agricultural activity, albeit all materials would, in one way or another, have to be brought into the property, such activity, it would seem, will have a very negative effect on the Biosphere in which the farm lies. The issues, as we see it, are as follows:

Apparent error in the proposal pg. 17 6.4.1

The production is stated in the document will only be 1000 bottles per month. This seems impossible if they plan processing 300kg of grain (ref pg. 17 par 6.4.1) 4 times a week as this will produce 250 litres of alcohol each) if we understand the exp. i.e., the planned production is 1000 litres per WEEK. And therefore, the **monthly production will be 10 000 litres**

Issue 1 Excessive traffic on the Porter Drive

Visitors

2 vehicles of 12 passengers each are proposed with a turnaround of a couple of hours meaning these vehicles could be traversing Porter Drive up to 8 times a day if the operating hours are as initially proposed. (Pg 13,15) and even more if the hours are extended.

Deliveries/Waste removal.

Grain deliveries of 1200 kg at a time are proposed. This is sufficient for one week, given the proposal of running the still four days a week. Therefore, there will be one truck per week delivering raw material i.e., a **return trip**

FILE NO: Ptn 141/559 ✓
Hangklip
SCAN NO:
Hunter
COLLABORATOR NO: 1546367

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Waste product removal is inevitable as the solid waste will amount to an estimated maximum of 300kg per production (pg. 19) i.e., 1200kg of waste per WEEK. This is proposed to be used on the farm (no quantity given but as the farm is very small unlikely to be much) or distributed to unidentified cattle farms and piggeries (pg. 19). i.e., a return trip

Packaging material is also to be delivered and waste removed. This amount is not estimated but will also require a return trip on a regular basis

Sewerage removal without including the proposed visitors will already be increased as at least 4 staff members will be employed. Added to that waste water and cleaning water will also be channelled into the system. With the addition of visitors, it seems very likely that the need for sewerage removal will face a very real increase and again add to the used of the road. This will require a return trip of a heavy vehicle.

The road in question is difficult to use without commercial traffic. How will the road be maintained for the other residents of the small holdings with wood deliveries, grain deliveries, receipt of packaging material, distribution of the finished product (as envisioned by the proprietors), tour bus traffic to and from the distillery, removal of waste products, extra need for sewerage removal etc.?

Access to the distillery via RooiEls access gate

The undertaking is that the Pringle Gate will be used. How long before the access via the RE gate is used? How can this ever be stopped?

The RooiEls access gate to the small holdings is controlled via a telephone number, so cars may access this road freely if the number is phoned in. That part of Porter Drive is already heavily used by bird watchers who park their cars and proceed on foot. Visitors to the distillery can do the same thing causing a problem in RooiEls with parking and excessive traffic on Porter Drive. As the Municipality already knows, the Rooi Els portion of Porter Drive has a constant problem with the road surface which is exacerbated by the run off from the reservoir and rain run off from the residential houses on the mountain side which all have steep driveways and, therefore, during rainy season, water pools on the road. Additional traffic would cause even more trouble.

Wood requirements

Pg. 15

The use of hack invasives supplied by the two villages' hack teams cannot possibly produce enough wood to burn under still that are projected to be run 4 times a week. No projection of wood requirements has been laid out in this proposal. It seems very likely that wood would have to be brought in from outside suppliers. Again, requiring a return trip

The disposal of the ash of the wood is not discussed in this proposal. Without knowing how much wood is to be burnt it is not possible to estimate how much of this waste will need to be disposed of outside of the holding but this needs to be considered as a possibility and will again be cause for return trip traffic.

Use of well water

The applicant submits that well water will be used for the distillery process. It is stated the 3000 litres of water are used for each distillery process. This means that, if the still runs 4 days a week for

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4 weeks, a total of 48 000 litres will be tapped from the well. By deduction, this is ultimately will be from the water table of the Biosphere in which the farm is situated.

Further, the areas on the south and north of the farm have been identified as wetlands and this must surely have a very negative effect on those areas. It is very possible that, the farm itself would also be part of the wetland if it was not for the large grove of eucalyptus trees presently there. (pg. 11). An environmental survey would surely be desirable?

Environmental and other issues

Aside from the previously noted impact by vehicles on the Porter Drive Road, there may be an impact on the fauna and flora, which in some cases is absolutely unique to this particular area. An impact study does not seem to have been done and should be a pre-requirement.

The used grain is noted as having a very limited life span before it deteriorates. There is a very real risk that, if not disposed of quickly and efficiently, insects, such as flies, may lay their eggs in the waste and this in turn can impact on our fauna. A compulsory study should be made on the possible effects. The proprietor mentions distributing waste grain to cattle and pig farms. However, this is unsubstantiated and, to the best of our knowledge, there are, at best, few if any such farms in the district.

The proprietor also claims that the distillery will offer work opportunities for the local community. This is unsubstantiated and it is unclear what benefits could be offered and which part of the community would benefit from such employment opportunities

Relaxing building requirements and other clauses for one stand holder can affect the future of other stands and we may well see this pristine area crumble as developers seize their opportunity to expand into resorts and other activities. Further, the present owner could sell his property as a going concern and future owners may have even less regard for the environment.

Ensuring that the village of Rooi Els is not impacted by the distillery activities of great importance as Porter Drive, leading up to the electronic gate, is much more densely populated than that on the Pringle Bay village side where only a few small holdings use that part of the road.

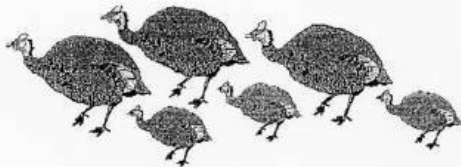
We would also like to add to our above mentioned concerns, the points raised by fellow residents of Rooi Els, Prof. and Dr Lewis of Bather's Road, Rooi Els, who have highlighted seemingly significant and more scientific issues and whose comments seem to be well researched and documented.

We trust that Overstrand Municipality will consider this application very carefully and take into account not just the request for relaxation of building line etc but how this industry will fit into the buffer zone of the Koegelberg region.

Thank you,

Diana and Malcolm Hunter.

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Jenny Parsons

201 High Level Road
Pringle Bay
7196

Mobile Tel:

2 June 2021

Overstrand Municipal Manager
Overstrand Municipality
PO Box 20
Hermanus
7200

Per email: loretta@overstrand.gov.za



TP-A Theart
(H Vld Stoep)

To whom it may concern

OVERSTRAND MUNICIPALITY PORTION 141 (A PORTION OF PORTION 133) OF THE FARM HANGKLIP NO. 559, DIVISION CALEDON: APPLICATION FOR REMOVAL AND AMENDMENT OF RESTRICTIVE TITLE DEED CONDITIONS, CONSENT USE AND DEPARTURE: PLANNING PARTNERS (OBO FREE LIFE TRUST)

While this application is made for a portion of the farm referred above, I am perturbed at the possible consequences to the surrounding area and the resultant unintended consequences that may arise! Please note that I have included my objection dated 27 July 2018 as most of these points have not been directly addressed and are still pertinent to this application.

Access to the distillery by tourists, workers and deliveries will change the character of the area. More cars and delivery trucks will increase the road activity. While this application intends to not ask that the road be upgraded in this application, this will change, as a normal vehicle already does not navigate this road well (a SUV, bakkie or 4x4 is required), Currently it is a single track with no areas permitting passing or layby's where vehicles can pull over. Further degradation of this Critical Biodiverse Area (CBA) which has a Threatened Ecosystem status of Critical and/or Endangered will occur. The 'farm' has already planted alien vegetation ie kikuyu grass, fruit trees, vegetable gardens and has compost heaps etc. which has equates to degradation of the site. This area is a baboon-designated problem area where such activities are not desirable. The large stand of alien Gum trees are also noted in this application as being part of the farmyard.

FILE NO: Ptn 141/559 ✓
Hangklip
SCAN NO: Parsons
COLLABORATOR NO: 1546457

TP - 2 JUN 2021

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The disingenuous reference to the Kogelberg Biosphere implying that the activities on the northern and western boundaries (deciduous fruit, vineyards, flower farms and commercial pine plantations) make this application equitable is wrong as none of these activities occur in this critical southern coastal transition zone of the Kogelberg Biosphere.

Kind regards



Jenny Parsons

Member of:
Birdlife South Africa
Birdlife Overberg
CREW (Custodians Rare and Endangered Wildflowers)
Botanical Society of South Africa
Hermanus Botanical Society
Resident of Pringle Bay



Jenny Parsons

201 High Level Road
Pringle Bay
7196

Home Tel:
Mobile Tel:

494|630

Overstrand Municipal Manager
Overstrand Municipality
PO Box 20
Hermanus
7200

27 July 2018

Per email: loretta@overstrand.gov.za

To whom it may concern

OVERSTRAND MUNICIPALTY PORTION 141 (A PORTION OF PORTION 133) OF THE FARM HANGKLIP NO. 559, CALEDON DIVISION: REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS, CONSENT USE AND DEPARTURE: ME PLANNERS (OBO FREE LIFE TRUST) – MUNICIPAL NOTICE NO. 69/2018

Please note the following comments I have made below with respect to this notice:

While this application is made for a portion of the Farm referred to above, I am perturbed at the possible consequences to the surrounding area and the resultant unintended consequences that may arise!

1. This is a world-renowned "Birding hotspot" - breeding area and viewing site of the endemic Cape Rockjumper – a bird listed as "near threatened" on the Red-data list. Other Cape endemic birds seen here include: Orange-breasted Sunbird, Cape Sugarbird, Ground Woodpecker, Cape Siskin and Protea Canary.
2. *Disperis capensis* (spp of Witch Orchid) is found in the fynbos of this area – this is listed on SANBI 2017 Red-list of endangered plants (redlist.sanbi.org)
3. The area is considered part of the buffer zone of the Kogelberg Biosphere, so land use change is questionable?
4. The gravel dirt road does not allow for two-way traffic and currently has a very low traffic density, as this road is gated at both entrances (in Rooiels along Porter Drive and at the intersection with the R44 nearer to the Pringle Bay side).

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5. The natural environment and the vegetation is unique to the Kogelberg Fynbos type. Accessible at present only on foot (unless you are a small-holding property owner along the road) so this area has remained a highly sensitive and pristine ecological area.
6. Water supply to the property is currently from groundwater and a spring – the change in land use will necessitate a Water Usage License Application (WULA) to DWA, as the usage will change from domestic to agricultural industrial. There are wetlands on the property which play an important part in the ecology of the area.
7. The proposed waste being removed from the farm by vehicle offers no means of checks and balances as to whether this will be monitored. This will also increase the traffic density on the dirt road?

The points raised above, all point to reservations with respect to this notice. Very little detail has been provided and at no point has the application indicated who has decided on the possible impacts on the environment or what qualifications or professional standing they have, to do so. On what basis and data did the "Overstrand Environmentalist" make an informed decision not to have any objections as quoted in the application?

Access to the distillery by tourists will change the character of the area, more cars and road activity will follow. The need and desirability of a distillery is not necessarily what the residents and community would like. The future character of this pristine fynbos area with the red-listed and endangered species of plants and critically important breeding site of the Near Threatened status of the Cape Rockjumper will be impacted! The increased attraction of tourist will change the nature of the area only accessible on foot at present – this will impact avitourism.

All the environmental impacts on what, could be the unintended consequences of the change in land use, would need to be done under a full Environmental Impact Assessment (EIA) for the proposal, with full public participation. This is what I would expect from the Overstrand Municipality when they consider all comments received. While the planned land usage change might not impact the individual property in the application, it will have consequences for the immediate area around it, which is considered an eco-tourism hot-spot. An area of critical importance to the breeding of the threatened Cape Rockjumper and pristine fynbos.

I trust you will consider my comments and a full EIA be considered, so that the full impact can be considered before a decision can be made regarding Municipal Notice No. 69/2018.

Yours faithfully



Jenny Parsons
(Member of Birdlife SA, Birdlife Overberg, Botanical Society SA and resident Pringle Bay)

PO Box
Pringle Bay
7196

TP-A Theart
(H Vid Steep)



2 May 2021

496/630

OBJECTION AGAINST THE REMOVAL OF TITLE DEED CONDITIONS, CONSENT USE AND DEPARTURE APPLICATION PORTION 141/559 MN 70/2021

**The Municipal Manager Overstrand Municipality
16 Paterson Street, Hermanus 7200**

Dear Sir

I am registering my objection to the above application.
I object to all three components of the application, namely:
1. Removal and amendment of the restrictive title deed conditions.
2. Consent use
3. Departure.

I am the new owner of erf 270, facing Bakkiesbaai and Portion 141 and some of the smallholdings. This is the lesser developed part of Rooiels and the erven on this side of Rooiels will most likely experience the impact of the application 141/559 MN 70/2021. I bought this property for the natural scenery, and to be part of an area where there are no commercial endeavours.

I have been privy to some of the research conducted by fellow residents, comprehensively addressing several technical and ethical flaws within the application, and herewith list such arguments that carry my support:

1. FIRE RISK: The distillery will run on wooden fires and being situated directly downwind of the prevailing dry summer South-Eastern wind, we are extremely concerned with the fire risk to our property, family, neighbours and wildlife in this immediate area.
2. ENVIRONMENTAL IMPACT: For years we have seen pedestrians, birdwatchers from all over the world, walk down Porter Drive to enjoy the rare sights in this area. It falls within the route of local leopards that regularly visit the area above the proposed distillery. Not to mention the rare rockjumper. The potential traffic, effluent and emissions of the proposed distillery are in direct conflict with the ethos of the area at large and of this location specifically.
3. WATER: Water will be an increasingly scarce resource. Our part of town already experiences regular interrupted water supply. Allowing an industrial process that will not only add to the constraints, but actively affect the water quality, should raise extreme concern on your side.
4. SMELL: With the prevailing wind from that direction, there is little doubt that the emission from a distillery will affect the air quality in our downwind direction.

FILE NO: Ptn 141 559
Hangklip ✓
SCAN NO:
Roothman
COLLABORATOR NO: 1546458

TP - 2 JUN 2021

497/620

5. **NOISE:** Sound travels over water. We have no reason to trust the applicant's intent, as should you, that the activities at a tourist site where alcohol is involved will remain subdued and within the limits of this application. As we often see with the masses of poachers that strip the bay in front of our house with impunity, our local government structures have neither budgets nor manpower to enforce every law and regulation in this area with precision and regularity.
6. **INTEGRITY:** On a recent walk passing the proposed distillery I observed the structures already built. This should raise serious concern regarding the integrity of the applicants. The old stables are renovated and a new section added that is clearly a tasting room. Door openings are also fitted with huge factory-like doors. The applicant is clearly jumping the horse and has skirted building regulations. It is clear that he will not honour any constraints. The next thing is a wedding venue, rock concerts...
7. **USE OF PORTER DRIVE:** Porter Drive is a registered road. With heavier traffic it will need upgrading. Who will fit the bill? The Overberg Municipality should be aware of this. The applicant is already using the Rooiels entrance for trucks, although the application says he will use the Pringle Bay entrance. This undertaking is not enforceable.

In the light of all the points raised above, I request that this application be turned down.

Sincerely

André Roothman

Erf 270

Rooiels



Stand 118,
Rocklands Street,
Rooi Els.
7196

P.O. Box

TP-A Theart
(H vld stoep)

31 May 2021

Attention: Ms Loretta Gillion

Administrator, Town and Spatial Planning Overstrand Municipality

Via e-mail: lorretta@overstrand.gov.za

Dear Madam,

Comments on: Portion 141 (A portion of 133) of the farm Hangklip no. 559, Division of Caledon:
Application for removal and amendment of restrictive title deed conditions, consent use and
departure: Planning Partners (obo Free Life Trust).

We wish to register our objection to the above application. We object to all three components of
this application namely:

1. Removal and amendment of restrictive title deed conditions
2. Consent use.
3. Departure

Name: Mr Matthew Welsh and Jacelyn Welsh
Stand 118,
Rocklands Street,
Rooi Els
7196

Contact details: Matthew Welsh
Jacelyn Welsh

e-Mail address: (Matthew)
(Jacelyn)

Date: 31 May 2021

Interest in the application:

We are the owners of Stand 118, Rocklands Street, Rooi Els which we purchased through "the Welsh Family Trust" in 2017. We bought in Rooi Els, Overstrand for a very specific reason, we wanted to be close to nature and we bought into the "Rooiels Conservancy" because our core values as a family

FILE NO:	Ptn 141/559 ✓
	Hangklip
SCAN NO:	Welsh
COLLABORATOR NO:	1546461

TP

- 2 JUN 2021

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was aligned with the preservation of nature. As a result of our ownership of property in Rooi Els we are both interested and effected parties and request that we are registered as such.

We oppose this application on numerous well thought through and scientific reasons. We do not know the applicant and we only oppose this application on the basis that we believe that this application if accepted by the Overstrand Municipality would place the very fragile ecosystem at unacceptable risk of total destruction. In our opinion we believe that this application carries significant risk to the local environment of Rooi Els, Pringle Bay and the Koegelberg Nature Reserves.

We believe that the following high risks will results from the formation of a Microbrewery, Distillery or any type of industrial use within this very sensitive natural ecosystem.

We specifically oppose this application on the following grounds:

1. Extremely High Fire Risk

As you are aware this area we live in is an "extremely high fire risk area". In particular the recent fires that destroyed homes in Pringle and Betty Bays is a stark reminder. Now on this site ethanol or alcohol will be manufactured and stored, increasing the fire risk of the whole area. Also, on this property with the large number of Blue gum trees, with this alcohol / ethanol is an absolute recipe for a high-risk fire disaster. We cannot even imagine the scale of the disaster an explosion or fire would result in to the whole area. We believe that there is no easy way to reduce this risk and I do not see active plans in the proposal to mitigate such a risk. If this operation were to burn, it would put the whole area at huge risk. On this basis only, the application should be declined and preferably built in an industrial area. There is excellent facilities for this in Gordons Bay.

2. Poor Current Road Infrastructure

The applicant plans to use a small narrow road (dirt track) to transport all the requirements of this operation. The road is ideal for a few small holdings and has not been built for the operation of a business, any business. In particular a brewery or distillery, has to have staff, raw materials, visitors etc. delivered to it. Moreover it has to have waste products, visitors and staff removed from it. This would result in a significant increase in traffic on the road. The applicant has said it would use the "Pringle Bay exit" In fact during building at the applicant both entrances were commonly used. This road is used by many pedestrians who walk along this road with a view of the mountains and sea. This would be impossible with many vehicles on the road. We also use this road to cycle to Pringle Bay. This would not be possible if the planned operation was approved. The Overburg Municipality could upgrade this road but I believe the costs would way exceed the benefits. And besides tarring and spending money on this road would never upgrade it. It's the slow and beautiful, rugged route to pringle bay. There is already ample traffic on the R44 you would never want this road, that is a sensitive breeding ground of the Cape Rock Hopper (<https://theconversation.com/south-africas-cape-rockjumper-numbers-are-falling-and-were-not-sure-why-97262>). The answer to this article posed question as to why the Rockjumper species are falling. Here is an an example as to why. We should be preserving these small and fragile habitats at all costs.

3. Air Pollution Risk

500/630

3.1 Combustion of wood

Nowhere in this application do I see mention of this very real risk. I would like to point out that a large volume of wood needs to be burnt to keep the distillation process in operation. (This is not a household or a Pizza Oven that burns a few pieces of wood.) When combustion of any matter occurs (coal/wood/gas/ HFO etc) it creates pollution and fine ash. I would like the applicant to address the following issues:

1. The exact volume of wood consumed and the effects that the combustion would have in and on the environment.
2. Does the process have a means of filtration to remove both the ash (fine particles of burnt wood) and a stack that ensures gases are emitted safely!
3. Are pollutants such as SOx / NOx / COx going to be measured?
4. Has "City of Cape Town air pollution control by-laws (if relevant) and the Natural Environment Management Air Quality Act 39 of 2004 been fully complied with in all its details.

(Especially when read in context of been in the heart of a Unesco world heritage site. One of only 8 in South Africa. We should be fighting to protect these habitats at all cost

It is well documented that large quantities of wood burning results in high levels of carbon monoxide, nitrous and sulphur oxides (Cox / NOx / SOx) and are a major source of particle pollution.

It should be noted that the effect of this operation is not equivalent to a house or a restaurant wood fire as mentioned before due to the high volume of wood. The applicant plans to burn large quantities of alien wood in a particular area for the process. This would result in high concentration of these gases and particulate matter in the region of this operation. If it is windy these pollutants would cover Rooi Els or Pringle Bay depending on the wind direction. In industry we are compelled to get the dust / ash / particulate material down to 10mg / normal cubic meter. I would like to know how the applicant will measure the particulate matter from the operation and how the applicant will minimise the effects by installing bag filters (preferred) and / or electrostatic precipitators.

3.2 Foul odours from distillation

In the literature often foul smells are associated and present near distillation processes. This results from the waste products as well as from Aldehyde formation sometime formed in this process. Has the applicant satisfied the Overstrand Municipality that this process will not create any odours that would have an effect on their neighbours as well as the villages of Rooi-Els or Pringle Bay.

4. Ground Water Pollution

501/620

It is well known and documented that these processes produce large amounts of waste that is very harmful to the environment. The distillery waste or spent wash is a strong industrial organic pollutant and results in major environmental issues. The applicant would place this waste into the environment which would contaminate our water table and the surrounding properties. Please ensure that the applicant fully addresses how they will deal with all water from the process so that it may not enter into the ground water or any vegetation. This I believe is an impossible task and thus this application should be declined on this basis.

5. Solid dry waste

I am not convinced on the applicant's ability to remove the solid waste from the operation. I believe the OM must investigate the validity of all the applicants' proposals. Including all the solid waste produced by the operation as well as waste produced by visitors, workers etc.

6. Excessive use of the local natural resources

I believe that the distillation process will use a very large volume of water in its processes. How much of this water will be reprocessed and how much will be contaminated. A full and accurate water balance is required. I believe that this will show a large amount of water would be used by the applicant's process. This is one of our most precious resources and we not pricing it effectively for its use and value. Its soon forgotten when the rains come how close it was that the mother city was almost a desert.

7. Threat to the Cape Rock Jumper

We have briefly referred to this above and I am not a birder but my understanding is that this bird is only found in this particular area. I also believe that "birdwatchers" come from all over the world to the Overberg area to look at this bird. (a big tourist attraction)! I spoke to an ornithologist and they advised me that the Cape Rock Jumper is a rare bird that is endangered and that the placing of a brewery / distillery in the buffer zone of the Kogelberg Biosphere would have a very negative effect on this endangered bird. I would be happy to supply the details of the ornithologist if required. I also believe that "Birdlife Overberg" is opposing the application.

8. Summary

Above we have highlighted to you some of the concerns and issues we have with the proposed removal and amendment of restrictions on the title deed of Portion 141. This by no manner is a full risk assessment as it would have been hundreds of pages. It again must be pointed out that I don't know applicant but based on the very high risks to the environment and the area, in particular the following risk, the application should be declined.

- Extremely high fire risks in an area that is prone to fires.
- Poor road infrastructure.
- Air pollution risk.
- Ground water pollution.

502|630

- Solid waste disposal.
- Excessive use of water and a water balance required. The contamination of water.
- Threat to the Cape Rock Jumper.(NB)

These risks cannot be easily mitigated by the applicant. We cannot understand the motivation or the benefit of having a distillery in such an environmentally sensitive area. As custodians of the Overberg, we respectfully request you deny the application.

Yours sincerely,

Matthew Welsh

Jacelyn Welsh

MR & MRS M. MAVROKORDATOS
205 OCEANVIEW DRIVE
ROOIELS

EMAIL:
CELL 1:
CELL 2:

TP-A Theart
(H vld Stoep)



DATE: 1 JUNE 2021

TO: THE OVERSTRAND MUNICIPALITY
THE MUNICIPAL MANAGER
Attention: Loretta Gillion
Administrator, Town, and Spatial Planning
VIA EMAIL TO: loreta@overstrand.gov.za

APPLICATION OF: DISTILLERY APPLICATION

Portion 141 (A portion of portion 133) of the farm Hangklip no.559, Division Caledon:
Application for removal and amendment of restrictive title deed conditions,
consent use and departure.

We are registering our objection to the above application.
We object to all three components of the application, namely:
1. Removal and amendment of the restrictive title deed conditions.
2. Consent use
3. Departure.

We are objecting on the following grounds:

1. The Overstrand municipality must consider the availability and oversupply of alternative commercial and industrial premises that are vacant in the Overstrand area. These property owners pay large amounts of Rates and Taxes to the municipality. There are several vacant premises in the correct commercial environment that the distillery can operate from.
2. It is illogical and impractical to have a business, manufacturing business in the heart of a fragile ecosystem. The two do not complement one another.
3. Nature in the surrounding area will be destroyed:
 - a) What are the impacts on the environment once the trees have been removed.
 - b) The Cape Rock Jumper bird is a rare species and will be badly affected. Many bird lovers from all over the world come specifically to the applicants area to look for the bird.
 - c) A distillery will have a high demand of water resulting in sewer and effluent polluting the area.
4. Alcohol is highly flammable, therefore a distillery in a agricultural environment will place the area at a high fire risk.
Shipping companies consider all alcohol products to be flammable.
Has the municipality received a bushfire report?
5. Smells will be produced by the distilling process.
6. This business venture will have vehicle movements, both small and trucks to the site, creating a noise and damaging the fragile road that currently exists.

FILE NO: Ptn 141/559 ✓
Hangklip
SCAN NO:
Mavro
COLLABORATOR NO: 1546465

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7.If the municipality agrees to the application it will amount to a lack of planning and protection of the ecosystem.

8.The municipality is obliged to protect the appropriate use of the Area

9.This Business venture is not practical and placed far away from the market and will fail financially having caused destruction.

SIGNED

MR M. MAVROKORDATOS

MRS S MAVROKORDATOS



505/630

136 Bell Road North

Pringle bay

TP - A Theart
(Hild Stoep)

Municipal Manager

Overstrand Municipality

P. O. Box 20

Hermanus

7200

Dear Loretta

Pringle Rock Distillery objection - MUNICIPAL NOTICE NO. 70/2021 KHANG 141/559

My name is Michael Henry Phelan, I live at 136 Bell Road North, Pringle Bay. I have a BSc honors in Geology. My other major was Geography, I also did second level botany and first year zoology. My reasons for the objection is mainly to protect the environment, secondary in the local infrastructure is adequate for light industrial waste, the extra strain that the development will put on the municipality services and budget and finally the report is not very forthcoming with information. I have included internet links in the objection, to help anyone who may read this to better understand the topics.

It is illegal to collect any plant material, without a permit. These permit are not given out freely. In their report on page 15, it states that they are collecting seeds.

<https://overbergrenosterveld.org.za/plundering-biodiversity/>

In their report there is no mention of the baboons, which is the main human and wildlife conflict in the area. With the use of the waste grains on the small holding, this will attract the Baboons and other wildlife. Will the municipality have to monitor the Baboons? The few fruit trees and the vegetables beds, will also attract wildlife. The abundance of free food, will make the wild life codependent on humans for there food source. I would like to know how the owners managed to get agriculture zoning, when they have only a few livestock, fruit trees and vegetable beds. As shown and mentioned in their report. The gardens will need fertilizer at some point, as the soil is very nutrient poor in the area. Fertilizer have a negative impact on the environment, please see the link. The use of fertilizer will have negative effects on the wetland to the south of the distillery, the wetland was reported on page 11 of the report.

<https://www.ag.ndsu.edu/publications/environment-natural-resources/eenvironmental-implications-of-excess-fertilizer-and-manure-on-water-qualit>

Regarding the layout of the distillery, firstly there is no bathrooms on site. Second the testing room is way to small, it is the size of garage. There is no room for social distancing, which is needed due COVID-19. The same space is also going to be used as a farm store. The tour will be about 2 to 3 hours long with about

FILE NO: Ptn 141/559 ✓
Hang Klip
SCAN NO:
Phelan
COLLABORATOR NO:
1546473

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12 people. How can social distancing happen and even before covid you would have felt cramped in such a small place, with so many people in at once. .

Waste disposal issues in the report it talks about the waste grain being used by the local pig and chicken farms, but there are no farms in the area. The waste sites in the area is not for industrial waste. They are used for domestic and garden waste? The report does not deal with issues of increased waste produced by the distillery. The septic tank will need to be emptied on a more frequent basis. This will cause an increase in traffic along the road, also with the distillery operation and the tours of the distillery. This will cause more wear and tear to the road and as a result the road will have to be graded more often. This will be at the cost of the local municipality .

The report states that they are worried about the risk of fire, as a result they had to build an earth dam. The dam will decrease the flow of water to the wetland south of the distillery. The dam is also too small to be used by a fire fighting helicopter. They are worried about fire, why did they leave the blue gums? Blue Gums are known to be very flammable. Did they get permission to build a dam and do they have a water use license.

<https://www.gardeningknowhow.com/ornamental/trees/eucalyptus/eucalyptus-fire-hazards.htm>

<https://www.proagri.co.za/en/the-ins-and-outs-of-legal-water-use-by-the-rsa-farmer/>

With the government talking about a zero alcohol blood level while driving, this will have a negative impact on all alcohol testing businesses. This will prevent single people and couples who would like to do it. As it would be illegal to drive to the next tourist destination.

Do they have a water use license regarding the use of the water from the dam and the borehole. There is no mention of a water treatment works in the report for the borehole water. The groundwater in the area contains high levels of iron, which is expensive to treat. They will need to use the services of a company like Alveo Water and Blue Dot Water. This can be seen when people use groundwater for gardening, the water dyes rocks and anything else orange. Iron in the groundwater may lead to iron biofouling in the borehole. This may damage the borehole pump and the borehole will need rehab. This will include removing the borehole, jetting and brushing of the borehole and also chemical treatment. There is also no mention of the groundwater monitoring program and a pump test which will give the pumping rate. This should be done to decrease the risk of salt water intrusion. The use of treated groundwater is magnitudes greater than municipal water. This questions the financial viability of the distillery, because if it is not in the report they most likely have not taken it into account.

<http://www.dwa.gov.za/WAR/licenceprocess.aspx>

https://www.usgs.gov/mission-areas/water-resources/science/saltwater-intrusion?qt-science_center_objects=0#qt-science_center_objects

<https://www.wellrehabilitationsolutions.com/about-boresaver/what-is-iron-biofouling/>

Will they get their liquor license? As there is already a bottle store in Pringle Bay. If they get the on-site consumption license, they will need a setting area for the people on tour. As on page 14 it says they will need to serve snacks. This questions the lack of space in the tasting room. As they will need space to store the snacks and a small kitchen for cleaning up and serving.

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The Cape Rock jumpers birding site is a world important birding site, as it is the only safe accessible site to view the Cape Rock Jumper. The Western Cape government is trying to promote the province as a birding location. So surely a local municipality should protect a site, which already has a great tourism history built up. It will be sad to lose such a site, to light industry which will only employ 3 people on a permanent basis. The area in general has many endemic species and also near endemic species, as stated in the report. The report does not say how they are going to protect the birdlife.

Why do they need 12 parking spaces in a warehouse in Pringle Bay and another 6 outside? The warehouse is also not designed for parking, as there is only one door, it will most likely that their whiskey will be stored to age.

Why did Pringle Rock distillery only join relative groups mentioned in the report in the area after they withdraw their first proposal? Is it to get in contact with people in town with influence? This will help them get more support as people respect and trust their judgment on topics.

How can distillery / light industry be good for public interests and the environment? The distillery application is just dividing the local community, this usually happens in small communities regarding development like this. The report does not state why or how? In general this report This is just shows that it was not done in a scientific and is very biased. As the report only states what the author thinks what will show the owners in positive light, nothing slightly negative is given, as result no solutions given in the report. The report is not very forthcoming about the complete operation, as shown that they have not mentioned the iron removal from the borehole water. Or did not think about the quality of the water, which will be used to make gin and whiskey. This will also questions the financial viability of the distillery. As mentioned above there are many flaws in their report. It would be sad day that if we have not learned anything from Corona and that we need to do more to protect the environment.

From Michael Phelan



TP - A Theart
(Hvid stoep)

Erf 382
(Cell) _____ after mid July
Oceanview Drive
ROOIELS
1 June 2021

Loretta Gillion

Overstand Municipality lorretta@overstand.co.za

Dear Loretta

MUNICIPAL NOTICE – 70/2021 : PORTION 141 (A PORTION OF PORTION 133) OF THE FARM HANGKLIP NO. 559 : OBJECTION FOR THE APPLICATION FOR REMOVAL OF RESTRICTIVE CONDITIONS, CONSENT USE AND DEPARTURE.

I hereby lodge my objection to the above development for the following reasons:

1. High amounts of water from ground and surface area will be used.
2. High amounts of contaminated waste products will result from this process and will adversely affect the sensitive area of this unique Biosphere area.
3. The high fire risk that Distilleries are, especially this one, in the area where it is **D**istilleries are classed as hazardous areas and can also cause explosions which offset fires.

FILE NO: Ptn 141/559
Hangklip ✓
SCAN NO: Voigt
COLLABORATOR NO: 1546478

- 2 JUN 2021

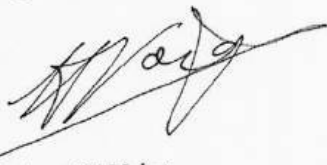
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- 4 The high volume of traffic will adversely affect the sensitive area and for those of us who border on this road, life will change big time as we know it. The roads from Rooiels to 141 are not suitable for trucks, which will be used for a distillery
5. We invested here for the very reason of not wanting this influx, for the development of industry of any kind.

When investors purchased in this area, they did know the sensitive area in which they were investing and if they did not, they should have done their homework before embarking on investing in Rooiels

The fact that the owner has not taken any of the above into account, before starting the building operations on site, shows how little regard the owner has for this area. Having already gone this far before permission granted by yourselves, shows his disregard for Rooiels. Many have worked for many years to preserve what we have at Rooiels and we would like to honor their toil, plus preserving the unique town that Rooiels is.

Regards



Herbert W Voigt
Owner - Erf 382, Oceanview Drive
I.D. No.



TP-A Theart
(H vld Stoep)

2 June 2021

Town Planning Department
Overstrand Municipality
Hermanus
loretta@overstrand.gov.za

**PORTION 141 (A PORTION OF 133) OF THE FARM HANGKLIP 559, DIVISION CALEDON
APPLICATION FOR REMOVAL AND AMENDMENT OF RESTRICTIVE TITLE DEED CONDITIONS,
CONSENT USE AND DEPARTURE: PLANNING PARTNERS (OBO FREE LIFE TRUST)**

ROOIELS CONSERVANCY: COMMENTS ON THE ABOVE APPLICATION

1. INTRODUCTION

At the recent Annual General Meeting of the Rooiels Ratepayers Association (RERA), it was decided that all applications for removal or amendments of title deed conditions, consent use etc. will be referred to the members of RERA and REC as part of Rooiels Community Consultative process.

It is important to note that while the Rooiels Conservancy (REC) works in close collaboration with the Rooiels Ratepayers Association (RERA), the Conservancy is an independent association that needs to act according to its own constitution and on behalf of its members. However, as Rooiels is a small community, the two organisations have more or less the same membership.

The Rooiels Conservancy (REC) hereby accepts the outcome of this survey as representative of the opinion of REC members as well.

With regard to the application of Portion 141, (OBO Free Life Trust), the matter was referred to the community through a survey conducted by RERA. RERA in their submission to the Overstrand Municipality will present the outcome of the survey plus a summary of the main points that emerged. The results of the survey spoke to the key issues, however it also raised areas of concern relating to issues that may directly impact the environment.

REC, in accordance with its Constitution consulted with relevant experts. This submission is a reflection of information gathered and tested against conservational guidelines set down by UNESCO through the guidelines of the Man and the Biosphere (MAB) Programme.

FILE NO: Ptn 141/559
Hangklip ✓
SCAN NO: Cons.
COLLABORATOR NO: 1546482

*RBC Committee 2021: Veronica Jacobs-Chairperson, Fiona Christidis-Vice-Chairperson, Ivan Bacqer-Treasurer, Leigh Elwes-Secretariat
Hilgard Muller, Wolfgang Stenbach*

1

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- 3 JUN 2021

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2. INTERNATIONAL BIOSPHERE RESERVE PERSPECTIVES AND CONTEXTUAL APPLICATION

The following content is based on the criteria for selection and evaluation of biosphere reserves in support of the UNESCO MAB programme in South Africa.

The UNESCO Man and the Biosphere (MAB) Programme finds spatial expression in sites designated as biosphere reserves. These sites are nominated by national governments and, subsequent to a review process, are designated by UNESCO. Biosphere reserves must meet a minimal set of criteria and conditions to be designated, subsequently forming part of the World Network of Biosphere Reserves (WNBR), currently comprising 714 biosphere reserves in 129 countries. The WNBR is one of only four global networks that include designated protected areas. Consequently, biosphere reserves provide an expansive network of similarly defined sites around the world. Biosphere reserves are widely recognized as an excellent landscape management option through which to showcase sustainable development in action, and are ideally positioned to assist countries in meeting the sustainable development goals (SDGs), adopted by the United Nations in September 2015. The fourth World Congress of Biosphere Reserves, held in Lima, Peru in March 2016, endorsed the Lima Action Plan (LAP), which was subsequently adopted by the MAB International Coordinating Council. The first action of the LAP specifically states that biosphere reserves are models contributing to the implementation of the SDGs (UNESCO, 2017).

A biosphere reserve encompasses three elements: core area(s) that are statutory protected, buffer zone(s) adjoining or surrounding the core areas, and a transition area. Given the required status of the core areas, biosphere reserves typically incorporate sites (as part of the core areas) that are listed in accordance with IUCN's Protected Area Management Categories, and which are therefore protected under national legislation. However, the entire conservation estate included in buffer and transition zones, does not necessarily have formal IUCN listing. Furthermore, biosphere reserves are not spatially exclusive and often include land parcels designated in accordance with other international designations such as World Heritage sites and Ramsar sites.

The government of South Africa strives to find the much needed balance between economic growth, social development and environmental sustainability, while dealing with a number of critical challenges, including poverty, unemployment and inequality (DEA, 2017; DSD, 2017). In addition to these social issues, the critical challenge of climate change impacts on environmental, social and economic systems. The new MAB Strategy¹ and accompanying LAP encourage countries to use biosphere reserves towards fostering sustainable development and to 'contribute to sustainable, healthy, and equitable societies, economies and thriving human settlements' (UNESCO, 2017). These inherent attributes of the MAB Programme put biosphere reserves in a position to assist national government in finding landscape-based solutions to South Africa's pressing challenges.

¹ MAB Strategy 2015-2025, UNESCO



2.1 The following land use criteria for establishing sustainable Biosphere Reserves are important to understand specifically in the context of this application.²

2.1.1 Commitment to sustainable development practices

2.1.2 Contribution towards conservation of biological and cultural diversity

2.1.3 Respect for rights and uses of land owners and traditional communities: Respect indicated in accordance with the Constitution of the Republic of South Africa, No. 108 of 1996, specifically chapter 1 (Founding Provisions), chapter 2 (Bill of Rights) and chapter 12 (Traditional Leaders)

2.1.4 Proof of biological significance: The biosphere reserve needs to be of specific significance in the conservation of biodiversity, such as the presence of transitional vegetation types, rare and threatened species, endangered habitat types, species of special concern

2.1.5 There is a need to contain some element of uniqueness/characteristic natural feature (geography, altitudinal corridor)

2.1.6 Contribute to the provision of landscape functions. This refers to being specific about the landscape functions, such as conservation of water catchments, unpolluted air, recreational spaces, sustainable utilization of specific natural resources, and natural sources of energy

2.1.7 Buffer zone functions: Buffer zones are generally the most important functional spaces of biosphere reserves and the functions of the specific buffer zones need to be specified, amongst others connectivity, buffering the core, and cultural diversity

2.1.8 Presence of human communities within the biosphere reserve: A biosphere reserve is about 'man' and its interaction with the 'biosphere' therefore there needs to be interaction with human communities within the area of influence of the biosphere reserve

2.1.9 Cooperative conservation and development strategies (e.g. connectivity, integrated planning): Proof of strategies with collaborators such as plans to manage corridors for biodiversity connectivity, integrated planning processes, stewardship agreements, amongst others

2.1.10 Promote alternative, sustainable livelihoods: Commitment by the biosphere reserve management entity to support and promote alternative livelihoods such as use of renewable energy, wise water use, water purification, recycling ventures, use of indigenous vegetation in gardening and beautification.

2.1.11 Proof of sustainable land-use practices/strategies/initiatives: Commitment by biosphere reserve management entity to work with land owners to promote sustainable land-use practices and initiatives

2.1.12 Ensure relevance of biosphere reserve's existence through relationship building: Provide benefits to local communities and stakeholders such as job creation

² Pool-Stanvliet, R., Stoll-Kleemann, S. and Gilkomee, J.H. (2018) Criteria for selection and evaluation of biosphere reserves in support of the UNESCO MAB programme in South Africa. *Land Use Policy*, 76, pp. 654-663.



3. NATIONAL AND PROVINCIAL CONTEXT

The Minister of Forestry, Fisheries and Environment, Ms Barbara Creecy, in her foreword in the South African Strategy for the MAB Programme (2021-2030) wrote as follows:

Biosphere reserves provide us with an opportunity and platform to implement innovative solutions towards adapting to and mitigating climate change. The MAB programme opens up a great opportunity to support municipalities with regard to landscape planning and systematic implementation of sustainable development programmes. The programme supports the role of municipalities in implementing urban conservation programmes. Biosphere Reserves therefore contribute to the government national priorities and international commitments, including, but not limited to the recently agreed upon Sustainable Development goals. The MAB programme also has a great opportunity to contribute in the implementation of the District Based Implementation of the government Programme.

The Strategic Objectives of the South African Strategy for the MAB Programme (2021-2030) are

- To enhance the conservation of biodiversity and cultural heritage, maintain ecosystem services and foster the sustainable and equitable use of natural resources.
- To explore develop, support and study thriving sustainable societies (people who learn to live within the boundaries of ecological limits), economies (including green economies), and human settlements respecting the web of life on which they depend.
- To promote the understanding of the impact of environmental changes including climate change and to develop and support mitigation and adaptation actions.

These strategies should result in: (To mention a few):

- Meaningful contribution through Biosphere Reserves to conservation of biodiversity, cultural heritage and enhancement of ecosystem services.
- Increased involvement of youth, women and people living with disabilities in local communities to improve sustainable use and access.
- Provide models to explore opportunities for approaches that foster resilience of communities through livelihood diversification, green business opportunities and responsible tourism.
- Recognise and promote landscapes in developing strategies on climate change mitigation and adaptation and to enhance their resilience

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4. AREA SPECIFIC COMMENTS FROM EXTERNAL STAKEHOLDERS

The Rooiels Conservancy team consulted respected experts from external stakeholders such as Cape Nature, Kogelberg Biosphere Reserve Company, the Botanical Society of South Africa and representatives from the Pringle Bay Ratepayers Association.

During the consultations a request was made that REC facilitate the mapping of buffer zone vegetation, much like it is happening in the Rooiels Nature Reserve at the moment.

4.1 FACTORS TO TAKE INTO ACCOUNT WHEN CONSIDERING THIS APPLICATION

4.1.1 Buffer Zone of the Kogelberg Biosphere Reserve

One of the most important factors to emerge from the consultation that REC conducted is the fact that Portion 141 is situated in the Buffer Zone of the Kogelberg Biosphere Reserve. This fact makes it essential to view all development on the property in the light of what should and should not happen in the buffer zone of an international biosphere reserve.

The following is an excerpt from UNESCO documentation:

Buffer zone(s), which usually surrounds or adjoins the core areas of Biosphere Reserves, is used for cooperative activities compatible with sound ecological practices, including environmental education, recreation, ecotourism, and applied and basic research. In addition to the buffering function related to the core areas, buffer zones can have their own intrinsic, 'stand-alone' functions for maintaining anthropogenic, biological, and cultural diversity. They can also have an important connectivity function in a larger spatial context as they connect biodiversity components within core areas with those in transition areas³. An important objective of the buffer zone is to ensure that human activities contribute to the conservation of the core area without resulting in any negative impacts⁴.

Certainly this UNESCO guideline re human activity in the buffer zone of a biosphere reserve makes it quite clear that such activity should be carefully considered and monitored. In the case of the KBR Overstrand Municipality (as a signatory to the Kogelberg Biosphere Reserve nomination of 1998), has a specific mandate and responsibility in collaboration with partners such as conservation agencies e.g. CapeNature, the Kogelberg Biosphere Reserve Company, the Rooiels and Pringle Bay Conservancies and others. It furthermore indicates that human activities can and should happen in a biodiversity context but always with sound ecological practices as key to those activities.

The owner of Portion 141 has indicated that they want to partner with relevant agencies with regard to environmental education, ecotourism as well as facilitate applied and basic research in the their part of the Kogelberg Biosphere Reserve. It is important to note that the property is also very close to the Kogelberg Nature Reserve, a World Heritage Site and the primary core area of the biosphere reserve. These factors make the Rooiels, Pringle Bay area an ideal hub for fundamental and applied research.

³ <http://www.unesco.org/new/en/natural-sciences/environment/ecological-sciences/biosphere-reserves/main-characteristics/zoning-schemes/>

⁴ Technical Guidelines - https://en.unesco.org/sites/default/files/tgbr_en.pdf

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4.1.2 Consistency with two key principles of a biosphere reserve:

The plans as presented in the application for a micro distillery are consistent with two key principles of a biosphere reserve, namely

- Impact of human activity on the natural environment that is limited in scope and environmentally sustainable
- Economic development which provides employment in a way that is environmentally sustainable

The above opinion is strongly based on the premise that the plans only use existing buildings, to limit the distillery's size, to use sustainable/renewable resources, to limit the numbers of visitors and to limit the amount of traffic generated by the distillery business.

In the, at present remote, event that the operation would expand beyond the presently envisaged scope – for instance, if the business was sold to a developer or entrepreneur who does not share the current owner's values with regard to their property and was intent on increasing the size and scope of the operation – the knock on effect on the immediate environment would seriously compromise the ecological integrity of the area.

Consequently, some safeguards/conditions in respect of consent use or restrictive clauses in a deed of sale do need to be put in place.

4.1.3 Other relevant environmental issues that were highlighted from the survey were as follows:

4.1.3.1 Wastewater management: There are conflicting opinions on the amount of wastewater generated and the disposal thereof. The amount of wastewater generated and disposal thereof needs to be independently determined with respect to the implications and potential impact on the environment and ground water system.

4.1.3.2 Fire hazard: A distillery is governed by strict guidelines in the manufacture and storage of alcohol. The permission for such is not given lightly regardless of the location of the distillery. Considering the increased fire hazard in this sensitive region, a comprehensive fire risk assessment needs to be conducted by the relevant authorities. These safeguards should include layout, design, and storage of flammable material.

4.1.3.3 Rock Jumpers: There is a difference of opinion on the impact of the increase in traffic on wildlife, especially the endangered Rock Jumper. This needs to be researched in more depth by relevant agencies.

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4.1.3.4 Setting a Precedent

Concern is expressed that other property owners in the area may be tempted to use this application as a precedent on which they could base applications for other agro-industrial activities on nearby properties which do jeopardise the ecological integrity of the area. The proposed development could set precedent in terms of sense of place for the area.

4.1.3.5 Alien vegetation

Kikuyu grass: Although an invasive species, it is not seen as an issue in this application as it is in a demarcated area with boundary walls to retard the spread to surrounding areas.

The 1000L/ week of liquid waste- water will be used to irrigate this grass due to its high mineral composition. This equates to approximately 1L/square metre of grass per week.

Blue gum trees: These are quite mature and have been on the property for a long time. The Elves couple are keeping an eye on them and they are being managed in a proactive responsible manner. The owners are part of the Pringle hack group and have already removed numerous blue gums. They will continue to remove the remaining blue gums.

Indigenous trees have been planted to replace the blue gums. They are also trying to preserve the existing ecosystems and bird life that already exist in the trees. Some of the blue gum wood will be chipped and used in the distillery.

5. CONCLUSION

From the above it is clear that the buffer zone of any biosphere reserve fulfils a very particular need, which is a combination of factors that is seen as crucial to sustainable development. Any proposed development in the buffer zone should be tested against the guidelines set down by the MAB Strategies of UNESCO as well as those formulated by the South African Department of Forestry, Fisheries and Environment. Stakeholders and partners in the Overstrand coastal area, such as CapeNature, Kogelberg Biosphere Reserve Company, Botanical Society of South Africa and local community organisations must be involved in any discussions around what happens in the buffer zone of the biosphere reserve.

Guidelines with regard to the **core zone** are quite clear. The core is or should be untouchable... and only open to research and conservation. Guidelines for the buffer zone are more complex as it is very much about sustainable development. The concept itself should be unpacked and agreed upon by all involved.

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The owners of Portion 141 seem to be very aware of their responsibilities with regard to owning a property in the buffer zone of the Kogelberg Biosphere Reserve. Ongoing interaction and communication with the owners is of optimum importance. This will inspire a sense of ownership, responsibility and pride in their contribution to sustainable development in the KBR. It can only happen when transparency, honesty and discretion are practiced by all stakeholders involved.

Yours sincerely

Veronica Jacobs
Chairperson, Rooiels Conservancy
veronica@elginlearning.org.za

Fiona Christelis
Vice-Chairperson, Rooiels Conservancy
fionachristelis@gmail.com



UNESCO SUSTAINABLE DEVELOPMENT GOALS



*REC Committee 2021: Veronica Jacobs-Chairperson, Fiona Christofis-Vice-Chairperson, Juan Bacfor-Treasurer, Leigh Gibbs-Secretariat
Mitglied Müller, Wolfgang Ständack*



519/630

Cell: _____

02 June 2021

TP-A Theart
(Hild Stoep)

Overstrand Municipality
16 Paterson Str.
Hermanus
Tel: 028 3132093
loretta@overstrand.gov.za

Attention: Loretta

RE: PORTION 141 (PORTION OF PORTION 133) OF FARM HANGKLIP No.559, CALEDON DIVISION: APPLICATION FOR REMOVAL AND AMENDMENT OF RESTRICTIVE TITLE DEED CONDITIONS, CONSENT USE AND DEPARTURE: PLANNING PARTERS (obo Free Life Trust).

As a former Environmental Impact Assessor and Botanical Consultant within the Kogelberg Biosphere Reserve area I would like to draw your attention to a potential misrepresentation of the wetland area on Portion 141 of Farm Hangklip 559 with respect to the on-site dam and proposed distillery development activity.

As seen on the National Freshwater Ecosystems Priority Areas (NFEPA) and updated National Wetland Map 5 (NWM5) map Attachment 1, the wetland mapping has excluded the transformed area of Portion 141 from the natural continuation of a depression wet zone. This exclusion is mostly likely an error due to the removal of the natural indicative vegetation cover and the water uptake from the planted Eucalyptus trees. It is unlikely to have been ground truthed with soil sampling which may have indicated that this as a continuous wetland area. The filling of the new dam with fresh water would also indicate it is a wetland with surface or near surface water.

It would thus seem prudent to request the further investigation of this area as a potential wetland by a freshwater specialist in light of the ongoing and proposed development activities and the relevance of NEMA regulations Listing Notice 1 as well as Point 7 of the 2018 comments by the Breede-Overberg Catchment Management Agency (BOCMA) that states "... should any activities take place within the regulated area of a watercourse, application will have to be made for Section 21 (c) and (i) water use which must include the Risk Matrix and a Freshwater/Wetland Impact Assessment Report". The National Water Act of 1998 defines a watercourse to include wetlands.

Further, considering the NFEPA/NWM5 as it is presently mapped the new building activities, as seen on google maps 2021 attachment 2 below, appear to be occurring within 32m of the wetland and thus triggering NEMA regulations.

Your consideration of the above comments would be appreciated.

Regards

Amida Johns

FILE NO: Ptn 141/559 v
Hangklip
SCAN NO:
Johns
COLLABORATOR NO: 1546488

- 3 JUN 2021

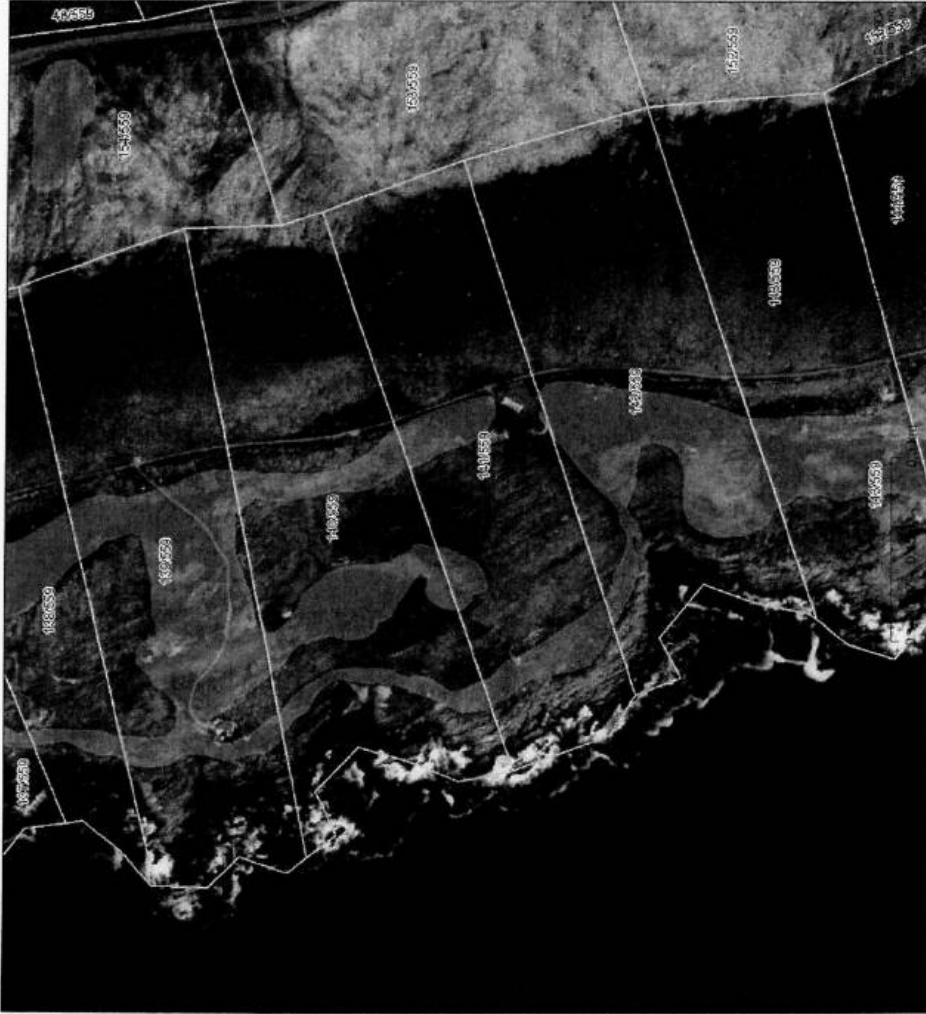
520/630

Wetland Map - 141/559

- Legend**
- Farm Portions
 - Wetlands (NWMS)
 - Depression wetland
 - Floodplain wetland
 - Seep wetland

Scale: 1:9 028
Date created: June 2, 2021

Compiled with Geoprocessing



521/630



Legend

P141F559 building
Write a description for your map.

Google Earth
img.us.521/630/1/EarthImages
© 2021 Adobe, Pixxel

50 m

Attention: Ms Loretta Gillion Administrator,

Town & Spatial Planning

Overstrand Municipality

Via email: loretta@overstrand.gov.za

Comments on: Portion 141 (A portion of portion 133) of the farm Hangklip no. 559, Division Caledon:
Application for removal and amendment of restrictive title deed conditions, consent use and
departure: Planning Partners (obo Free Life Trust)

Names: Mrs Melissa Rohland

Mr Charles Rohland

Address: Erf 914 Buffels rd, Pringle Bay

Contact details:

Date: 03-06-2021

Interest in the application: We have been living in Pringle Bay for over 20 years and hike and ride in the area where this farm is based. We are nature lovers and gardeners with a particular interest in the fynbos and the associated bird and animal life. We see what is happening around us in Pringle Bay in terms of the effect of development and construction and the heavy toll it places on the existing fynbos and animal life as a consequence. It is very clear from what one has read and experienced first-hand that this is not a venture that should be allowed in the area. We wish to register our objection to the above application based on the following.

- The nature of enterprise given the area in which it is proposed to be built.
- The deliberate retention of alien vegetation on the property despite its known detrimental effect on the fynbos and the fact that the law requires it to be removed suggesting lack of concern for the environment and the law
- The apparent lack of qualifications and experience to run a distillery with all its complexity and its potential impact on the fynbos, fauna and people in the area
- The misleading, flawed and incomplete information on the process of distilling
- The impact on the Porter drive and thus on the people, fauna and flora in the area.
- Other matters The nature of enterprise given the area in which it is proposed to be built. From an article written by 1Mikucka, W. & Zielińska, M. titled "Distillery Stillage: Characteristics, Treatment, and Valorization. I quote the following-"Distilleries are among the most polluting industries because ethanol fermentation results in the discharge of large quantities of high-strength liquid effluents with high concentrations of organic matter and nitrogen compounds, low pH, high temperature, dark brown color, and high salinity." Just on this basis alone and despite the fact that that the property is not in the Kogelberg Reserve but in the biosphere (as was pointedly noted by the owners) this is not where one should be placing this micro-distillery at all

TP- 3 JUN 2021

TP-A Theart
(H vld stoep)



FILE NO: Ptn 141 559
Hangklip ✓
SCAN NO:
Rohland
COLLABORATOR NO: 1546491

523/630

• Liquid waste Grey water and the type of grey water described in the proposal should not be used for irrigation because although you could potentially use it on some plants it cannot be used directly for fynbos which thrives in nutrient poor soils. Furthermore, it will potentially seep into the ground and affect fynbos that way. It will likely affect soil quality and potentially the ground water. The impact on the Porter drive and thus on the people, fauna and flora in the area This is used by the residents, hikers, birdwatchers and cyclists. It is not a road that is designed for a lot of traffic and given its current users and the site this is also highly undesirable.

It has been very disturbing as a resident of this area who chose to live here because of the abundant biodiversity to have seen decisions so easily made to violate this sensitive ecosystem for the explicit reason of money making alone. I do hope this will not be the case in this instance.

Best regards

Charlie and Milly Rohland

PO Box
Bettys Bay
7141

1 June 2021

Municipal Manager
Overstrand Municipality
PO BOX 20
HERMANUS
7200
Email: loretta@overstrand.gov.za



TP-A Theart
(Hvd stoep)

**YOUR REF: MUNICIPAL NOTICE 70/2021 PORTION 141 OF THE FARM
HANGKLIP NO 559
OBJECTION TO THE APPLICATION FOR REMOVAL OF RESTRICTIVE
CONDITIONS, CONSENT USE AND DEPARTURE**

Dear Sir / Madam

Introduction

I hereby lodge my strong objection to the above development.

I am the owner of Erf 153, Rooiels and my family and I have been living in the area for the last 2 years.

I think that a micro distillery is entirely unsuitable for the proposed site. The proposed application, if accepted, would place the fragile ecosystem and the surrounding area at an unacceptably high risk of (1) fire damage and (2) significant environmental degradation due to heavy demands on water and the production of toxic waste products. This in turn will be detrimental to the birds, animals and people living in Rooiels and the surrounding areas.

More specifically, I object to the application on the following grounds:

- Fire hazard
- Dangers of establishing a noxious industry in an area of high conservation value and significance
- Impact of increased vehicle traffic via Porter Drive
- Agricultural zoning and use of Departure mechanism is incorrect
- High volumes of water usage from ground and surface water
- High volumes of contaminated waste water.
- It appears as if an independent environmental impact study by a professional service provider has NOT been conducted and NO such report has been presented by the applicant as part of the application.
- Lack of sufficient economic benefit for Rooiels and the wider community to justify the environmental risks.

FILE NO: Ptn 141/559 ✓
Hangklip
SCAN NO:
LOUW
COLLABORATOR NO: 1546118

TP - 2 JUN 2021

525/630

Fire hazard: Product storage of highly flammable liquids in an area which has experienced regular fires.

Distilleries are at high fire risk. When fires in distilleries occur, they are often devastating. This is not surprising, as a barrel containing 250 litres of whisky can release the energy equivalent of 510 sticks of dynamite

This application should be rejected on the grounds that (1) a distillery (or similar agricultural industry) carries an unacceptably high risk of a fire arising from the distillery and associated operations, and (2) in the case of a fire from another source, the proposed distillery has the potential to intensify and exacerbate the destructive power and rapid spread of a fire.

Dangers of establishing a noxious industry in an area of high conservation value and significance

The area in which the proposed distillery is located is an ecological gem of international significance. It is a known fact that Nature Conservation authorities have always regarded this area as a key component of the declared Kogelberg Biosphere Reserve and it has Buffer status. Numerous threatened species and types of fynbos occur here and nowhere else in the world. Do we really want to take risks with handling noxious and hazardous materials in this area?

The nature of the distillery is such that it uses a lot of energy and water and produces a product (alcohol) which in its undiluted distilled form is extremely poisonous to all life. Waste products from the process are also poisonous and escape into the air, land and water. The cumulative effect of a distillery in the long term is that the surrounding ecosystem is systematically poisoned. This may happen very quickly in the case of negligence or accidents at the distillery or may occur slowly and cumulatively over many years. But the bottom line remains; the ecosystem will be much worse off.

It doesn't matter how well they are run, distilleries world-wide are classified as "noxious" due to their harmful waste products, including both emissions, "fermenter sludge" and "spent wash".

Except for scale, the distillery processes of a micro- manufacturer are not significantly different to that of a macro – manufacturer of exactly the same product.

The Applicant concedes the noxious nature of the proposed distillery by correctly applying for the removal of title deed restriction C6 prohibiting noxious trade or activity from being conducted on the property.

It should be noted that a distillery, however small and well-run it may be, is still a dangerous and noxious industry. A single accident or act of sabotage may impact and destroy much of what is precious about the area. This is not the right place for such an industry. It should ideally be situated in an area zoned for light industry where it can be properly monitored and regulated.

526/630

Impact of increased vehicle traffic via Porter Drive

Porter Drive, which is to be the access road to the distillery, has the following limitations:

It is a simple narrow dirt track, which is very rocky and sandy in places and in other places requires a vehicle with fairly high clearance.

It can only accommodate a vehicle going in one direction at a time.

It is also used as a footpath by the many hikers, bird watchers, runners and tourists who love walking along this pristine stretch of coast.

It is a fact that the proposed distillery will substantially increase vehicular traffic on this section of Porter Drive. The Applicant will need to apply for a micro manufacturing license for the Distillery, which will entitle him to produce a substantial amount of liquor (2 million litres of spirits per annum). This would require many tons of barley to be transported in to the property per annum. There is also additional traffic necessitated by the visitors, packaging, waste products and sewerage – all which require trucks or big vehicles.

This Application is seriously damaging to the environment from a transportation point of view and the unnecessary use of fossil fuels. Everything is transported in and then everything is transported out.

The claim made by Applicant on how transportation will be limited are baseless and totally unenforceable. There is simply no legal mechanism in place to reduce such extensive use and the very undesirable environmental consequences thereof.

This road is simply not constructed to bear heavy commercial traffic on a daily basis.

Agricultural zoning and use of Departure mechanism is incorrect

Agricultural industry is defined as an enterprise for the processing of agricultural related products "*on or close to the land unit where these agricultural products are grown, harvested and raised where processing in such proximity is necessary due to the nature, perishability and fragility of such agricultural products*". These legal requirements, have clearly not been met as the barley for distilling will be transported from far away. There is also no necessity "*due to the nature, perishability and fragility*" as substantially all the ingredients used, are transported in.

High volumes of water usage from ground and surface water.

These large quantities of water would be used in the production process and also for bottling and to clean the floor and equipment

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Waste Water Disposal

Large quantities (estimated at 132 000 litres per month at full capacity, but significant even if only a fraction of this volume) of high-strength liquid effluents with high concentrations of organic matter and nitrogen compounds, will be produced.

Liquid waste with its high concentration of chemicals and minerals cannot be used for irrigation purposes and would contaminate the soil and have devastating effects on the nutrient poor soil which fynbos needs to survive. Greywater also contain high levels of chemicals, minerals and nutrients and cannot be used in a fynbos region.

An environmental impact assessment needs to be done by a specialist regarding the effect of irrigation and that of increased phosphates on the fragile natural fynbos ecosystem in which Portion 141 is situated. The effect thereof such a system on the seepage areas and run off into the sea should also be studied by a specialist.

Lack of sufficient economic benefit for Rooiels and the wider community to justify the environmental risks.

The applicant claims that the distillery will contribute to the local economy, but the benefits from the proposed Distillery to the wider community will be limited, while the income resulting from being the home to the Cape Rockjumper is far greater. The Municipality has expressed the wish to build tourism in our region and birding tourism makes a large contribution to tourism income. Furthermore, the fynbos and birdlife in that area has not only biodiversity and intrinsic value, but also is probably the most important specialised tourist destination along the Overstrand coastline. The proposed development and activities on the site would certainly impact negatively on the very small range of these iconic birds.

I hope that this application will be turned down in order to protect the pristine natural environment, not only for the current residents and tourists in the area, but also for future generations.

Yours sincerely



Anton Louw
Owner: Erf 153, Rooiels
Email:

L Gillion

528 | 680

From: AM Bouckaert < >
Sent: Tuesday, 01 June 2021 17:22
To: L Gillion
Subject: Objections to applications applicable to Erf 141 (portion of 133) of Farm Hangklip No.559

Attention : Ms Loretta Gillion

Dear Ms Gillion,

As owner of erven 138, 143 and 386 in Rooiels, I wish to voice my objection in the strongest possible terms to **all** the applications applicable to erf 141 (portion of 133) Farm Hangklip no 559 viz. the **Removal and Amendment of Restrictive Title Deed Conditions, Consent Use and Departure** for the following reasons:

1. Erf 141 falls with the buffer zone to the **Kogelberg Biosphere Reserve**, an area which enjoys an international status as zone of undisturbed, legally protected and unique natural beauty, all attributes now threatened by this application and exactly those which the existing restrictions were designed to protect

2. The removal of and amendment to current restrictions on title deeds sets a **dangerous precedent** for future applications which would progressively threaten the serene nature of Rooiels and surroundings by encouraging agro industry and multiple dwelling development

3. A distillery by its very nature constitutes a significantly enhanced **fire hazard** to the area, imperilling life, housing, flora and fauna in an area which is already vulnerable to natural occurring fires.

4. Run off from the distillery constitutes a significant **pollutant** to aquifers and no convincing assurance is given of adequate measures for the disposal of waste water from the production process

5. Access by road to the distillery through Rooiels, particularly of HGVs, would necessitate passing through an area of vulnerable and endangered flora and fauna and would constitute an additional **existential threat** to them

6. Increased road traffic through Rooiels particularly of HGVs during construction of the distillery, as well as during subsequent production and patronage of the distillery by visitors would **threaten the physical safety** of Rooiels residents, cause damage to existing roads through increased wear and tear and introduce considerable nuisance in the form of road traffic **noise pollution**

7. The considerable increase in numbers of people passing through, comprising workforce traffic, employees of the distillery and visitors, will constitute a **heightened security risk** to surroundings and in particular the residents of Rooiels

I, therefore, would appeal that this application be rejected. Please be aware that we will enjoy all legal effort to challenge this application should this resolution be passed.

Yours,
Mrs Gilberte Bouckaert

FILE NO: Ptn 141 559
Hangklip ✓
SCAN NO:
BOUCKAERT
COLLABORATOR NO:
154613

1

TP

TP - A Theart
(Huid Stoep)

01/06/2021



529/630

The Municipality manager
Overstrand Municipality
16 Paterson Street
7200

PO Box Pringle Bay 7196

TP - A Theart
(Huid Stoep)

Dear Sir/madam

OBJECTION AGAINST THE REMOVAL OF TITLE DEED CONDITIONS, CONSENT USE AND DEPARTURE APPLICATION PORTION 141/559 – MN70/2021

We are the owners of 147 Rocklands road Rooiels and previously from 267 Perspicua road Rooiels. As you can see we sold our house in Rooiels just to buy another in Rooiels (down scaled as we heading for pension) so all together we have been in Rooiels for 17 yrs. The reason, which is very obvious, as we LOVE Rooiels natural unspoiled beauty. We are bird lovers, and thoroughly enjoy seeing the Cape rock jumper (Bird of the year), Cape Leopard, etc. in our area. We are also enjoying the hike on the narrow gravel road between Rooiels and Pringle Bay. Due to that being a narrow gravel road you find almost NO traffic (only the residents which is a few) and a couple of cyclist and joggers.

The proposed DISTILLERY will be a heavily disturbance in this tranquil area by trucks, cars and taxis that will frequent it. The Distillery will have an impact on our Biosphere Reserve and wildlife with all the traffic noise and also the concern of fire, waste spillage and NOISE.

We also see that the "Barn" has been renovated which look like a huge entertainment area with windows looking out to the ocean. There is also a Chapel and a build Dam. This can all be future entertaining magnets. Loud music also travel far with the SE wind speed over water. We have invested in Rooiels unspoilt beauty and peaceful quiet lifestyle and need it to be like this.

We also had a huge fire a few years ago that came over the mountain where Portion 141/559 is and travelled with a speed to the residential area. Due to the Distillery that need to fire up their kettles this make me very nerves as it will be a huge flammable risk (explosives) for the area. The smoking smell that travels is also a health issue (human and animal).

The sewerage truck will need to frequent that small narrow road and we all know (as per proof on Facebook) how fast they drive...so our wildlife, fynbos and our own lives will be in danger. This has been an ongoing problem for YEARS so why will it now changed!!!! Drunk /under the influence drivers on a gravel road is also a huge concern, remember all the accidents a few years ago on that gravel road towards HANGKLIP HOTEL (also facts that is on Face book)

Trust That the application will be turned down.

Yours faithfully

Derek and Denise Esterhuyse
147 Rocklands Road Rooiels

FILE NO: Ptn 141/559
Hangklip ✓
SCAN NO:
Esterhuyse
COLLABORATOR NO:
1546053

TP - 2 JUN 2021

L Gillion

TP-A Theart
(H vld Stoep)

From: Explore Africa Books (Pty) Ltd <
Sent: Tuesday, 01 June 2021 16:44
To: L Gillion
Subject: Objection to Portion 141 (A portion of portion 133) of the farm Hangklip no. 559, Caledon

530/630

Objection to the Application for removal and amendment of restrictive title deed conditions, consent use and departure: Portion 141 (A portion of portion 133) of the farm Hangklip no. 559, Caledon. (Free Life Trust)

I wish to register my objection to the above application. I am a regular visitor to the Overstrand, and as a result of my frequent visits to Rooiels, in March 2020 I bought a small house in the area: 24 Lower Beach Road, Kleinmond.

Name: Doris Jansen
 Permanent Address:

I have a direct interest in the impact of a distillery established in an area of remarkable aesthetics that is almost completely undeveloped with just the occasional house in the distance. As I am now a little older I can no longer hike up the mountains. This is one of my favorite walks along the dirt road between Rooiels and Pringle Bay. The sense of being one with nature, the amazing diversity of birds, the stretch of fynbos out to the sea with the towering range of mountains right there on the other side. It really is one of the most wonderful places to be. This sense of being at one with nature will definitely be lost by increasing traffic on that road. I am also concerned for the biodiversity of the area as a result of the dust and road widening that will occur when transporting all the inputs and outputs and visitors needed by the distillery. The impact on the fynbos of the air pollution from dust, ash and chemicals produced by the distillery and also the impact of the wastewater which is known to be highly toxic and to change the soil acidity levels. All of which will negatively impact the fynbos. I have also witnessed the fires in the area and I find it incredulous that anyone would consider approving the storage of highly flammable liquids and the production of flammable gases in that area. There are many more appropriate locations for a distillery.

I am a retired economist having worked for Wells Fargo Bank for most of my career with the last five years spent working with the World Wildlife Fund for Nature. I am astounded that there is even a suggestion that it would be in the best interests of this area, the Overstrand or of South Africa, or the world, for this remaining coastal plain to be converted to industrial use. This is an area with significant future value both for the economy and the environment. The world has very few areas of such natural beauty (and the sense of being alone with nature) that are easy to access. This is one of those few. The value of the birding and nature travellers will be much greater than the value generated by a few visitors to yet another visitor to a distillery that could be established elsewhere. Nature visitors are not often the same as distillery visitors. These, together with the heritage (bequest), aesthetic, biodiversity and existence value of this area could be established if an economic analysis was undertaken and I am sure the result would be that the retention of this natural area far outweighs that from a distillery in this area. That is before I am even able to give any weight to the enormous biodiversity value with the high concentration of endemic plants and birds, some of them on the IUCN Red Data List.

I am also of the opinion that what is proposed in the current application is not financially viable. It is most unlikely to produce a positive return on capital invested and may even struggle to ensure that operating revenue is greater than the variable costs. This raises the question of what is planned if this application is accepted and they have been granted consent-use for an industry in the midst of an unspoiled natural area. It is important to know exactly what limits will be placed on this proposed development.

1

FILE NO:	Ptn 141 559
Hangklip	✓
SCAN NO:	Jansen
COLLABORATOR NO:	1546047

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It will reduce some of the pressure on the area of highest biodiversity and tourist value if all access to that property is through Pringle Bay. But my recent walks along that area show the portion of the road on the Rooiels side to be the section that is being upgraded and maintained. This does not signal the intention to use the Pringle Bay entrance.

In the light of the increasing scarcity of undeveloped coastal flatlands the future value of this area left natural is far greater than that generated by the distillery.

I wish to record my objection to this proposed removal of title deeds and consent use for a distillery.

Yours sincerely,
Doris June Jansen

TP - A Theart
(Huidsteep)



Objection to: Application for removal and amendment of restrictive title deed conditions, consent use and departure of Planning regulations, Portion 141 (A portion of portion 133) of the farm Hangklip no. 559, Division Caledon Advertisement Municipal Notice 70/2021.

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Kathleen Ann Leresche owner since 2003 of 25 Rocklands Road, Rooiels
Email: .

I am especially concerned that the Overstrand Municipal Planning Department appears to be in favour of this development based on the Response given to the previous application in 2018 which was withdrawn. The revised application is not substantially different from the first one except that it appears that it is not limited to only 1000 bottles per month which the previous application was.

I would like the assurance of the Overstrand Municipality that, if they go ahead and approve this distillery despite the extreme fire hazard it poses, that Overstrand Municipality will take on the liability resulting from approval of the location of highly flammable material (alcohol and ethanol fumes) in a high fire danger area; of negatively affecting the visitor experience and flora and fauna in a globally recognised birding site, and of possible toxic wastewater and other environmental damage in a proclaimed critical biodiversity area.

Is the Overstrand Municipality prepared to compensate all residents in Rooiels village that may be affected by a fire that is either started or accelerated by this property - either because of increased intensity of the fire caused through the distillery, or diversion of fire resources to that property instead of having them available to the rest of the community?

The degradation of a unique micro-ecosystem of immense biodiversity and tourism value for the benefit of one property is an existential risk. It is inimical to the future and therefore I record here my strong objection to this application. Some of these reasons are detailed below and others have been covered by the many other objections to this application.

1. **Personal Interest** - I am a resident of Rooiels and the owner of Erf 136 (Kathleen Ann Leresche ID5007250226081). I have a direct interest in protecting the area for my enjoyment; for my visitors who come to view birds and walk along an area so unspoilt with very good sighting opportunities; for all the visitors who come to the Overstrand in part because of this unique birding opportunity; for the existence value I place on leaving at least a few areas of coastal plain undeveloped for future generations; and most of all because of the significant contribution of this area to biodiversity and the threat that development poses. Consent use and departure of planning guidelines to accommodate an agro-processing industry in this area is inappropriate. It makes neither economic nor environmental sense to encourage this type of industry in a remote unserved area. Approving the development of a fire hazard in a high fire danger area is very short-sighted. Listed below are the detailed reasons for my objection.
2. **Public Interest** - I object most strongly to the distillery on the grounds that it is most definitely NOT in the public interest and it is not desirable. It will impinge negatively on the surrounding smallholdings and impact the experiences of those who visit the area primarily for a nature experience and to view the endemic, threatened and other bird species that co-exist in this fragile and unique ecosystem. It will reduce the conservation value of the area where all the other properties have only a single residence. It is not in the interests of South Africa, nor the world, to have a critical biodiversity area supporting endangered and near-threatened, locally endemic, bird species put under additional threat. The distillery could, and should, be established in an area that is less vulnerable to fires, less likely to have an

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SCAN NO: Leresche
COLLABORATOR NO: 1546031

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impact on the flora and fauna, and closer to the source commodities to reduce the transport and carbon footprint.

3. **Impact on the Character of the Area** and the negative impact on the sense of place relating to this natural area by visitors. International tourists are attracted to the Overstrand by the global recognition of this area as a prime birding site and a micro-ecosystem of immense biodiversity value. This is an area where visitors are able to quietly sit, often completely alone, and view an unusually high number of endemic and rarely seen birds including the Cape Rockjumper, Victorin's warbler, Sentinel Rock Thrush, Ground Woodpecker, Verreaux's (Black) Eagle and many others. The future value and the existence value of this type of experience cannot be overstated. It is rare for visitors to so easily be able to access a site with this solitude and sense of wildness. Increased traffic along that road will undermine this experience. The increased traffic will reduce the wilderness ambience and sense of place so important to attract these nature tourists. Walking along a remote dirt road to view birds, and having trucks transporting bottles, barley, waste products etc. is not conducive to the experience.
4. **The legal issues that arise when removing title deeds, departing from planning guidelines and granting consent use to a distillery in a critical biodiversity zone within an OM EMOZ**
 - 4.1 The OM is legally obliged in terms of section 4(2) of the Local Government: Municipal Systems Act, of 2000 to a **duty of care towards**, amongst others, the proprietary interests of **all ratepayers**, and **not only** towards the interest of the applicants.
 - 4.2 The proof that these title deed restrictions are in the interests of the public is not made. It is **only in the interests of the private landowner** and is against the interests of neighbouring villages and property owners (for their sense of natural place, their recreation and enjoyment of nature and as a fire hazard) and it is against the interests of all the nature tourists that visit the area as well as the businesses that benefit from these visitors. It is also against international concerns of ameliorating climate change and biodiversity loss. This distillery is only "desirable" for the applicant and not for the greater good.
 - 4.3 Is the removal of the restriction on boundary line construction only for the corner of the stable building, or does it also apply to the dam which runs on the neighbouring property boundary as is evident from aerial photographs?
 - 4.4 **The precautionary principle** requires that areas of critical biodiversity should not be developed unless strong evidence exists for consent use. **There is no such evidence.** In fact this development would be much more appropriate established close to the grain inputs required and with better access to visitors and transport and far less environmental and fire hazard as the current proposed distillery which is in a critical biodiversity zone in a remote location in a high fire danger zone.
 - 4.5 **Alignment with national climate change priorities** and role in the KBR. The other smallholdings in that area are currently zoned Rural Area 2: Conservation or Undetermined (undetermined only permits existing use which is a single dwelling or no development at all on most of the erven). It does not make sense to have an agro-industry sited in that remote location that requires additional transport (CO₂) and amidst erfs that are supporting biodiversity adjacent to one of the best known of all South African birding sights and the heart of the Cape Floral Kingdom.
 - 4.6 **Setting a precedent** Given the high, Vulnerable and near Threatened, biodiversity in that area, it would not be appropriate to allow agro-processing on Erf 141, especially a distillery which is known worldwide as "*one of the major sources of environmental pollution*" owing to its high volume of waste water replete with organic and inorganic

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pollutants. It would significantly decrease the environmental value of the area if agro-industries, processing imported produce, were to be allowed. Once one industry has been permitted, it will be more difficult to turn down other applications for consent use to the other properties in the area.

- 4.7 **Inappropriate consent use as it is not processing own produce;** nor even neighbouring produce. The regulations and guidelines support agricultural processing in an agriculture zone, **only when a farm processes the materials that it grows** and the industry should not be subservient to the primary use. This property does not produce barley or other grains and would have to ship them in. They may use some flavouring from the fynbos – but they have not described which plants they will use, nor how they will ensure that they are sustainably harvested. Given that these will constitute probably less than 0.1 percent of the weight of inputs to the process, it cannot be claimed that they are processing the products they grow. The guidelines indicate further that such processing **should only occur where it is necessary** to process on the farm because of perishability. The planning regulations reflect the reluctance to convert agricultural land to agro-industry and to change the landscape. This is in place to discourage urban and industrial sprawl and to reduce the negative impacts on landscape, global warming and biodiversity of conversion - such as this proposed distillery. (Western Cape Land Use Planning Guidelines Rural Areas, March 2019 refer).
- 4.8 **Desirability:** While the 2020 regulations provide for the OM to assess the desirability of a consent use to an agricultural industry, this is desirability **once the requirements of processing its own produce have been met**. It is incorrect to assume that any individual applicant who deems his/her proposed actions desirable whether or not the application is aligned to the underlying guiding principles, should be granted approval. Furthermore even if it were to rest solely upon whether a change to industry is “desirable” –who is to determine what is desirable? Certainly the consent use for a distillery is **not desirable** to the majority of residents in the area, it is **not desirable** to all the tourism businesses for whom the Rooiels bird attraction is so important, and it is certainly **not desirable** for the critical biodiversity that is threatened by the traffic, the activities of the distillery and most importantly by the inherent fire risks it poses.
- 4.9 **This is an EMOZ area.** Harboring alien invasive plant species in, or adjacent to, an EMOZ is prohibited. There has been little effort over the 15 years the applicant has owned the land to remove them (see EMOZ Schedule A)
 Furthermore *“No land user within this EMOZ may utilise the vegetation in a vlei, marsh or within the flood area of watercourse in a manner that may cause the deterioration or damage to the natural agricultural resources”*. The waste water from distillation is known to have **chemicals that will cause deterioration to the wetland and plants** in the wetland on the marine side of the property.
 There is no alternative for this Distillery but for it to dispose of the liquid waste water into the environment which is against the provisions: *“The discharging of domestic effluent / grey water into [EMOZ Zones] all natural systems”* is prohibited.
 There does not seem to be any application for the harvesting of the natural fynbos that they state is part of their whiskey/gin process and no indication of which plants, nor how much will need to be harvested.
 It is unclear whether there will be biological treatment and if so whether this is *“within 50m of the edge of a watercourse or wetland”* (Special Permit required) which the current application is. They have shown in a public meeting that all the water for their dam comes from the seepage in the wetland that runs all along the property where they will be draining the water. This means that they need to be more specific about how they are affecting that wetland.
 This is an EMOZ area and thus all fauna is protected from any pursuit activities.

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The applicant has reportedly pursued and eliminated fauna which actions are prohibited within an EMOZ. With further development, there is likely to **be increasing conflict with fauna** in that area, especially as it is likely that the baboons will find the solid waste very attractive. The baboon troops that are being kept out of Pringle Bay will be looking for new opportunities.

5. The Environmental Issues

5.1.1 **Distillery waste water:** excerpt from the Elsevier journal *Chemosphere*: "wastewater contains very high biological oxygen demand, chemical oxygen demand, total solids, sulfate, phosphate, phenolics and various toxic metals. Distillery wastewater also contains a mixture of organic and inorganic pollutants such as melanoidins, di-n-octyl phthalate, di-butyl phthalate, benzenepropanoic acid and 2-hydroxysocaproic acid and toxic metals, which are well reported as genotoxic, carcinogenic, mutagenic and endocrine disrupting in nature. In aquatic resources, it causes serious environmental problems by reducing the penetration power of sunlight, photosynthetic activities and dissolved oxygen content. On other hand, in agricultural land, it causes inhibition of seed germination and depletion of vegetation by reducing the soil alkalinity and manganese availability, if discharged without adequate treatment"¹.

5.1.2 The Waste Management Report does not deal adequately with the issue of this hazardous waste water at all. It states at one point that the water will go into the septic tank. And in another indicates that the waste water will be pumped out by the Municipality so it is unclear if it is a Conservancy tank. There is also reference to irrigating the fynbos with the waste water – this is inimical to fynbos. **It must never be done.** You cannot change the pH of the soil without serious impacts on the species of plants that are able to grow. Fynbos is especially sensitive to changes in acidity and requires nutrient poor soils. You cannot allow this to happen at all.

5.1.3 The Waste Management Report states that all the solid waste will be trucked out to nearby livestock farmers. No reference is made to where these livestock farmers are since there are none nearby. Nor is there information on whether these farmers would be prepared to pay for this waste at a price that will cover the financial and environmental cost of the transportation. Is there provision for the OM to provide oversight to ensure that this waste is not used as manure which will severely damage the surrounding fynbos which does not respond well to fertiliser?

5.1.4 Furthermore the Report also implies that the other waste from the enterprise (where it is less than 1 tonne) will be dumped at the Betty's Bay waste station. There is no recognition that, in fact, the Betty's Bay waste station is restricted to ONLY garden or green waste. It is unclear whether that waste management report was actually for this particular project or is a cut and paste from elsewhere. Anyone familiar with this area knows the limits on waste management and where the different legal waste disposal sites are.

5.2 **Kogelberg Biosphere Reserve** is known as the heart of the fynbos biome and an area of great importance to the conservation of the world's highest density of endemic plants². This

¹ P. Chowdary "Environmental pollution and health hazards from distillery wastewater" *Chemosphere* Volume 194, March 2018, Pages 229-246 (Elsevier).

² The KBR plays an essential role in protecting the Cape Floristic Kingdom one of the "hottest hotspots" in the world with over 9500 plant species with more than 70% endemic but only 9% of the biome is formally protected. The KBR has around 1600 species with 150 taxa endemic to the Kogelberg

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distillery application is proposed in an area where most of the other landowners have committed to form part of the Kogelberg Biospher Reserve buffer zone.

In accordance with the Western Cape Land Use Planning Guidelines Rural Areas March 2019 the smallholding area between Rooiels and Pringle Bay are identified as CORE 1, with the following management objective: Terrestrial: Maintain in a natural or near natural state with no further loss of natural habitat (Annexure Ref I page 17).

The Western Cape Biodiversity Spatial Plan identifies the smallholdings between Rooiels and Pringle Bay as Protected Area or Critical Biodiversity Area.

The proposed distillery is, therefore, to be located within an area of critical biodiversity. It is located on a small coastal plain that is currently almost completely undeveloped. Such areas are especially important because less than 3% of lowland sandstone fynbos is under any form of protection³. It has immense biodiversity value, the visitors to this area also generate tourism revenues, in particular the birdlife of Rooiels as articulated by many other objectors. However in addition to both its contribution to the environment and the economy, this area also has significant existence and aesthetic values. The fact that there are some areas that remain undeveloped when so much of the coastal plain has been developed, especially areas that house critical biodiversity, has real value to many people who may not even live there. And to those that live here, the protection of this area also has bequest value (we value it, are prepared to invest time and resources to ensure its survival, in order to ensure that future generations can inherit a world with some areas protected). The area also has aesthetic value, both to those who live in the area, and to those who visit the area. These values can sometimes be reflected in property values and in tourist revenues, or assessed by their willingness to travel. The response of so many people objecting to development in this proposed distillery in a remote, fire-prone, area of critical biodiversity on one of the few remaining coastal plain areas that has not been developed, is testament to that value.

These values are indirectly acknowledged by the Western Cape Land Use and Planning Guidelines Rural 2019 which specifically recognise the importance of maintaining undeveloped coastal landscapes under major development pressure and avoiding the loss of scenic qualities of wilderness landscapes. It specifically seeks to ensure sustainable development of its rural areas, conservation of their biological diversity and the functionality of ecosystems.

5.3 Biodiversity

5.3.1 Birdlife: This is a highly valued area for birds. The potential negative impact of the access road to the distillery is particularly disturbing in this fragile area where a range of endemic birds are found, and in particular the near Threatened Cape Rockjumper. See the [full bird list](#) for Rooiels, most of which can be seen in this small concentrated area along the smallholding road and some can only be seen in this localised zone. It is a unique, fragile and highly productive small micro-ecosystem on the south facing slope of Klein Hangklip where so many endemic and endangered birds are found, reflecting the habitat that supports such a diverse range and relatively high number of birds that make Rooiels, and that specific small area along the dirt track, an international birding destination.

³ Rebelo A.G. 1992. Preservation of biotic diversity. In: Cowling, R.M. (ed.), The ecology of fynbos: nutrients, fire and diversity, pp. 309–344. Oxford Univ. Press, Cape Town

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The increased traffic and resulting pressure to improve the access road will be inimical to both the experience of residents and visitors to the area, and even more so, to the fragile environment that it will increase pressure on – with more vehicles, more dust and road maintenance. Furthermore this traffic will also include the firewood required for the stills (6.4.1 wood chips to heat the water). It is unrealistic to expect that enough wood chips will be produced by a few volunteers cutting aliens of which there are very few on surrounding properties. The large alien trees on the applicant's property will need to be professionally cut down. It would be advantageous to biodiversity (and reduce the fire risk) to eliminate these trees. If this wood for the distillery furnaces is to be produced from the alien trees on the property, a plan is required showing how this will be done and what will be done once there is no local wood available. If the wood will have to be trucked in – yet more traffic on that sensitive road and more carbon emission from the transport.

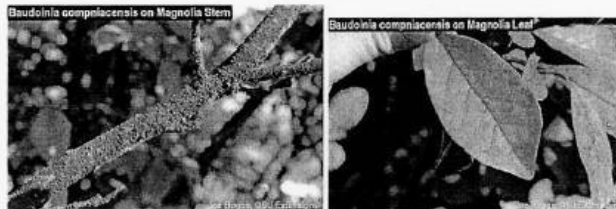
Another threat to the biodiversity in this area is that having a distillery, surrounded by alien trees, in a fire-prone area could result in much greater intensity fires (see 5.4 below). This is a problem for fynbos which, while fire dependent, cannot tolerate the much higher temperatures fires generated by fires fuelled by accelerants.

5.3.2 Fynbos: The property is primarily located on Hangklip Sand Fynbos which occurs on the coastal flats from Rooiels and Cape Hangklip to Hermanus but it also overlaps with Kogelberg Sandstone Fynbos both of which are threatened and vulnerable and where development is not recommended.

The species-rich fynbos on coastal sandy plains are reflected in the proteoid, ericaceous and restioid fynbos that are predominant, with some asteraceous fynbos also present. Some of the endemic (found only on Hangklip Sand Fynbos) species include *Muraltia minuta*, *Lampranthus serpens*, *Hypertelis trachysperma*, *Haemanthus canaliculatus* and *Ischyrolepis feminea*. The locally endemic, Red Data List vulnerable species, are particularly important viz. Hangklip silkypuff (*Diastella thymelaeoides* subsp. *meridiana*) and *Erica brachialis*⁴.

While the distillery is confined to the existing built footprint, it could affect the surrounding fynbos from the waste-water which alters the soil chemistry in a way detrimental to fynbos (see 5.1.1 above).

It could also be affected by *Baudoinia compniacensis*, a fungus which forms a black crusty growth on its surroundings. This is a real problem globally. In some parts of Kentucky it was the blackened surroundings which were used by authorities to find illegal stills hidden in the forests. Although referred to as whisky fungus it is found near all distilleries. It is also referred to as Angel's Share fungus because the growth of this fungus results from the way it uses the ethanol, escaping from spirit aging facilities, as a carbon source.



⁴ This slow-growing reseeded is declining due to too frequent fire, competition from alien invasive plants and habitat loss to coastal development (SANBI).

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Scott and Summerbell (2016) conclude that *"the habitats from which Boudoinia has been isolated suggest a preference for damp, coastal climates subject to regular condensation. The fungus is plurivorous, colonising virtually every surface without prejudice..."*⁵

It is inappropriate to be approving an industry in a conservation area which will benefit one property at the expense of the vulnerable Hangklip Sand Fynbos and Kogelberg Sandstone Fynbos and which raises the risks for residents in the area and reduces the economic, recreational, aesthetic and existence values of other residents and people across the world. The distillery should be located in a different site and closer to its source materials.

Of particular concern is the increased traffic on an area on the south slope of Klein Hangklip which has not been extensively researched but which provides habitat for an unusual density and variety of birds some of which are endemic to South Africa and found in only a few other areas. This would seem to indicate an especially rich and unusual micro-ecosystem that would be threatened by the significant increase in the traffic along the dirt track which has in the past housed only a few local residents occasionally driving on that road. This means there was little dust and impact on the surrounding fynbos.

The impact on the fynbos of any possible pollutants as articulated by another objector needs to be established.

This is a small, very special area. The precautionary principle, with such strong signals of rich diversity, needs to be applied. Both the traffic and the increased maintenance required for that road pose a direct threat to a birding hotspot and major tourist attraction to the Overstrand.

5.4 Fire hazard – distilleries produce alcohol; **both the process and the product are known fire hazards.** *"It's not just the storage of spirits that's a hazard. The distillation process itself requires heat and produces ethanol vapour—elements that, when combined, can produce fires or explosions."* National Fire Protection Association of the USA (www.nfpa.org) *"These little craft distilleries(are) introducing a large quantity of a liquid that can burn into areas where this type of hazard had not previously existed..... That puts some pressure on the fire service to figure out how they're going to regulate them."*

This is a high fire danger area and the establishment of a distillery in this area is extremely unwise. Detailed research provided in other objections (viz. Lewis) to this application has shown that distilleries are internationally known to be fire hazards.

- (i) In the way in which they process grain to produce alcohol which can create an explosive situation
- (ii) In the storage of whiskey ethanol is released into the atmosphere from the stored barrels (*Angel's share 2-5% per annum*) – it might be avoided if the barrels are wrapped in plastic but that adds to expense (and yet more waste and transport)
- (iii) The storage of large quantities of alcohol which will intensify and accelerate any fire
- (iv) The storage of empty wooden barrels on a property that is a known fire risk
- (v) The diversion of fire-fighting resources to this property, because it is a known fire risk, will leave fewer resources for other properties in the area

⁵ Scott, J. A., & Summerbell, R. C. (2016). Biology of the Whiskey fungus. In *Biology of Microfungi* (pp. 413-428). Springer, Cham.

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- (vi) The remote location of this property will make response time much longer, thus increasing the risk
- (vii) This is an area that is known to be a high-fire risk area
- (viii) The alcohol storage and distillery area are in close proximity to large alien trees that are known fire accelerants, causing fires to burn more intensely and spread faster.

If there should be any fire from that distillery surrounded by alien trees in a fire vulnerable area that the Overstrand Municipality has approved, is the OM prepared to compensate all the property owners in Rooiels that are likely to lose their homes as a result of the an explosion at the distillery? And all the small tourist businesses that will lose part of their livelihoods if the environment is destroyed by a fire burning much hotter than it normally would have because of the additional accelerants and fuel load? It is also a remote location that will mean that any accident will not be quickly extinguished.

In the high wind environment the distillery poses an imminent danger to all the properties in Rooiels which is downwind of the Southeaster with no natural barrier to the fire. If the Fire Services are required to focus attention on this high risk property, then other properties are going to have less access to these same services. More importantly, if the fires increase in frequency and intensity, this is going to negatively affect the critical biodiversity of the area.

To add to this risk that particular property has a significant area with large eucalyptus and other alien trees. These trees are known to add to the risk – having a distillery, stored alcohol and alien trees in the midst of a vulnerable fynbos area, is a serious hazard, even if the distillery has very well defined fire protocols for its production process.

5.6 Wetland impact: According to Dept. of Water and Sanitation No water that is taken in terms of this authorisation may be taken within a 500 metre radius from the boundary (delineated edge) of a wetland, pan or estuary. No groundwater that is taken in terms of this authorisation may be taken within a 500 metre radius from the boundary of a wetland or estuary, or within a 100 metre radius from the delineated riparian edge of a water course.. or within 500 metres from the high-water mark of the ocean⁶. Maps of the area indicate that there is a wetland area well within that 500 metre radius.

5.5 Climate Change impact of the unnecessary transporting in and out of all the inputs and the final product and waste. It is incumbent upon all agencies to support the South African efforts to limit CO₂ and our carbon footprint and our international treaty obligations. It is therefore totally inappropriate to support the establishment of a distillery far from the source of the inputs, far from centres of distribution and in a pristine environment which supports critical biodiversity. This is one of the reasons for the existence of the requirement for limits on rezoning Agriculture to agricultural processing. It requires "*an enterprise for the processing of agricultural related products on or close to the land unit where these agricultural products (whether land or marine based, such as aquaculture) are grown, harvested and raised where processing in such proximity is necessary.*"

6. Sincerity and Commitment of the Applicant

There is a section that is termed Ethos of the Landowners – this **then opens the Application to judgement** on how the actions of the Applicant provide evidence of this ethos.

This is an area where the applicant has taken actions that **raise serious concern** to all those who are affected by this application. As a result of the way in which he has behaved we do

⁶ Dept. of Water And Sanitation, Notice 538 of 2016 Revision of General Authorisation for the Taking and Storing of Water

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not have confidence in his promise to refrain from activities that impinge negatively on the flora, fauna and value of the area. Getting elected onto all the local committees very shortly before the application was advertised does not inspire confidence but it is the actions and omissions that are of especial concern.

The actions which speak to the credibility of any promises:

6.1 The Applicant has owned the property for 15 years and has not done anything about removing the alien vegetation until very recently when he approached local "hacking" groups to assist him (on a voluntary basis) to remove some of the alien trees. All the other properties surrounding him have taken active steps, at their own cost, to remove the alien vegetation on their properties. The applicant claims to be environmentally friendly – the inaction on clearing these trees, which are invasive and a fire danger, does not reflect any concern for the environment. Furthermore there have been other incidents that would indicate from a past history of interactions with fauna, that these statements of commitment to the environment are self-serving to try and reduce opposition to the plans for the property. Being on committees is not evidence of environmental commitment.

6.2 The Application states that vehicular access will be by Porter Drive on the Pringle Bay entrance (6.4.4). BUT all the applicant's vehicle access, is currently, and was during extensive building work, through the Rooiels entrance. It is one of the reasons that residents are so aware of the impact of this traffic. Furthermore the applicant is involved in maintenance of the road towards the Rooiels entrance and not towards the Pringle Bay entrance; this maintenance being with foreign material rather than limiting the disturbance to the local environment. There is no evidence that the Pringle Bay entrance will be used for all traffic. Furthermore this objector is not aware that there is any enforceable regulation, nor any enforcement process, that can ensure that in the future the applicant will use the Pringle Bay entrance.

6.3 There is a Diagram labelled "Conceptual Distillery Layout Plan". In fact this structure has ALREADY been built. The attached photograph shows that a building, which according to the Overstrand Municipality, was applied for as a "barn", has already been built. As can be seen in the photograph, it is stretching credibility to believe that the building that has been erected is a barn. It is clearly a structure designed for people and views, not a barn to store produce. This is for the proposed distillery or weddings, conferences or other gatherings. It is not an agricultural barn.



6.4. The applicant built a dam which required approval, but only applied for permission for the dam retroactively. I did not disapprove the retroactive application because of assurance that the dam was only fed by the natural seepage, would not draw on underground water

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and the dam would spill down the watercourse. This retroactive action of not following the correct procedure speaks to the lack of willingness to comply with regulations.⁷

6.5 Under General Description – it states that Tours and Tastings at the distillery will be by appointment only. It is also stated that tastings will be limited to groups of maximum twelve people that will be collected from Pringle Bay. This will not be financially viable.

As an author of a guide to wine tasting in the Western Cape, I am familiar with the constraints on the profitability of tasting venues. As an economist by training I am in a position to give an informed opinion on the potential lack of financial viability. That is of concern because then after a few months or years there will be pressure to increase the frequency, or number of visitors, perhaps in their own vehicles. Or alternatively the production will be expanded beyond the 1000 lt per month. Once consent use is granted this could go up to the maximum allowed under a micro-distillery licence (2 million litres). Or there will be ancillary activities developed to supplement the tasting facilities. Given the track record of this applicant, it is not possible to rely on his integrity. Unless restrictions are specifically included and provision for oversight made this will leave the area vulnerable. All the possible additional activities will mean significantly increased negative impacts on biodiversity loss, fire prevention and global warming.

IF the Overstrand Municipality does give approval for the Distillery development, despite so many objections – how are they going to police all these “good intentions”? Is there any regulation in place that will prevent the Distillery owners from increasing their output of liquor, of using the venue for weddings, conferences or other uses that will significantly increase traffic along Porter Drive? Is there any mechanism in place to ensure compliance with waste products, including waste water, and the environment? Is there any mechanism to ensure that the flammable alcohol is not kept on site? Is there any mechanism to ensure that the alien trees in this EMOZ are not being ‘harboured’ but are actually eliminated? Is there any mechanism in place to ensure that the less sensitive access area is used for all traffic?

The applicants may argue that their proposal is advantageous from a tourist perspective but the many objections from those most closely associated with the primary tourist industry in this area, clearly indicates that this is most definitely NOT in the interest of tourism nor in the interests of the critical biodiversity. It is incumbent upon us to preserve these environmentally and economically valuable resources for future generations. There is increasing global scarcity of easily accessed experiences that immerse in us a sense of natural wonder, gratitude and awe. This is one of those areas. **The development of a distillery in this area is most definitely not desirable, not appropriate and not in the public interest.**

⁷Further it is possible that the dam is in contravention of the legislation for being too close to a wetland

L Gillion

TP-A Theart
(HVD Stoop)



From: Mieke Knight <
Sent: Tuesday, 01 June 2021 17:22
To: L Gillion
Subject: Objections to applications applicable to Erf 141 (portion of 133) of Farm Hangklip No.559

542/620

Attention : Ms Loretta Gillion

Dear Ms Gillion,

As owner of erven 140 and 142 in Rooiels, I wish to voice my objection in the strongest possible terms to **all** the applications applicable to erf 141 (portion of 133) Farm Hangklip no 559 viz. the **Removal and Amendment of Restrictive Title Deed Conditions, Consent Use and Departure** for the following reasons:

1. Erf 141 falls with the buffer zone to the **Kogelberg Biosphere Reserve**, an area which enjoys an international status as zone of undisturbed, legally protected and unique natural beauty, all attributes now threatened by this application and exactly those which the existing restrictions were designed to protect

2. The removal of and amendment to current restrictions on title deeds sets a **dangerous precedent** for future applications which would progressively threaten the serene nature of Rooiels and surroundings by encouraging agro industry and multiple dwelling development

3. A distillery by its very nature constitutes a significantly enhanced **fire hazard** to the area, imperilling life, housing, flora and fauna in an area which is already vulnerable to natural occurring fires.

4. Run off from the distillery constitutes a significant **pollutant** to aquifers and no convincing assurance is given of adequate measures for the disposal of waste water from the production process

5. Access by road to the distillery through Rooiels, particularly of HGVs, would necessitate passing through an area of vulnerable and endangered flora and fauna and would constitute an additional **existential threat** to them

6. Increased road traffic through Rooiels particularly of HGVs during construction of the distillery, as well as during subsequent production and patronage of the distillery by visitors would **threaten the physical safety** of Rooiels residents, cause damage to existing roads through increased wear and tear and introduce considerable nuisance in the form of road traffic **noise pollution**

7. The considerable increase in numbers of people passing through, comprising workforce traffic, employees of the distillery and visitors, will constitute a **heightened security risk** to surroundings and in particular the residents of Rooiels

I, therefore, would appeal that this application be rejected. Please be aware that we will enjoy all legal effort to challenge this application should this resolution be passed.

Yours,
Mrs Anne-Marie Knight

1

TP - 2 JUN 2021

FILE NO: Ptn 141/559
Hangklip ✓
SCAN NO:
Knight
COLLABORATOR NO: 1546028

543/630

L Gillion

From: Heinrich Eybers < >
Sent: Wednesday, 02 June 2021 10:16
To: L Gillion
Subject: Comments - Application of Free Life Trust



Good day

TP - A Theart
(Huid staep)

These comments are in response to the Application for removal and amendment of restrictive title deed conditions, consent use and departure on Portion 141 of Farm Hangklip No.559.

Comments are made by:

Heinrich Eybers
12 Stream Road
Pringle Bay
7196
Tel:
Email:

My interest in the application is because I am a resident of Pringle Bay for the past 14 years. I am the owner of two properties in Pringle Bay (10 en 12 Stream Road). The reason for my comments is that I oppose application for a distillery. The establishment of the distillery in a biosphere will not have a positive impact on the environment, economy or community. Further, if the application is successful it will create a precedent for other commercial, agricultural and other activities in the area. My comments/concerns are:

Introduction

Pringle Bay offers an idyllic outdoor lifestyle in a protected biosphere where there is very little economic activity and residents are either self employed, retired or commuting to work in bigger centres. Pringle Bay falls within a pristine biodiversity area with protected fynbos, a high concentration of plant and animal species that are under threat of extinction if development continues at its current pace.

It is beyond my comprehension that someone is willing to establish a business outside of the mainstream tourism flow within a conservancy.

1

TP
- 2 JUN 2021

FILE NO: Ptn 141 559 ✓
Hangklip
SCAN NO:
Eybers
COLLABORATOR NO: 1546023

Regarding the application for a distillery:

544 | 630

From a high level it would seem innocent and well planned. However....

- The abundant use of words such as 'very little impact', 'limited', 'few' etc. indicates that the risks are not fully understood.
- A statement is made that there are few activities of commercial nature on the smallholdings along Porter road. Their contribution to the local economy is very limited (p4). I am not surprised as people will want to preserve the rural feel of the area! The value of these properties will drop significantly with the introduction of commercial activity. What is the view of the neighbours to Portion 141? One of the neighbouring properties are up for sale as I write.
- This proposed distillery will not add to the character or attraction of the area. The area already has the ocean, mountains, fynbos, birds, small town character that attracts people. The area never failed to attract visitors.
- The local economy is healthy and Rooi Els to Bettys is not a core area of commercial/industrial activity. Most residents here are not employed in the area to warrant any additional economic stimulus. Many are here to retire or work from home. Why would a conservancy attract commercial activity?
- The intention to source locally is noble but reality is that a business will source where it is cost effective. Again, forget about the sustainable economy.
- I do not think it is of public interest. Who will benefit? I will not.
- How long will the owners run the business? What is the long-term plan?
- Porter road:
 - This road cuts through all the properties. How will it impact on the ownership, development, dust and noise pollution with commercial usage?
 - The daily traffic along this road will increase significantly. Staff, waste removal, deliveries, wood transport etc. The idea of a shuttle service is according to me just a smoke screen to get the application approved. A year or two later private vehicles will use the road when the shuttle service will be seen as not viable.
 - Who will maintain this road?
 - Safety - How will the birders, cyclists and hikers be impacted by the traffic on this narrow road?
- Project employment:
 - Will locals be employed?
 - Are there any BEE requirements?
 - Will it create influx of more people for other reasons than respecting the conservancy?
 - On the proposed shuttle service: Drivers will require a PDP? Where will drivers be sourced and housed? How long before the taxi industry demands to be included.

545/630

Approval of this application will set a precedent. The character of the area will change and the next thing will be an influx of more people and eventually a new suburb will be established to accommodate the employees of commercial establishments.

More comments on the distillery:

Although the distillery process is discussed and waste management is covered there are to be said.

Distilleries are among the most polluting industries because ethanol fermentation results in the discharge of large quantities of high-strength liquid effluents with high concentrations of organic matter and nitrogen compounds, low pH, high temperature, dark brown colour, and high salinity. The most common method of managing this wastewater (distillery stillage) is to use it for soil conditioning, but this requires thickening the wastewater and may cause soil pollution due to its high nitrogen content.

Distillery stillage may pose a serious environmental concern since it pollutes the water sources in several ways. First, the dark-colored stillage can block out sunlight, inhibiting photosynthesis and reducing the oxygenation of the water, which is detrimental to aquatic life. Second, a high pollution load causes eutrophication of water bodies.

Due to the production of a large amount of wastewater (12 times as much by volume as the alcohol produced) of very high organic loads, distilleries are highly water intensive units and will use water which we do not have.

Regards

Heinrich Eybers

TP - A Theart
(Hvd Steep)

546/630

L Gillion

From: geoff titley < >
Sent: Tuesday, 01 June 2021 15:53
To: L Gillion
Subject: Portion 141 of the farm Hangklip no 559, Division Caledon.



Please find my objection to the APPLICATION FOR REMOVAL AND AMENDMENT OF RESTRICTIVE TITLE DEED CONDITIONS, CONSENT USE AND DEPARTURE.

I, Susan Ann Titley, am the owner of Erf 125, 14 Priestleya Road, Rooiels which I purchased in 1997.

I object to the establishment of a micro-distillery in the Biosphere Reserve.
There will be no benefit to the area other than a source of income for the owners.
The distillery would be better placed in an existing industrial or commercial area.
We have all heard of Appletiser.

In 1966, Edmond Lombardi began creating his sparkling fruit juice, **Appletiser**, by blending fruit juice with carbonated water on his Applethwaite Farm in the Elgin Valley.

The farm is no longer recognizable having become several hectares or more of paved concrete and warehouses. Their power requirement is in the region of 2000kw.

The access road has a constant stream of trucks delivering apples and bottles and distributing product.
A success story indeed. And who strives for failure?

So what may start out disguised as a hobby has every chance of becoming a monster.

And the bottles will rattle on the rough road so a bit of upgrade will be needed.

And the power supply will be overstretched and new lines will have to be provided.

And the delivery trucks may need a bit of extra fuel for the return trip so just a single diesel pump to start with.

And so it goes.

And the village of Rooiels will be just another dorp. And the biosphere we are all trying so hard to preserve will be lost forever. Quo Vadis Overstrand?

Spatial planning is there for a reason and allows us to make educated decisions on where and how we would like to live.

Please don't allow this right to be trodden on in the interests of selfish personal gain.

I thank you for your far thinking decision.

Regards

Sue and Geoff Titley.

FILE NO: Ptn 141 1559	v
Hangklip	
SCAN NO:	Titley
COLLABORATOR NO:	1546020

TP - 2 JUN 2021

L Gillion

547/630

From: Lesley Marionne < >
Sent: Tuesday, 01 June 2021 19:57
To: L Gillion

TP-A Theart
(H vld. stoep)



Objection to the Application for removal and amendment of restrictive title deed conditions, consent use and departure: Portion 141 (A portion of portion 133) of the farm Hangklip no. 559, Caledon

To the Senior Planner, Overstrand Municipality, loretta@overstrand.gov.za
Objector:
Lesley Muir, Pietermaritzburg, South Africa
email:

I have visited the Overstrand, usually Rooiels or Betty's Bay, almost every year for the last fifteen years. One of the main attractions is to be able to walk in nature with no other people around. This is very unusual. As we grow older it is not so easy to hike up mountains and it is a great attraction to be able to go walking where there are such a variety of birds, plants and some animals like baboons, mongoose, caracal and dassies and occasionally klipspringer. I have also seen photographs from the camera traps in the cave of the leopard, honey badger and even a striped polecat. It makes it even more of an adventure as you wander along the dirt track, think about all the wildlife and be alone with nature..

It will sadden me if this area is spoiled by encouraging industry and developments that will increase the traffic on that road and reduce the wonder of the experience. It will be even sadder if this development reduces the variety of the fynbos plants and animals.

Why is a distillery or large tourist development desirable in that area? It would seem much better if they were located nearer to where they can be easily accessed without all the additional transport at a time when we are all trying to reduce our carbon footprint. The Overberg has many areas where grains are grown and it would seem much more sensible to locate the distillery in those areas. I am also very concerned about the effect of the pollution on the fynbos and the potential for those barrels and bottles of liquor to explode and create, or exacerbate, a fire. The winds in that area are very strong and there are large gum trees on that property. It seems strange to me that anyone would even consider such an industry in this beautiful natural area.

This proposal is against the public interest and is not desirable. Please do not approve this application.
Yours sincerely,
Lesley Muir

Virus-free. www.avast.com

FILE NO:	Ptn 141/559
	Hangklip v
SCAN NO:	Muir
COLLABORATOR NO:	1545968

TP - 2 JUN 2021

TP - A Theart
(Huld Steep)



L Gillion

From: Helen < | >
Sent: Tuesday, 01 June 2021 12:35
To: L Gillion
Subject: Portion 141(a portion of portion 133) of the farm Hangklip no.559, Division Caledon

548/630

Attention: Ms. Loretta Gillion, Administrator, Town & Spatial Planning, Overstrand Municipality

In regard of the application for the removal and amendment of the restrictive title deed conditions, consent of use and departure: Planning Partners (obo Free Life Trust)

I wish to register my objection to the above application. I object to all three components, namely: 1. Removal and amendment of restrictive title deed conditions. 2. Consent use and 3. Departure.

Owner: Erf. 127, Rocklands Road, Rooi Els. Purchased in 1988. Postal address: P.O. Box Pringle Bay 7196.

Reasons for Comment:

I have examined the application in **DETAIL** and read a lot of scientific information on distilleries and it is clearly totally unsuitable for there to be a microdistillery in the application. The proposed application, if accepted would place an already fragile ecosystem at an unacceptable high risk of fire damage, degradation to the environment due to heavy demands on an already fragile water system and the production of toxic waste products which have to be removed. This in turn will be detrimental to the aves, flora, fauna and people living in Rooi Els and all the surrounding areas. **Please see the submission of Dr. A. Odendaal for the full list of birds in our area.**

Yours VERY sincerely,

Helen C. Jones

FILE NO:	PTn 141 559 ✓
	Hangklip
SCAN NO:	Jones
COLLABORATOR NO:	1545774

L Gillion

TP-A Theart
(Huid Stoep)

549/630

From: jessame malan < >
Sent: Tuesday, 01 June 2021 12:23
To: L Gillion
Subject: Objection - Proposed Rooi Els distillery



Importance: High

Good day,

I strongly object to the application for the proposed distillery on erf 141 at Rooi Els.

Firstly the owner has had the arrogance to start building before the application has even been considered. This must be halted and work done be demolished immediately.

Secondly that area is part of our unique biodiversity. The natural area will be spoilt beyond repair if this were to go ahead. This refers to the affect of industry, high use of water in a water-scarce area, the air pollution and the natural habitat of all animal and bird species – the otters, the rock jumpers. It is a world renowned birding site with visitors from other countries.

Thirdly as this erf can only be reached via one of two twisty and dangerous roads, the fact that they want a spirits tasting room will just add to the number of inebriated drivers on that treacherous road thus putting innocent travellers at risk.

The request to reduce the building line also is not in keeping with this rural area.

The process of construction will create havoc with the rural roads and pollution.

The increased traffic in the Rooi Els district will not be mitigated by any so-called "tourist advantage" for the area.

There will be no way of controlling what they do with the waste products. For them the easiest and cheapest will be to channel it all into the sea – more pollution and damage to our coastline and marine life.

For the sake of our already fragile eco system in the area this application must please be rejected.

Please acknowledge receipt of this objection.

Thank you

Jessame Malan

FILE NO: Ptn 141/559
Hangklip
SCAN NO:
Malan
COLLABORATOR NO:
545792

Monje Jannel Botha



TP - A Theart
(H vld Stoop)

The Municipal Manager
Overstrand Municipality
PO Box 20
HERMANUS
7200

Email: loretta@overstrand.gov.za

MUNICIPAL NOTICE 70/2021

Objection to removal of title deed conditions, departure & consent use in respect of Portion 141 of the farm Hangklip 559

Living in Gordons Bay, I am very aware of the significance and importance of the adjoining Kogelberg Biosphere Reserve.

I object to the establishment of a distillery in the Buffer Zone of the KBR. The Buffer Zone is important in two main aspects: (a) for preserving Critical Biodiversity (in some parts thereof) and (b) also for protecting the Core of the KBR. The proposed distillery will affect both these aspects detrimentally. An industry of this nature is not desirable in this sensitive and ecologically important location. It is as absurd in all respects to starting a distillery on the top of Table Mountain, something which the City of Cape Town will simply not approve.

It is important to remember that the only potential "benefits" of this distillery are employment and tourists. The effect on both employment and tourism will be negligible and will be far outweighed by its potential to do harm. Even large commercial distilleries overseas typically employ only around 5 or 6 people. This will be considerably less in the case of a micro-distillery, notwithstanding empty promises of employment by the applicant. The applicant promises to only accommodate 12 tourists who have to be "taxied" in. In contrast there is an existing niche eco-tourism industry which thrives on the seclusion of the area and the absence of vehicles on the Porter track. The proposed distillery and the existing niche "on foot" eco-tourism industry are simply not compatible. It will be wrong and inequitable to deprive these existing eco-tourism operators of their livelihoods, just to benefit a single property owner whose enterprise is likely to cause some damage and degradation of the environment.

I trust that the application will be denied. Please keep me informed.

MJ Botha
1 June 2021

FILE NO:	Ptn 141/559
	Hangklip ✓
SCAN NO:	Rotha
COLLABORATOR NO:	1545764

TP - A Theart
(Hvd Stoop)

551/620

L Gillion

From: Estelle Buys <...>
Sent: Sunday, 30 May 2021 19:43
To: L Gillion
Subject: Objections to application of Portion 141 /559



Attention: Ms Loretta Gillion

Comments on: Portion 141 (A portion of 133) of the farm Hangklip no. 559, Division Caledon:
Application for removal and amendment of restrictive title deed conditions, consent use and
departure: Planning Partners (obo Free Life Trust)

We wish to register our objection to the above application.

Names: Riël and Estelle Buys

Contact details: Postal address:

Mobile:

Email:

Date: 30 May 2021

We are the owners of Erf 2, Clarence Drive 25, Rooiels

With this we want to register our objection to the above application.

1. The whole application is in essence against the concept of a buffer zone of the Kogelberg Reserve.
2. Our biggest concern is the waste created by the distillery. Distillery waste is known to be highly concentrated and it is one of the most critical environmental issues with distilleries.
3. Building materials that was used to recently do the extension to the barn - which "coincidentally" has the same lay out as the planned distillery - were carted with big trucks through Rooiels along Porter drive. Why would they use this road, but claim in their application that access to the distillery will be from Pringle Bay?

FILE NO: Ptn 141/559 ✓
Hangklip
SCAN NO:
Buys
COLLABORATOR NO:
1545312

TP

31 MAY 2021

TP-A Theart
(Hvid stoep)



31 May 2021

The Municipal Manager Overstrand Municipality
P O Box 20
Hermanus
7200

Dear Sir/Madam

**Municipal Notice 70/2021 portion 141 of the farm Hangklip no 559.
Objection to the application for removal of restrictive conditions,
consent use and departure**

As a researcher on human development, I am aware of and concerned about harmful environmental effects on life. I am also a bird lover and spend much of my free time to read about birds and where I can, watch them.

1. I would like to lodge a strong objection to the planned development on portion 141 of farm Hangklip no 559.
2. I am a homeowner of a property in Gordon's Bay and have keen interest in the region's birds.
3. These are the specific objections I have and the reasons:

The Cape Rockjumper is the bird of the year for 2021. This beautiful bird is listed as Near Threatened on the list of the International Union for Conservation of Nature. Where there were initially about 90 000 individuals, only 30 000 to 60 000 are left. The Cape Rockjumper is found only in the mountains of the south-western part of our country and on the boulders and rocky slopes of Rooi Els. The preferred habitat is the mountain fynbos. Sadly, this essential habitat is declining because of global warming and other reasons such as urban expansion and human

FILE NO: Ptn 141/559
Hangklip ✓
SCAN NO: Odendaal
COLLABORATOR NO: 1545321

TP

31 MAY 2021

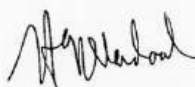
553/630

invasion into their natural habitat, and fires. The Rooi Els area is a top birding destination to see this endemic bird.

I am very concerned about the planned development on portion 141 of farm Hangklip no 559. Building of a gin and whisky distillery in this ecologically sensitive area will have a major impact on this delicate environment of unique flora and fauna.

I trust that you will take note of my sincere objection and will take the necessary action to prevent this unacceptable development and see that the area is restored back to its original state.

Yours sincerely,



Professor Hein Odendaal



554/620

Erf 207, Harveya Road,
Rooiels,
Western Cape.
25.05.2021.

TP - A Theart
(H vld Stoep)

Ms Loretta Gillion,
Administrator, Town and Spatial Planning,
Overstrand Municipality.
Email: Loretta@overstrand.gov.za

Re: Application for removal and amendment of restrictive title deed conditions, consent use and departure in relation to Portion 141 of Portion 133 of the Farm Hangklip No 559, Division Caledon.

I have been the owner of Erf 207, Harveya Road, Rooiels, since 1976. My late husband, Professor Denis Cowen, and I were for many years actively involved in issues relating to the administration and environmental protection, not only of Rooiels, but of the wider Hangklip area, including Kleinmond. During this time we came to a deep understanding of the unique and irreplaceable environmental richness, and the need for this to be stringently and carefully protected.

We have been given the opportunity to comment, in relation to Erf 141, one of the smallholdings on the narrow coastal strip of land between Rooiels and the Buffelsrivier, on

1. the proposed deletion and amendment of title deed condition;
2. a change in its current use to allow for what may be termed agro-industry;
3. a departure from the building regulations currently applying to that property.

This coastal strip of land is in the buffer zone of the Kogelberg Biosphere Reserve, established to protect the heart of the Cape Floral Kingdom, one of the richest areas of biodiversity in the world. Most of it is in near pristine condition, the main exception to this being the alien vegetation that grows on and the questionable activities that have existed on Erf 141 longer than I have been a property owner in Rooiels, which is 45 years. At that time few people had understanding of the environmental significance of this area.

One of the purposes of title deed conditions and building regulations is to protect both the environment and the wider community in which a property is situated.

Would the proposed changes bring benefit to the environment and the wider community, or at the very least have a neutral impact? The common sense answer to that question is a resounding NO. The

FILE NO: PEn 141/559 ✓
Hangklip
SCAN NO:
COWEN
COLLABORATOR NO: 1545381

TP 31 MAY 2021

555/630

building and running of the proposed distillery will bring pollution of different kinds to that area, and also poses a major fire risk. Inevitably, the road will be improved, and there will be spillage from materials brought to Erf 141 for the making of the spirits. An area needs to be known, respected, and loved by those who use it.

I do not have the competence to spell out my objections in scientific terms. However, I am aware of the contents of **Professor Alison Lewis'** objection to these proposals. She is a highly respected member of the UCT academic staff, has been Dean of the Faculty of Engineering and the Built Environment since 2015, and is **widely respected throughout South Africa and further afield** for her work as a chemical engineer. She has given substance to the common sense and instinctive objections many people have concerning the proposed distillery. **In my view, her carefully researched objection should be given very serious consideration.**

Beyond this, I am deeply concerned at the allegation that the owners of Erf 141 have, without having gone through the proper channels, already extended one of the buildings on the property, and have constructed a dam which may encroach on a neighbour's property. These are not the actions of responsible people. Somewhere in the documents sent to me I have seen the odd phrase "self-generated water", which is meaningless. Does it mean water storage? The use of water from an aquifer, which close to the sea in any event could well become tainted with sea water? Does it mean the purification of polluted water? Apart from runoff water stored in a dam constructed illegally, none of these could be acceptable.

Should the three requests be granted, what is to stop the owners of other smallholdings in that area from finding ways to develop in some way their own properties? And if the proposed distillery fails? This would in time bring about the environmental impoverishment of that pristine strip of land, rich in biodiversity, currently giving access to wild creatures living in the area both to the sea and the heart of the Kogelberg Biosphere Reserve.

I therefore strongly object to the granting of, in relation to Erf 141

1. the proposed deletion and amendment of title deed condition;
2. a change in its current use to allow for what may be termed agro-industry;
3. a departure from the building regulations currently applying to that property.

Jean Cowen
Owner, Erf 207, Harveya Road, Rooiels

The Town Planning Department.
Overstrand Municipality
Hermanus
loretta@overstrand.gov.za

26 May 2021

556/630



(Erf 76, Gull rd, Pringlebay)

TP-A Theart
(Huid Stoep)

Objection to the removal of title deed conditions

Portion 141 (portion of portion 133) of the farm Hangklip 559: Application for a distillery and removal of title deed restrictions

1. MY INTEREST IN THE APPLICATION

I am a property owner in Pringlebay and spend most of my time there. We have been in Pringle since 1996 and care deeply about the environment and particularly the pristine areas of critical biodiversity around us in the Biosphere.

2. LEGAL ISSUES WHEN REMOVING TITLEDEEDS OR REZONING AN AREA IN A UNESCO BIOSPHERE

- a) Areas of critical biodiversity should not be rezoned or developed unless strong evidence exists for the conversion.
- b) Currently, all other smallholdings in the area are zoned Rural Area 2: Conservation or undetermined (undetermined only permits existing use which is a single dwelling or no development at all on most of the erven), It makes no sense to have an agro-industry in this remote location.
- c) Most importantly it will be setting a precedent. The fragile biodiversity of the area does not lend itself to be rezoned from currently Agriculture 1 to Agriculture 2: Agriculture Processing. It is well known that distilleries are major sources of environmental pollution owing to the high volume of waste water. Also where will the distillery get its water from and how much will be used per year? For this particular area it might not be sustainable!
- d) The conversion requires that the farm process the materials that it grows. This property does not produce barley or other grains and would have to ship that in. (Maybe he is planning to use the aliens on his property as raw materials, i.e. the alien trees and kikuyu???)
- e) I support the view from the Deeds Office of not allowing the removal of title deed restrictions on Portion 141 solely on the basis of the consent of Hangklip Beach Estates Ltd.
- f) Title deed conditions cannot be removed if it is not in the "public interest" (as legally defined to) to do so. There is no compelling reason why the application is in the public interest. Changing the status quo will impact on the existing use and enjoyment of the area by the general public and specifically the birders coming from all over the country and world to this specific area for the numerous sought-after and endemic species such as the Cape Rockjumper, Cape sugarbird and Orange-breasted Sunbird and many more. Note that access from both the

FILE NO: Ptn 141/559 ✓
Hangklip
SCAN NO:
KUHN
COLLABORATOR NO: 1545375

TP 31 MAY 2021

557/630

Rooiels and Pringle Bay entrances applies here in that many of these sought-after of South Africa's top bird-watching destinations.

The over-reach in the removal of title deed conditions is going beyond of what is required to be removed for the operation of a distillery. Complete removal of all title deed conditions, which he applies for, is totally inappropriate and unnecessary.

3. ENVIRONMENTAL ISSUES

- a) Water and wastewater impact. Septic tank is not a sustainable option, so how is he going to deal with the waste!!!!
- b) The impact of traffic into this fragile area especially large trucks for deliveries to and from the site, on this single lane dirt road, will be unsustainable as well. The wild animals and birds will be severely affected. What about the inconvenience to all other smallholdings with this traffic? Both sides of this area should be considered equally! Why is the entrance from Rooiels unacceptable but Pringle entrance is acceptable?
- c) Fire hazard. We all are aware of the vulnerability of our area with veldfires and strong winds. Distilleries produce alcohol. Both the process and product are known fire hazards.

I strongly object to this proposed development and change of title deed.

I would like to be registered as an interested and affected party for further developments.

Kindly acknowledge receipt of this objection.

Regards
Annabie Kuhn

L Gillion

From: Dick Lockley < >
Sent: Sunday, 30 May 2021 15:40
To: L Gillion
Subject: FW: FW: Objection to Distillery on erf 141 / 559



R. E. H (DICK) LOCKLEY & JILL LOCKLEY
 P.O. BOX 1
 PRINGLE BAY
 7196 CELL:
 EMAIL:

TP-A Theart
 (H vid stoep)

Objection to: Application for removal and amendment of restrictive title deed conditions, consent use and departure of Planning regulations, Portion 141 (A portion of portion 133) of the farm Hangklip no. 559, Division Caledon Advertisement Municipal Notice 70/2021.

I am strongly opposed to the construction and operation of a distillery on erf 141.

For the attention of Senor Town Planner, H. van der Stoep at email loretta@overstrand.gov.za

Objection made by Richard and Jill Lockley owners of Erf 5 and 14 , Rooiels since 1984.

We have a direct and personal interest and we object to this application for consent use for a distillery on the smallholdings brodering Rooiels.

- I have served on EVERY Committee in Rooiels over the years as follows:
 - Deputy Chairman of RERA to Julia Albers for a couple of years.
 - Treasurer of REC to Chris Burlock and Estelle Raymond for over 5 years.
 - Secretary of the Boat Club to a number of Chairmen for well over 5 years and have continued to distribute keys every crayfish season on a voluntary/honorary basis for the last 8 years until my illness prevented me from carrying out the task from September 2020
 - Member of the RESA Committee from the inauguration of the Committee for the first 3 years and resigned once the organisation was operating so successfully.
- We have lived an outdoor life for many years

1

FILE NO: Ptn 141/559 ✓
Hangklip
SCAN NO:
Lockley
COLLABORATOR NO: 1545365

31 MAY 2021

559/630

- I purchased this property to secure and enhance our love of the outdoors where we could hike the mountains, enjoy the coastal walks, the bird life and with our paddle boat go out to sea often especially in good weather and during the crayfish season.

- We do not favour any development that threatens the essence of Rooiels and changes the nature and habitat. I would rather continue to live a settled and peaceful life as we have done for so many years. We both passionately love living here, as it is, and hope we can continue to do so for many more years.

This distillery development offers no benefits or improvements to Rooiels at all. It appears to me to come with considerable disadvantages rather than ANY advantages to the majority of inhabitants of Rooiels. I do not propose to list all the objections as these have been clearly articulated by Anuta Scholtz, Alison and Ian Lewis and Kay Leresche which make a good case against the proposed removal of title deed restrictions and consent use for a distillery which is a fire hazard, will change the habitat and further endanger a critical biodiversity area.

Yours sincerely

Dick and Jill Lockley

Both of whom are strong objectors to the proposed erection and operation of a Distillery on erf 141

R.E.H (DICK) LOCKLEY & JILL LOCKLEY

P.O. BOX

PRINGLE BAY

7196 CELL:

EMAIL:

TP - A Theart
(H vld stoep)

560/630

L Gillion



From: WILLEM PIENAAR < >
Sent: Thursday, 27 May 2021 15:53
To: L Gillion
Subject: Re:Objection against establishment of a distillery on portion 141 of the smallholdings between Rooiels and Pringle Bay which is part of the Kogelberg Biosphere and the buffer zone.

Distillery waste water will cause environmental and health hazards and will have a negative impact on the acidity of the soil, thus again will affect the fynbos which is sensitive to such changes.

This is a fragile area where a diverse range and relatively high number of birds are found that make Rooiels an international birding destination, like the near threatened Cape Rockjumper, as well as the Cape Sugarbird and the ground Woodpecker.

Increased traffic will put pressure on improvement of the access road, more dust, more vehicles, more road maintenance.

Fire wood used to fire the stills will be a huge fire hazard in an already high fire danger area. Rooiels is downwind of the Southeaster with no natural barrier to the fire.

These are only a few of the reasons why such a development is most undesirable.

Hoping to receive your favourable attention.

Martie(M.S.)Pienaar.
269 Cruenta circle
Rooiels

FILE NO:	Pen 141 559 ✓
	Hangklip
SCAN NO:	
	Martie
COLLABORATOR NO:	
	1544843

TP 28 MAY 2021



561/630
TP-A Theart
(Hvd Stoep)

L Gillion

From: Inge Kruger < >
Sent: Friday, 28 May 2021 14:40
To: L Gillion
Subject: objection against the removal of title deed conditions for Portion 141

The Town Planning Department
Overstrand Municipality
Hermanus
loretta@overstrand.gov.za

PORTION 141 (PORTION OF PORTION 133) OF THE FARM HANGKLIP 559: APPLICATION FOR A DISTILLERY AND REMOVAL OF TITLE DEED RESTRICTIONS
OBJECTION AGAINST THE TOTAL REMOVAL OF TITLE DEED CONDITIONS

1. MY INTEREST IN THE APPLICATION

I am the owner of erf 138 Pringle Bay.

I wish to register my objection against the proposed total removal of title deed conditions on Portion 141

Yours faithfully

Ingeborg c Kruger
Owner
Erf 138 pringle bay

contact number: (local) _____ (international)+ _____
Email: _____

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FILE NO: Ptn 1411559
Hangklip ✓
SCAN NO: Kruger
COLLABORATOR NO: 1544832

TP

28 MAY 2021

L Gillion

TP-A Theart
(H Vld Stoep)

From: Andre & Elma van der Walt <
Sent: Thursday, 27 May 2021 15:55
To: L Gillion
Subject: Comments concerning Municipal Notice No. 70/2021: farm HANGKLIP NO. 559,
 DIVISION CALEDON

PORTION 141 (A PORTION OF PORTION 133) OF THE FARM HANGKLIP NO. 559, DIVISION CALEDON: APPLICATION FOR REMOVAL AND AMENDMENT OF RESTRICTIVE TITLE DEED CONDITIONS, CONSENT USE AND DEPARTURE: PLANNING PARTNERS (obo FREE LIFE TRUST) Municipal Notice No. 70/2021

NAME: Dr André van der Walt
PHYSICAL ADDRESS: 393, High Level Rd, Pringle Bay, 7196
POSTAL ADDRESS: PO Box , Pringle Bay, 7196
CONTACT NUMBER:

Interest in the application:

- 1) Pringle Bay resident and home owner
- 2) Nature lover
- 3) Focused on conservation

FILE NO: Ptn 141,559
HangKlip ✓
SCAN NO: Andre
COLLABORATOR NO: 1544836

Reasons for comment:-**1) AGRICULTURE and INDUSTRY:**

The proposed industry in the Kogelberg Biosphere Reserve will have an enormous impact on the sensitivity of this unique internationally known fynbos conservational area. Why choose the Kogelberg Biosphere Reserve for this development while there are already many existing alternative industrial areas to consider? With the air, water and noise pollution that such an industry would bring about to the untouched nature of the area under consideration for this development, it would also be devastating to the conservation of one of few habitats left where the near-threatened Cape Rockjumper (Birdlife South Africa's bird of the year) can be found. The Cape Rockjumper, being endemic to this specific area of the Western Cape, has placed Rooiels and the Kogelberg Biosphere on the birdwatching map of the world.

2) TRAFFIC:

There would inevitably be an increased flow of traffic (goods, workers and visitors) on the access road to the area of the proposed development. The existing access dirt road is currently not open for public use. Increased traffic flow would have a negative impact on the birdlife of the area, even more so if the current dirt road would be considered for upgrade to carry the increased traffic flow.

3) FIRE HAZARD:

The fynbos area is a high risk area for veld fires. A highly flammable alcohol distillery would bring about an additional fire risk to the area; either as primary or secondary initiator. A distillery in this area would thus be a threat to the residents of Rooiels and Pringle Bay.

I hereby submit my comment regarding Municipal Notice No. 70/2021, concerning the farm HANGKLIP NO. 559, DIVISION CALEDON.

Dr AP van der Walt

TP

28 MAY 2021



503/630

TP-A Theart
(H vld stoep)**L Gillion**

From: Erna Pienaar < >
Sent: Friday, 28 May 2021 11:23
To: L Gillion
Subject: Re: OBJECTION against establishment of a distillery on portion 141 of the smallholdings between Rooiels and Pringle Bay which is part of the Kogelberg Biosphere and the buffer zone.

Besides concerns including air pollution, soil contamination, water pollution and depletion of underground water sources by use of a borehole, I include other problems I have with the establishment of your project.

Management of the waste is a great concern since none of the livestock farmers mentioned are nearby. Other waste from the enterprise will be dumped at the Betty's Bay waste station between Pringle Bay and Betty's Bay but the latter is restricted to ONLY garden or green waste.

Being an industry in this specific area will make controls and policing difficult and unacceptable.

Rooiels being an international birding destination is situated in a fragile area where a diverse range of endemic and near threatened birds are found like the Cape Rock jumper, the Cape Sugarbird and the ground Woodpecker. The establishment of a distillery will impact negatively.

URGENT ATTENTION IS NEEDED.

Erna Pienaar
 269 Cruenta circle
 ROOIELS

FILE NO:	Pen 141 559 ✓
Hangklip	
SCAN NO:	Pienaar
COLLABORATOR NO:	1544829

TP

28 MAY 2021

564/630
 TP - A Theart
 (Huid Stoeper)



The Town Planning Department

Overstrand Municipality

Hermanus

loretta@overstrand.gov.za

Name and address: Hilton Circle 63

email address:

Cell no:

Date: 28 May 2021

PORTION 141 (PORTION OF PORTION 133) OF THE FARM HANGKLIP 559: APPLICATION FOR A DISTILLERY AND REMOVAL OF TITLE DEED RESTRICTIONS

OBJECTION AGAINST THE TOTAL REMOVAL OF TITLE DEED CONDITIONS

1. MY INTEREST IN THE APPLICATION

I am the owner of a property in Pringle Bay, Erf 1768.

I wish to register my objection against the proposed total removal of title deed conditions on Portion 141, for the reasons set out hereunder.

I set out a possible solution in paragraph 7.

2. TWO SETS OF TITLE DEEDS FOR PORTION 133 AND PORTION 45.

2.1 REQUEST PLEASE

I request please that a uniform approach be followed by the Overstrand Municipality regarding the compliance with title deed restrictions on the smallholdings between Rooiels and Pringle Bay, even though there are two sets, distinguished from each other by the consent aspect (as set out below).

2.2 THE HISTORY

The smallholdings between Rooiels and Pringle Bay consist of two mother portions, namely Portion 133 and Portion 45, both of the farm Hangklip 559. The smallholdings are either zoned Conservation Usage, or Undetermined, and some as Agriculture, as in the case of Portion 141.

Both mother portions are designated as Critical Biodiversity Area.

Mother Portion 133 was subdivided in the 1960's into a number of smallholdings on the slope of the mountains on the landside of the mountains, and also on the seaside of the mountains.

Inland, across the trunk road, Portion 45 was subdivided into a number of smallholdings at about the same time.

As is usual for township establishment, title deed restrictions for regulating the use of the smallholdings were registered on the title deeds. Zoning scheme regulations were not invented at that time.

Unlike the usual registration (as for mother Portion 45) of the restrictions on smallholdings in favour of both the developer, Hangklip Beach Estates Ltd, as well as in favour of all the other smallholdings in the subdivision, the restrictions on mother Portion 133 were effected only in favour of Hangklip Beach Estates Ltd.

FILE NO: Ptn 141/559 ✓
Hangklip
SCAN NO:
Ungerer
COLLABORATOR NO: 1544822

TP 28 MAY 2021

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This leaves the smallholdings between Rooiels and Pringle Bay with two sets of title deed conditions.

This, in my opinion, is not an ideal situation for a coherent conservation approach for the Critical Biodiversity Area between Rooiels and Hangklip.

3. THE DANGER OF CONSENT BY HANGKLIP BEACH ESTATES

In the application for a distillery on Portion 141, application is also made for the complete removal of title deed conditions, after Hangklip Beach Estates had recently consented to it.

Such removal might now destroy the original land planning that holds the smallholdings together and which protects the other owners from any inappropriate development.

This applies to both mother Portion 133 and mother Portion 45, as Portion 45 will not escape the effects of adverse development, detrimental to conservation, of any Portion 133 smallholdings across the trunk road from them

4. DEEDS OFFICE REQUIREMENT.

We support the view from the Deeds Office of not allowing the removal of the title deed restrictions on Portion 141 solely on the basis of the consent of Hangklip Beach Estates Ltd.

Instead, the Deeds Office now requires the consent of the Overstrand Municipality before registration of the cancellation.

5. IMPORTANT PRECEDENT WILL ALSO BE SET

In our opinion it is important now that a precedent also be set that the Overstrand Municipality needs to approve such removals of restrictions which are otherwise applied for on the basis of consent only.

6. THE NEED FOR DESIRABILITY TO BE PROVED

6.1 It is important that the set legal procedure and considerations be followed for the application.

6.2 I would submit that consent by Hangklip Beach Estates does not amount to the requirement of desirability (or public interest or social benefit).

6.3 Title deed conditions cannot be removed if it is not in the "public interest" (as legally defined) to do so. I find no compelling reason in the Applicant's report why the application is in the public interest.

6.4 It is important to retain as much of these title deed conditions as possible, as these conditions create the very character of a particular area. Typically most nearby properties have similar title deed conditions. It follows that any change in this status quo may have consequences and disparities for all other nearby properties owners.

6.5 It should also be considered that the Applicant is seeking to change the status quo of the area in a way that will seriously impact on the existing use and enjoyment of the area by the general public. The potential cost to the environment, and very real loss of income from eco-tourists like the birders (including the restaurants and accommodation facilities serving them) by far outweigh the benefits of having a distillery. In my opinion, there are no benefits, only serious risks. The Applicant has failed to prove public interest.

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6.6 There appears to be considerable over-reach in the removal of title deed conditions going way beyond what are required to be removed for the operation of a distillery.

As per the opening paragraphs of the present application, two small adjustments were originally sought to enable the agricultural industry.

The complete removal of all title deed conditions, which is now applied for, is overbroad.

7. POSSIBLE SOLUTION:

7.1 I would propose that the OM approve the following:

7.1.1 **The deletion of C4:** "No building shall be erected within 25,19 metres of any road or within 6,3 metres of any other boundary of the land."

7.1.2 **The amendment of C13:** "No [shop,] public garages or filling stations, business premises, canteens, bioscopes, factory or industrial buildings shall be erected on the land nor shall any such business or public entertainment be conducted on the land."

7.2 I would submit that the above will allow the applicant to conduct its consent uses of agricultural industry and farm stall, under the current zoning of the smallholding of Agriculture (AGR1). However, this in itself must not be seen as me supporting an approval for a distillery as applied for.

Yours faithfully,



Prof Marius Ungerer

567/630

D R KOTZE



26 May 2021

TP - A Theart
(Huid Stoep)

The Municipal Manager Overstrand Municipality
PO Box 20
HERMANUS
7200

Email: loretta@overstrand.gov.za

FILE NO: Ptn 141 559 ✓
Hangklip
SCAN NO:
KOTZE
COLLABORATOR NO:
154 4814

Dear Sir

MN 70/2021

OBJECTION TO REMOVAL OF RESTRICTIVE TITLE CONDITIONS, DEPARTURE AND CONSENT USE: PORTION 141 OF THE FARM HANGKLIP 559

I am a regular visitor to Overstrand and particularly fond of Rooiels, Kleinmond and Hermanus. I am looking forward to investing in property here someday.

However, I am saddened to hear that Overstrand Municipality is considering an application of a distillery in a totally inappropriate area. This would detract greatly from the integrity of the Rooiels / Pringle Bay smallholding area and will be highly undesirable for the whole of Overstrand.

I am a medical technology field service engineer and accordingly have some scientific background.

What is clear to me is that a micro-distillery is totally unsuitable for this particular property situated where it is in a biodiversity hotspot. All distilleries (whether micro or not) carry a significant fire risk as well as a risk of pollution and contamination. It is therefore not prudent to situate such activities in or near a highly sensitive and fragile area.

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This is the reason why, on the whole, an industrial zoning is usually required for distilleries. Whether on large or small scale, a distillery requires intricate and potentially hazardous industrial-like processes.

As you are no doubt aware, a micro-distiller may in terms of its license produce a significantly large amount of spirits per annum (2 Million liters). There is absolutely no obligation for the distillery to reduce such output nor can it legally be enforced by Overstrand Municipality in this remote location.

Distilleries are generally not considered to be environmentally friendly. Distilleries are known to be among the most polluting industries in the world. This is in part due to their prolific water consumption, consumption of fossil fuels or electricity for heating, toxic waste products, run-off with highly concentrated salts and nitrogen which **will**, over time, have devastating effects on the surrounding ecosystem. This particular distillery will have **two additional undesirable impacts** over and above those already mentioned.

The first additional impact is the extensive transportation of everything: including visitors, sewerage, the grain base products, waste matter, packaging material, stock for the gift shop and tasting venue, etc. This is definitely unacceptable and unsustainable from an environmental perspective.

The second is its extraction of water from the property itself. In a water-poor country, this is not acceptable and not ecologically sustainable in the long term.

These two additional factors make the proposed distillery is particularly unsustainable and inimical to the environment. It makes no sense to allow it in a fragile area in the Buffer Zone of the Kogelberg Biosphere.

I am given to understand that the "consent use" for a distillery when the land is zoned for Agriculture **only applies in certain exceptional circumstances** where there is an urgent need for quick processing of produce produced on or near the land due to the perishability thereof. This type of consent use is never given by other municipalities when the end product produced at a distillery (or other enterprise) is not in a substantial sense related to the agricultural activities on that land. With an agricultural zoning, agriculture is always the main activity and agri-industry must a secondary one. In these circumstances that is certainly not the case and a rezoning is clearly indicated.

I trust that this application will be turned down by the Overstrand Municipal Planning Tribunal.

Yours faithfully

D R KOTZE

Margaret Ellis
 Neighbouring Property Address: Erf 777, Rooiels
 Mailing Address:
 Email Address:
 Mobile Address:



TP - A Theart
 (Huid Steep)

To: Municipal Manager
 Overstrand Municipality
 PO BOX 20
 HERMANUS 7200
 Western Cape, South Africa
 Email: loretta@overstrand.gov.za

With respect to the Notice in connection with an application submitted to the Overstrand Municipality (OM) in terms of the Municipal Land Use Planning By-Law pertaining to Portion 141 of the farm Hangklip 559 Caledon, as well as the application motivation report, my written objections are hereby submitted to the OM as specified in the Notice.

My interest in the application is threefold: (1) as an affected neighbour whose property is nearby the applicant's property; (2) as a Rooiels ratepayer; and (3) as a member of the Rooiels community.

The reasons for my comments are to strongly oppose and object to the application and development as follows:

Objections or Comments No. 1-17

Removal and Amendment of Restrictive Title Deed Conditions

Application in terms of Section 16(2)(f) of the By-Law for the removal of restrictive title deed conditions with reference to Clauses C.1., C.2., C.3., C.4., C.5., C.6., C.7., C.8., C.9., C.10., C.11. and C.12. of Title Deed T8920/2005, as well as the amendment of a restrictive title condition with reference to Clause C.13. of Title Deed T8920/2005.

- 1. Important Biodiversity Conservation Area.** I believe the proposed whisky and gin distillery and manufacturing is completely inappropriate in this area which has been designated an important biodiversity conservation area. I believe it would be extremely inappropriate of OM, especially at a time when global leaders are taking seriously the need to protect the environment, to approve a project which so obviously and clearly will inevitably, regardless of any mitigations the applicant may claim, damage this unique and pristine environment.
- 2. International Tourism for Wildlife & Environment:** I understand there is a great deal of pressure on the OM to support ventures which will provide jobs. However, please consider how the approval of this Distillery would back-fire and negate your

FILE NO: Ptn 141/559
Hangklip ✓
SCAN NO: Ellis
COLLABORATOR NO: 1544812

TP 28 MAY 2021

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efforts to create jobs. There are a vast number of tour guides and visitors from all parts of the world who visit this very area to see the bird the Cape Rockjumper which is not easily seen anywhere else (up high mountains which most tourists either do not have time to climb or are not inclined to climb). I know that in the previous application process, the OM received letters of objection from all over the world, including Asia and the Americas, from naturalists who wished to object and emphasise the important of this coastal strip. All these tourists presumably need accommodations and to eat and wish to visit other attractions (Harold Porter and the Penguin Colony). This new application changes little to nothing. This enormous segment of tourism to the Overstrand would be lost. Indeed, this small part of Rooiels provides the Overstrand with international renown. The Cape Rockjumper is on the Red Data list and scientists have indicated it is possible Rooiels will be one of the few places that this species could survive with climate change.

3. **The Purchase in Good Faith of Properties in Areas with Title Deed Restrictions:** I am strongly opposed to the OM allowing the rescinding of title deed stipulations. When I bought my property, I took note of the restrictions to which I am subject, and assumed that my neighbours had also taken note of the restrictions on their properties, and that future neighbours would do the same. I acted with the assumption that the authorities would act in good faith and insist on all future building being in accordance with these title deeds - the very existence of which encouraged me to purchase my property. It would be outrageous for the OM to rescind on the expectations which have been created thus far. It is simply not fair-minded and not honest to ask current owners in a residential area to accept a distillery in their "back-yard".
4. **Introduction of Commercial Facilities into Residential/Limited Agricultural Area:** It is absolutely wrong and corrupt to allow commercial endeavours of the kind the distillery would be, in an area which was assumed to be residential bounded by limited agricultural. Agriculture 2 (Agro-processing) is not in keeping with the other properties that have been designated conservation usage, or are undetermined which permits only the current limited use. Once it has been rezoned to agro-industrial, and if a micro-distillery licence is granted, there will be nothing to stop the expansion to 2 million litres per annum (the limit for a micro distillery).
5. **Usage of Porter Drive:** I am very strongly opposed to this application because of the impact it would have on the usage of the dirt road between Rooiels and Pringle Bay. Once the development is undertaken then there will be trucks coming in with the grain, with the bottles and trucks taking out the product and the waste and the tourist traffic. Any claim by the applicant that tourists will be bussed in from Pringle Bay or that the commercial trucks needed will be minimal is simply not realistic. It is simply not appropriate to have frequent and heavy vehicular traffic on that road, and will significantly, most unpleasantly, noxiously and gravely negatively affect all those residents who live along this road. For the OM to ignore this aspect of major impact on current residents would be unforgivable.

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6. **Disposal of Waste Water:** I am not adequately knowledgeable to comment on the impact of the waste water, but exhort the OM to take note of other objections which speak capably to this danger. Certainly wastewater from distilleries is acknowledged to be one of the most polluted types of water of which to dispose.
7. **Creation of Precedents & Opening for Future Undesirable Activities:** I am extremely troubled and concerned at the potential impact of removal of these title deed restrictions, along with re-zoning. It is inevitable that approval of this application would create precedents. Also, if the title deed restrictions are lifted and the rezoning approved, then any future owner of the property would be able to significantly expand the distillery, or host weddings, raves, motorbike rallies or other activities that attract even more traffic. I find it deceitful, treacherous and corrupt to allow the purchase of properties where the owners have one understanding of the laws and title deeds in place to monitor their surroundings, only to have the OM change all of that without taking into account the vast number of residents and ratepayers who object to such changes, particularly when there are no good reasons to consider lifting of title deeds or re-zoning.

Approval of this application would most certainly provide no benefits to the neighbouring properties and without doubt would cause a great deal of on-going harm to them; but also, any potential benefits to the OM are far outweighed by the risks, harmful outcomes and loss of an area of which the OM should be proud – it is most unique in all the world. It is an international treasure. The potential for international tourism is in the very nature of its current status – natural, unspoiled and precious beauty, which also allows the life and existence of rare and wondrous creatures like Cape Leopards and Cape Rockjumpers.

I implore the OM to not ignore the more than 100 objections received to the original application and the many objections to this revised application, which does not alter any of the basic issues, but seeks to white wash over core issues which are unchanged. I implore the OM not to approve the application for the Removal of Title Deed Restrictions, Rezoning, and Consent Use of the said property – portion 141 of the Farm, Hangklip 559 Caledon. I sincerely believe it would be a grievous dereliction of your duty to do otherwise.

I will appreciate the Overstrand Municipality acting in good faith for all of its residents in the consideration of this application.

I appreciate your time in consideration of this letter of objection.

Kind regards



Margaret Ellis
Erf 277, Rooiels

The Town Planning Department



572/630

Erf 89

9 Gull Road

Pringle Bay

7196

Overstrand Municipality

TP - A Theart
(Huid Steep)

Cell no

loretta@overstrand.gov.za

Date 27/05/2021

PORTION 141 (PORTION OF PORTION 133) OF THE FARM HANGKLIP 559: APPLICATION FOR A DISTILLERY AND REMOVAL OF TITLE DEED RESTRICTIONS

OBJECTION AGAINST THE TOTAL REMOVAL OF TITLE DEED CONDITIONS

1. MY INTEREST IN THE APPLICATION

I am the owner of a smallholding, Portion O/S, between Rooiels and Pringle Bay.

I wish to register my objection against the proposed total removal of title deed conditions on Portion 141, for the reasons set out hereunder.

I set out a possible solution in paragraph 7.

2. TWO SETS OF TITLE DEEDS FOR PORTION 133 AND PORTION 45.

2.1 REQUEST PLEASE

I request please that a uniform approach be followed by the Overstrand Municipality regarding the compliance with title deed restrictions on the smallholdings between Rooiels and Pringle Bay, even though there are two sets, distinguished from each other by the consent aspect (as set out below).

2.2 THE HISTORY

The smallholdings between Rooiels and Pringle Bay consist of two mother portions, namely Portion 133 and Portion 45, both of the farm Hangklip 559. The smallholdings are either zoned Conservation Usage, or Undetermined, and some as Agriculture, as in the case of Portion 141.

Both mother portions are designated as Critical Biodiversity Area.

Mother Portion 133 was subdivided in the 1960's into a number of smallholdings on the slope of the mountains on the landside of the mountains, and also on the seaside of the mountains.

Inland, across the trunk road, Portion 45 was subdivided into a number of smallholdings at about the same time.

FILE NO: Ptn 141/559 ✓
Hangklip
SCAN NO:
Kruger
COLLABORATOR NO: 1544792

TP 28 MAY 2021

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As is usual for township establishment, title deed restrictions for regulating the use of the smallholdings were registered on the title deeds. Zoning scheme regulations were not invented at that time.

Unlike the usual registration (as for mother Portion 45) of the restrictions on smallholdings in favour of both the developer, Hangklip Beach Estates Ltd, as well as in favour of all the other smallholdings in the subdivision, the restrictions on mother Portion 133 were effected only in favour of Hangklip Beach Estates Ltd.

This leaves the smallholdings between Rooiels and Pringle Bay with two sets of title deed conditions.

This, in my opinion, is not an ideal situation for a coherent conservation approach for the Critical Biodiversity Area between Rooiels and Hangklip.

3. THE DANGER OF CONSENT BY HANGKLIP BEACH ESTATES

In the application for a distillery on Portion 141, application is also made for the complete removal of title deed conditions, after Hangklip Beach Estates had recently consented to it.

Such removal might now destroy the original land planning that holds the smallholdings together and which protects the other owners from any inappropriate development.

This applies to both mother Portion 133 and mother Portion 45, as Portion 45 will not escape the effects of adverse development, detrimental to conservation, of any Portion 133 smallholdings across the trunk road from them

4. DEEDS OFFICE REQUIREMENT.

We support the view from the Deeds Office of not allowing the removal of the title deed restrictions on Portion 141 solely on the basis of the consent of Hangklip Beach Estates Ltd.

Instead, the Deeds Office now requires the consent of the Overstrand Municipality before registration of the cancellation.

5. IMPORTANT PRECEDENT WILL ALSO BE SET

In our opinion it is important now that a precedent also be set that the Overstrand Municipality needs to approve such removals of restrictions which are otherwise applied for on the basis of consent only.

6. THE NEED FOR DESIRABILITY TO BE PROVED

6.1 It is important that the set legal procedure and considerations be followed for the application.

6.2 I would submit that consent by Hangklip Beach Estates does not amount to the requirement of desirability (or public interest or social benefit).

6.3 Title deed conditions cannot be removed if it is not in the "public interest" (as legally defined) to do so. I find no compelling reason in the Applicant's report why the application is in the public interest.

6.4 It is important to retain as much of these title deed conditions as possible, as these conditions create the very character of a particular area. Typically most nearby properties have similar title deed conditions. It follows that any change in this status quo may have consequences and disparities for all other nearby properties owners.

574/630

6.5 It should also be considered that the Applicant is seeking to change the status quo of the area in a way that will seriously impact on the existing use and enjoyment of the area by the general public. The potential cost to the environment, and very real loss of income from eco-tourists like the birders (including the restaurants and accommodation facilities serving them) by far outweigh the benefits of having a distillery. In my opinion, there are no benefits, only serious risks. The Applicant has failed to prove public interest.

6.6 There appears to be considerable over-reach in the removal of title deed conditions going way beyond what are required to be removed for the operation of a distillery.

As per the opening paragraphs of the present application, two small adjustments were originally sought to enable the agricultural industry.

The complete removal of all title deed conditions, which is now applied for, is overbroad.

7. POSSIBLE SOLUTION:

7.1 I would propose that the OM approve the following:

7.1.1 **The deletion of C4:** "No building shall be erected within 25,19 metres of any road or within 6,3 metres of any other boundary of the land."

7.1.2 **The amendment of C13:** "No [shop,] public garages or filling stations, business premises, canteens, bioscopes, factory or industrial buildings shall be erected on the land nor shall any such business or public entertainment be conducted on the land."

7.2 I would submit that the above will allow the applicant to conduct its consent uses of agricultural industry and farm stall, under the current zoning of the smallholding of Agriculture (AGR1). However, this in itself must not be seen as me supporting an approval for a distillery as applied for.

Yours faithfully,



F Kruger

27/05/2021

L Gillion

575/630

From: Elma Van Der Walt < >
Sent: Thursday, 27 May 2021 14:11
To: L Gillion
Subject: Municipal Notice No. 70/2021: Concerning the farm HANGKLIP NO. 559, DIVISION CALEDON

PORTION 141 (A PORTION OF PORTION 133) OF THE FARM HANGKLIP NO. 559, DIVISION CALEDON: APPLICATION FOR REMOVAL AND AMENDMENT OF RESTRICTIVE TITLE DEED CONDITIONS, CONSENT USE AND DEPARTURE: PLANNING PARTNERS (obo FREE LIFE TRUST) Municipal Notice No. 70/2021

NAME: Mrs Elma van der Walt
PHYSICAL ADDRESS: 393, High Level Rd, Pringle Bay, 7196
POSTAL ADDRESS: PO Box , Pringle Bay, 7196
CONTACT NUMBER:

**Interest in the application:**

- 1) Pringle Bay resident and home owner
- 2) Bird Watcher
- 3) Focused on conservation
- 4) Fire hazard concern

TP-A Theart
(H vld Stoep)

Reasons for comment:-**1) AGRICULTURE and INDUSTRY:**

* **AGRICULTURE** as well as **FARMING** in the Kogelberg Biosphere Reserve will have an enormous impact on the sensitivity of this area. Cultivating land and growing crops in a sensitive fynbos area, how can this even be considered? This will have a huge negative impact on our abundant birdlife in this area. **AGRICULTURE** will have a negative impact on the natural environment that it currently is.

* **INDUSTRY** is the economic activity concerned with the processing of raw materials and manufacture of goods. **Why choose the Kogelberg Biosphere Reserve for an industry?** It is clearly NOT an area suited for any form of industry. This is a fragile area where a range of endemic birds can be found, especially the near-threatened Cape Rockjumper. This bird is considered as a highlight of Rooiels and it is the best place in the world to view this bird. Bird Watching is a worldwide hobby and the Cape Rockjumper has placed Rooiels and our Kogelberg Biosphere on the birdwatching map of the world. **INDUSTRY** will have a negative impact on the natural environment that it currently is.

2) TRAFFIC:

A distillery will have a constant traffic flow of goods in and out. There will be a flow of cars and trucks on a road that currently have very little traffic. This flow of traffic will have a negative impact on the birdlife of the area. The road is currently a gravel road, so there will be an increase of dust. It is inevitable that the current road will have to be upgraded to carry the increased traffic volume. Upgrading of the road will once again have a negative impact on the natural environment that it currently is.

3) FIRE HAZARD:

This area is a high risk area for fires. This development will create unnecessary fire risks for everyone living in this area. The distillery may be the cause of the fire OR a fire may materialize from another outside source. Both scenarios will be devastating. A distillery in this area is thus a threat to all residents of Rooiels and Pringle Bay.

FILE NO: Pen 141/559 ✓
Hangklip
SCAN NO:
Elmd
COLLABORATOR NO: 1544775

28 MAY 2021

TP

576/630

I hereby submit my comment regarding Municipal Notice No. 70/2021, concerning the farm HANGKLIP NO. 559, DIVISION CALEDON.

Mrs Elma van der Walt

Marius & Evette Weyers

"Emoyeni", Priestleya Street, Rooiels

577/630

26 May 2021

The Municipal Manager Overstrand Municipality

PO Box 20

HERMANUS

7200



TP-A Theart
(H Vld Stoop)

Email: loretta@overstrand.gov.za

Dear Sir or Madam

OBJECTION TO REMOVAL OF RESTRICTIVE TITLE CONDITIONS, DEPARTURE AND CONSENT USE: PORTION 141 OF THE FARM HANGKLIP 559 (MN 70/2021)

We are permanent residents of Rooiels and owners of erf 156 Rooiels.

We've endeavoured to promote sustainable living for years. We were founder members of Seawatch and the Biosphere Action Group and have been active in the Rooiels Hack Group for many years. Evette also served on both the Exco's of Rooiels Conservancy and Rooiels Ratepayers Organisation.

We are most concerned about the proposed Distillery and are shocked that Overstrand's town planners could even accept such a proposal for advertisement.

We believe that a distillery would be totally inappropriate in this area. It would detract greatly from the ecological integrity of the Rooiels / Pringle Bay coastal smallholding area. It will be undesirable for the whole of Overstrand due to a loss of ecotourism and damage the international significance of this birding spot. As you are well aware, Portion 141 is in the Buffer Zone of an international Biosphere and also in the middle of an area designated a "Critical Biodiversity Area".

All distilleries (whether micro or not) carry a significant fire risk as well as risks of pollution and contamination. Waste water is a special area of concern, as it inevitably ends up in nearby dams, streams and groundwater and it is completely unsuitable and harmful to fynbos.

FILE NO:	Ptn 141 / 559 ✓
Hangklip	
SCAN NO:	
Weyers	
COLLABORATOR NO:	1544749

28 MAY 2021

578/630

It is therefore not prudent to situate such activities in or near a such a highly sensitive and fragile area. Most municipalities require an industrial zoning for distilleries. Whether on large or small scale, a distillery carries out industrial and hazardous processes.

As you are no doubt also aware, a micro-distiller may in terms of its license produce a significantly amount of spirits per annum (2 Million litres). There is absolutely no obligation on the proposed distillery to reduce its output nor Overstrand legally enforce or police this.

Likewise, the promises by the applicants of limited use of a public road (Porter Drive) are completely unenforceable and cannot be policed in this remote location.

World-wide, distilleries not considered to be environmentally friendly because of their inevitable output of noxious by-products. Distilleries are also not regarded as environmentally friendly because of their high water consumption, high run-off, consumption of fossil fuels or electricity for heating and toxic waste products.

Their run-off is typically hot liquid waste with highly concentrated salts and nitrogen which will, over time, have devastating effects on the surrounding ecosystem, especially as it seems that the applicants proposed that this will be used for irrigation.

We are also concerned that this run off will inevitably find its way into the "dam/fire pool" adjacent to the distillery building.

This particular distillery has **two additional undesirable impacts** over and above those already mentioned. Firstly, it requires extensive transport of everything: from raw products, waste, to visitors. This is all necessitated by the remote location and the fact that the raw products used are not produced on the farm or even nearby. This is definitely unacceptable and unsustainable from an environmental perspective!

Secondly the extraction of subterranean water from the property itself for industrial purposes is not acceptable and not ecologically sustainable.

These two additional factors make this proposed distillery is particularly unfriendly to the environment. It makes no sense to allow it to operate in a fragile area in the Buffer Zone of the Kogelberg Biosphere.

I trust that this application will be turned down by and that common sense and respect for the concept of sustainability will prevail.

Yours faithfully

Marius and Evette Weyers

ZIETSMAN - HORN
INGELYF/INCORPORATED
REG NO: 92/06945/21

voorheen/previously:
WESSELS & LE ROUX

BEYERS NAUDE RLN 208
208 BEYERS NAUDE DRIVE
RUSTENBURG
0299

POSBUS/P O BOX 54
RUSTENBURG
0300

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DIREKTEURE/DIRECTORS:

JOHAN WILLEM HORN
B.IUR (PU vir CHO)
B.PROC (UNISA)

CORNÉ JOHANNES NEL
B.IUR (UP) B.PROC (UP)

ZIETSMAN - HORN 579/630

PROKUREURS, AKTEVERVAARDIGERS & BOEDELBEHEERERS
ATTORNEYS, CONVEYANCERS & ADMINISTRATORS

ONS VERW./ OUR REF : MR. HORN/sr/HR412
sanet@zh.co.za

U VERW / YOUR REF :

2021-05-27

**THE MUNICIPAL MANAGER
OVERSTRAND MUNICIPALITY**

BY EMAIL: loretta@overstrand.gov.za

Sirs

**OBJECTION AGAINST THE REMOVAL OF TITLE DEED RESTRICTIONS :
PORTION 141 (PORTION OF PORTION 133) OF THE FARM HANGLIP 559,
DIVISION CALEDON
OUR CLIENT: RONAL SCHILD TRUST**

We refer to the above matter and have been instructed by our client the Ronal Schild Trust the registered owner of Stand 217 Rooiels, also known as 35 Harveya Road, to lodge this objection against the proposed removal of title deed restrictions on Portion 141 of the Farm Hangklip.

The position is potentially clear.

This whole area is a nature area and is also a biosphere. This is the most unlikely location to be building a gin distillery. This proposed distillery is in the heart of the few remaining coastal bounds of natural beauty that have not yet fallen prey to ribbon development. This is also unwarranted development in a critical biodiversity area.

It also appears that the owner has already pre-empted the permission being granted to him, by completing additions to the existing building, under the guise of building a barn.

This whole exercise is to the detriment of the total area and would open a flood gate of further applications for the removal and amended of restrictive title deed conditions.

The restrictive title deed conditions have specifically been included in the title deed, to safeguard the area.

We can therefore under no circumstances give our consent to this application.

Please acknowledge receipt hereof and keep us posted as to developments.

Yours faithfully
ZIETSMAN-HORN INC
pp: J.W. HORN



FILE NO: Ptn 141/559 ✓
Hangklip
SCAN NO:
Ronal
COLLABORATOR NO: 1544718



TP - A Theart
(H vld Stoep)

TP 28 MAY 2021

TP - A Theart
(H v/d Steep)



Attention: Ms Loretta Gillion
Administrator, Town & Spatial Planning
Overstrand Municipality
Via email: loretta@overstrand.gov.za

With reference: Portion 141 (a portion of portion 133) of the farm Hangklip no.559, Division Caledon: Application for removal and amendment of restrictive title deed conditions, consent use and departure: Planning Partners (obo Free Life Trust).

As a property owners and members of Barrydale Sanibona Place cc located in Rooi Els, we wish to register our objections to the above application.

We list our objections as follows:-

1. It is a known fact that Distilleries are a **high fire risk**. The property in question has a forest of Blue Gum / Eucalyptus trees which are highly inflammable and this could pose a significant threat to the surrounding areas and the possibility of destroying the current fragile ecosystem.
2. The **increase in traffic** (trucks, public transport, service vehicles and vehicles in general) along a single small holding gravel road, could **pose a threat to the future of The Cape Rock Jumper**. The area close by to the proposed Distillery is home to The Cape Rock Jumper and bird watchers the world over visit the area on foot to catch a glimpse of these iconic birds. The applicant claims that the Pringle Bay entrance to the small holdings will be used but since the building operations commenced on the said property, the Rooi Els entrance has been used. How would this be controlled?
3. Amending the removal and amendment of restrictive title deed conditions, consent use and departure could **set a precedent for future commercialism and development** in a critical Biodiversity area. The proposed Distillery is in the heart of this area and it's natural beauty should not be compromised by any such commercial enterprises.

We look forward to a reply to our objections.

Names: Mr Jan Dagh and Mrs Diana Dagh – members of Barrydale Sanibona Place cc
Address: Erf 225 Ocean Vew, Rooi Els
Postal Address: P O Box
E-mail address:
Date: 26 May 2021

FILE NO: Ptn 141/559
Hangklip ✓
SCAN NO: Dagh
COLLABORATOR NO: 543520

TP 27 MAY 2021

The Municipal Manager
Overstrand Municipality
16 Paterson Street
Hermanus
7200

18 May 2021

581/630



TP - A Theart
(H vld Stoep)

Dear Sir

OBJECTION AGAINST THE REMOVAL OF TITLE DEED CONDITIONS, CONSENT USE AND DEPARTURE APPLICATION PORTION 141/559
MN 70/2021

Inappropriate

As a regular visitor to the area, I am dismayed at the idea of a distillery in the producing strong alcohol in the Buffer Zone of an internationally proclaimed Biosphere Reserve. It is also inappropriate to have people consuming such strong alcohol at a tasting venue in this area. This is not in the best interests of Overstrand, South Africa and the International Community who all have an interest in this Biosphere.

Removal of title deed conditions are not in the public interest

I am opposed to the removal of the title deed conditions as it clearly is not "in the public interest" to have a noxious industry which can produce up to 2 million litres of hard alcohol in this special critical biodiversity and Buffer zone area. If it is averred that a distillery is not a noxious industry, then why is it necessary to apply to remove this condition?

Rezoning is required, not consent use

I am opposed to the consent use application. It seems to be a contrived attempt to avoid a rezoning of the property which is necessary in the circumstances.

Agricultural industry is defined as an enterprise for the processing of agricultural related products "on or close to the land unit where these agricultural products are grown, harvested and raised where processing in such proximity is necessary due to the nature, perishability and fragility of such agricultural products". These legal requirements, have clearly not been met as the barley for distilling will be transported from far away. There is also no necessity "due to the nature, perishability and fragility" as substantially all the ingredients used, are transported in.

Not sustainable and not environmentally friendly

Given the massive amounts of unnecessary transportation involved, this distillery is clearly not ecologically friendly and is not ecologically sustainable. This is not acceptable activity in the buffer zone of an international Biosphere.

Risks

The risks of having a small to medium industry in this particular area, hidden far away from proper controls and policing are also unacceptable. This is simply not the right place for the establishment of this type of manufacturing enterprise. These risks include fire, dust, air pollution, soil contamination, water pollution, depletion of underground water sources by the light industrial use of a borehole.

Yours faithfully
Dr JG Niemand

FILE NO: Ptn 141/559
Hangklip
SCAN NO:
Niemand
COLLABORATOR NO:
1543445

TP 27 MAY 2021

L Gillion

KHAAG 141/559

582/630

From: Brenda Hayward < >
Sent: Wednesday, 26 May 2021 14:36
To: L Gillion
Subject: Distillery in Rooiels/Pringle Bay area



Good day Loretta - I understand you are collating objections to such a development...
Please would you also submit mine which follow:

TP - A Theart
(Huid Stoep)

Having visited Rooiels on numerous occasions specifically to visit the pristine beaches, kopies and fynbos along the coastline adjacent to Rooiels I am appalled to hear that there is a move afoot to allow a portion of the unspoiled and isolated coastal area for industrial use - albeit agricultural industry.

There is a reason that the restrictions have been put in place specifically to preserve the ambience as well as the fauna and flora of the area, and frankly I believe accepting this change would be the thin edge of the wedge. The next thing we know is there will be a theme park or some such on other erfs. What many people out to make a buck don't know (or don't care) is that many of the species found in this area have a limited habitat and are specific to the conditions found in this area - such as the Cape Rockjumper, which it seems is being squeezed into a smaller and smaller area. See Wikipedia which states:

Cape Rockjumpers exist only in Alpine Fynbos, a specialized habitat of 90 000 ha from Cape Town to Port Elizabeth in South Africa. It goes on to give further details about the specific requirements of this bird.
>>>> https://en.wikipedia.org/wiki/Cape_rockjumper

Furthermore such people may not be aware that many birders come from upcountry and overseas to see such unique birds (or flora), thus generating income for both the area and the country.

You may laugh at this and think it can't be a substantial inflow, but let me tell you that birders fly from Gauteng and elsewhere in South Africa just because a bird - rare for the Eastern Cape - has been seen near the Nelson Mandela University or along the coastline. This generates substantial income for Port Elizabeth.

So what do you think this kind of interest means for Rooiels, not only in birds but in the flora of the area too?

I come to my third main point. Why has this specific location been selected for a distillery?

It seems unlikely to me that this industry cannot be erected and operated elsewhere - in a more populated zone or closer to grain farms in the hinterland like the numerous wineries which are on grape farms in the area. And what is to be done with the industrial waste that will be a by-product of such a process.

What is it about this specific erf that requires that it be rezoned defeating the original restrictions put in place at an earlier time.

Brenda Hayward

1

FILE NO: Ptn 141/559 ✓
Hangklip
SCAN NO: Hayward
COLLABORATOR NO: 1543426

588/630



To: The Overstrand Municipality

Please note my objection to the following:

*Application for removal and amendment of restrictive title deed conditions and consent use
Portion 141 (A portion of portion 133) of the farm Hangklip no. 559, Division
Caledon Advertisement Municipal Notice 70/2021*

Name and Address of objector:

Kate Philip

Interest: Part owner of Erf 121 Rocklands Road in Rooiels, on behalf also of co-owners Marie Philip and Jane Toerien.

Basis for objections:

As a family, we have been co-owners of the above property for 53 years, since 1968. Since then, we have seen significant development in Rooi Els, but it has been contained within the village and has not damaged the pristine eco-systems where it is now proposed to locate the distillery.

The coastal stretch between Rooi Els and Pringle Bay is unique because of its high level of protection from road traffic, creating a natural link from the mountains to the sea for wildlife, with little disturbance. This is why it is home to endemic flora and fauna, including the rare Rockjumpers, as well as the Cape leopard. As one of few undeveloped coastal plains, it is also home to the endangered Kogelberg Sandstone Fynbos – which has been placed at even greater risk by devastating recent fires. The priority has to be to protect this biodiversity.

To compound matters, a distillery is likely to compound the fire hazard, given the presence of significant volumes of alcohol on site, putting the fynbos, the wildlife as well as properties in jeopardy.

The road traffic will place undue pressure on the roads leading up to it, with the costs of road maintenance for this one business disproportionate in the face of other needs from the municipality within the village. The same applies to the water and sanitation infrastructure needed to support tourism. Pressure on the roads will comprise not only tourist traffic but also the traffic bringing source materials in and final products out. This traffic will have to pass through the village, disturbing the residential character of this community. The location of the distillery far from its source materials makes little economic sense, but places pressure on village infrastructure.

Yours sincerely

Kate Philip

FILE NO: Ptn 141/559
Hangklip
SCAN NO:
04
COLLABORATOR NO: 1542822

TP 26 MAY 2021

584/630

O J van der Walt and M Barnard
 Joint owners of property at Erf 117, Rooiels
 District Overstrand Municipality
 2 Rocklands Road
 Rooiels
 Contact details:
 e-mail
 Tel
 24 May 2021



TP - A Theart
 (Huid Stoep)

Attention Ms H van der Stoep
 Senior Town Planner
 Town Planning Department
 Overstrand Municipality

Per e-mail to: loretta@overstrand.gov.za

RE: MUNICIPAL NOTICE NO 70/2021

OBJECTION TO:

FILE NO: Ptn 141/559
Hangklip
SCAN NO:
03
COLLABORATOR NO: 1542820

PORTION 141 (A PORTION OF PORTION 133) OF THE FARM HANGKLIP NO. 559, DIVISION

CALEDON:

**APPLICATION FOR REMOVAL AND AMENDMENT OF RESTRICTIVE TITLE DEED CONDITIONS,
 CONSENT USE AND DEPARTURE: PLANNING PARTNERS (OBO FREELIFE TRUST)**

With reference to the above application the undersigned owners of the property on Erf 117 Rooiels herewith submit objection to the full and complete application by the owner(s) and their representatives of the Portion 141 of the farm Hangklip No 559 for removal and amendment of restrictive title deed conditions, consent use and departure, including the establishment of an agricultural industry and a farm shop/stall. The reasons are as follows:

1. The intended distillery is by no means a "micro distillery" as described by the applicant. The full extent of the intended industry and commercial activity on a property involving a total area of 860m² of buildings, plus a dam, sewerage and water supply works, solar panels as required for producing whisky and gin at the rate of 250 litres a day can by no means be described as a micro industry. Vague promises for only producing these for 3 days cannot never be

TP
 26 MAY 2021

585/630

monitored or guaranteed. Once the application is approved there are no guarantees that the distillery can produce any amount of liquor that the space applied for is capable of producing. This will increase the intensity of transport of raw materials, waste and sewerage removal by the applicant. It will put enormous pressure on the maintenance of Porter drive (by the municipality at its cost) as well as the negative effects on a very sensitive environment.

2. In its application of 2019 the applicant stated that it will use the Rooiels entrance and road to its distillery. The applicant has tried to evade this now by stating that it will use the Pringle Bay entrance to its property for its intended use. The Rooiels entrance is however much nearer to the applicant's property than the Pringle Bay entrance. The applicant used the Rooiels entrance for the additional construction it already carried out on its property. There are no checks and balances and no monitoring measures in place to ensure that the Rooiels entrance will not be used by the supply and removal trucks. Once the restrictive and consent use on the title deed has been removed/amended, the applicant will be free to use whichever entrance is nearest and easiest for its industry.
3. It is clear that the applicant has already carried out illegal structures such as the dam without the necessary consent. This shows that he has no respect for any rule or regulation and will carry on as he sees fit after the approval of the application, including using the Rooiels entrance to Porter Drive.
4. Porter drive is a municipal road to be maintained by Overstrand Municipality. It is at present only a narrow one track farm road in a very poor condition. Passing of vehicles from two opposite directions is impossible. The road is in a very poor condition. The extra traffic created by the transport of raw material and personnel to the distillery and removal of waste and sewerage will damage an already poor narrow single track road, which will put pressure on future cost of the municipality to maintain the road. The applicant has clearly avoid carrying out a proper traffic study by specialists and describe the increased traffic vaguely in separate paragraphs to avoid showing the total impact of increased traffic on the road caused by the transport of raw materials, staff, visitors and the transport from the site of waste, sewerage, staff and visitors.

586/630

5. The statement that the distillery will make use of an existing disused stable building shows the low intensity of agricultural activities on the property and that there are currently very low traffic use of Porter drive in the area of the property.
6. The applicant carries out no proper environmental impact study in support of its application. Instead it quotes two organizations which state that such study is not required. It concedes that the property lies within a sensitive biosphere area and next to an important nature reserve. If these are not sufficient factors necessitating a proper environmental impact study, then no such study would ever be necessary for the establishment of any industry anywhere. Industries are not established in nature reserves or in core biospheres and no authority would ever allow this. But when application is made for industries bordering or near such conservation areas the impact on the environment should be research and investigated in a proper study by specialists and not merely made off as not applicable by town planners.
7. Porter drive between Rooiels and Pringle Bay are not only home to indigenous and rare fynbos flora but also to very unique wild animals and birds such as klipspringers, dassies, red rock hares, rooikat, etc and many bird species. In this regard the Cape Rock Jumper deserves special mentioning. The undersigned objectors are bird lovers and has often hiked Porter Drive to go and watch these rare birds as it is one of a very few places in South Africa where it occurs and can be watched. Many international bird lovers visit the area to have a good look at the Cape Rock Jumper bird. It is Birdlife South Africa's bird of the year 2021. This bird only occurs in a small band in the Western Cape. Its habitat will undoubtedly be destroyed by increased traffic in the area caused a brewery that does not belong there.
8. The applicant states that he has bought additional property in Pringle Bay to be used as parking for visitors. A "micro industry" would not financially support this. Only a significant industry would financially support such expense. This is in stark contrast to the applicant's claim that this is a micro industry.
9. The applicant concedes that the distillery will not contribute significantly to any job creation in the area.

587/630

10. The applicant's referral to wineries and breweries that has been established on other agricultural farms in the Western Cape is irrelevant. Wineries are established on grape producing farms and distilleries on farms where its raw material is produced. The kind of distillery that the applicant wishes to establish may be done on any property in an industrial area. It does not belong on Porter Drive between Rooiels and Pringle Bay. In other words the applicant can easily buy property in Kleinmond's industrial area for example and erect and run its distillery there without destroying an environmental sensitive area.
11. The business of distilling gin including flavoured gin and whisky is not a rare industry, producing a scarce product anymore. It is quite common to find any flavoured locally produced gin or whisky in any bottle store these days. It raises the question whether the intended distillery is financial viable and what the real intentions of the applicant are.

To summarise: The applicant has not carried out proper environmental impact and traffic studies but has merely stated in fairly vague terms what the impact of additional transport would be on the environment. Local authorities normally require such studies. It can only be assumed that the applicant does not want to execute these studies because it would have a negative impact on its application. If Overstrand Municipality approves the application it will no doubt open up and create a precedent for further extended industries in one of the few unique remaining untouched beautiful coast lines and adjacent areas in South Africa.

Yours Faithfully



O J van der Walt and M Barnard
Joint owners of Erf 117 property Rooiels.



588/630

The Municipal Manager
Overstrand Municipality
16 Paterson Street
Hermanus
7200

18 May 2021

TP - A Theart
(H vld Steep)

Dear Sir

OBJECTION AGAINST THE REMOVAL OF TITLE DEED CONDITIONS, CONSENT USE AND
DEPARTURE APPLICATION PORTION 141/559
MN 70/2021

Inappropriate

As a regular visitor to the area, I am dismayed at the idea of a distillery in the producing strong alcohol in the Buffer Zone of an internationally proclaimed Biosphere Reserve. It is also inappropriate to have people consuming such strong alcohol at a tasting venue in this area. This is not in the best interests of Overstrand, South Africa and the International Community who all have an interest in this Biosphere.

Removal of title deed conditions are not in the public interest

I am opposed to the removal of the title deed conditions as it clearly is not "in the public interest" to have a noxious industry which can produce up to 2 million litres of hard alcohol in this special critical biodiversity and Buffer zone area. If it is averred that a distillery is not a noxious industry, then why is it necessary to apply to remove this condition?

Rezoning is required, not consent use

I am opposed to the consent use application. It seems to be a contrived attempt to avoid a rezoning of the property which is necessary in the circumstances.

Agricultural industry is defined as an enterprise for the processing of agricultural related products "*on or close to the land unit where these agricultural products are grown, harvested and raised where processing in such proximity is necessary due to the nature, perishability and fragility of such agricultural products*". These legal requirements, have clearly not been met as the barley for distilling will be transported from far away. There is also no necessity "*due to the nature, perishability and fragility*" as substantially all the ingredients used, are transported in.

Not sustainable and not environmentally friendly

Given the massive amounts of unnecessary transportation involved, this distillery is clearly not ecologically friendly and is not ecologically sustainable. This is not acceptable activity in the buffer zone of an international Biosphere.

Risks

The risks of having a small to medium industry in this particular area, hidden far away from proper controls and policing are also unacceptable. This is simply not the right place for the establishment of this type of manufacturing enterprise. These risks include fire, dust, air pollution, soil contamination, water pollution, depletion of underground water sources by the light industrial use of a borehole.

Yours faithfully
Johann Crous

FILE NO: Ptn 141 559
Hangklip
SCAN NO:
02
COLLABORATOR NO: 154 2818

TP

26 MAY 2021

589/630

The Municipal Manager
Overstrand Municipality
16 Paterson Street
Hermanus
7200

18 May 2021

Dear Sir

OBJECTION AGAINST THE REMOVAL OF TITLE DEED CONDITIONS, CONSENT USE AND DEPARTURE APPLICATION PORTION 141/559
MN 70/2021

Inappropriate

As a regular visitor to the area, I am dismayed at the idea of a distillery in the producing strong alcohol in the Buffer Zone of an internationally proclaimed Biosphere Reserve. It is also inappropriate to have people consuming such strong alcohol at a tasting venue in this area. This is not in the best interests of Overstrand, South Africa and the International Community who all have an interest in this Biosphere.

Removal of title deed conditions are not in the public interest

I am opposed to the removal of the title deed conditions as it clearly is not "in the public interest" to have a noxious industry which can produce up to 2 million litres of hard alcohol in this special critical biodiversity and Buffer zone area. If it is averred that a distillery is not a noxious industry, then why is it necessary to apply to remove this condition?

Rezoning is required, not consent use

I am opposed to the consent use application. It seems to be a contrived attempt to avoid a rezoning of the property which is necessary in the circumstances.

Agricultural industry is defined as an enterprise for the processing of agricultural related products "*on or close to the land unit where these agricultural products are grown, harvested and raised where processing in such proximity is necessary due to the nature, perishability and fragility of such agricultural products*". These legal requirements, have clearly not been met as the barley for distilling will be transported from far away. There is also no necessity "*due to the nature, perishability and fragility*" as substantially all the ingredients used, are transported in.

Not sustainable and not environmentally friendly

Given the massive amounts of unnecessary transportation involved, this distillery is clearly not ecologically friendly and is not ecologically sustainable. This is not acceptable activity in the buffer zone of an international Biosphere.

Risks

The risks of having a small to medium industry in this particular area, hidden far away from proper controls and policing are also unacceptable. This is simply not the right place for the establishment of this type of manufacturing enterprise. These risks include fire, dust, air pollution, soil contamination, water pollution, depletion of underground water sources by the light industrial use of a borehole.

Yours faithfully
Theresa Spring



590/680



Comments on Municipal Notice 70/2021:
 REMOVAL and AMENDMENT OF RESTRICTIVE TITLE DEED CONDITIONS,
 CONSENT USE AND DEPARTURE: PORTION 141 of the FARM HANGKLIP 559

Interest

My primary home is in Rooiels - my husband and I built our home on Erf 300 in 1997. To date I've dedicated many hours to serving the Rooiels community, as well as the wider Hangklip community. The above application is relevant as it would impact the safety (fire, traffic) and health (pollution) of my community and the environment in which we live.

Objection

- 1 Page 18 point 6 'The Proposal' details intentions of how the distillery will be operated and tours conducted. None of these are enforceable. What stops the current or subsequent owners from renegeing on these?
- 2 Page 22 point 6.2 'Ethos of the landowners' states 'the family works to eliminate alien vegetation on the subject property', yet its extensive stand of alien bluegums remains. The South African National Biodiversity Institute (SANBI) states: 'Listed gums in Protected Areas (nature reserves, national parks) or in ecosystems identified for conservation should also be removed.'
- 3 The distillery is planned in a fire-prone area, exacerbating the Rooiels community's fire risk through explosive by-products (ethanol, alcohol), stored fuel load (woodchips, barrels) and the highly flammable bluegums directly in the path of the southeaster that drives summer fires.
- 4 The high mineral and nutrient content of distillation waste pose significant detrimental risk to the fragile fynbos ecology of the area.
- 5 Increased traffic on the single-lane dirt track that connects the property to both Rooiels and Pringle Bay places at risk members of the public who use the track for walking, cycling, running and bird-watching.
- 6 The 'proposed extension' described on page 20 Figure 11 is already built, affirming that what is said in the application is very different from what is done on Portion 141.

I strongly urge Overstrand Municipality to reject this application.

Ena Elizabeth Kruger
 Erf 300
 Rooiels

FILE NO: Ptn 141/559
Hangklip
SCAN NO:
01
COLLABORATOR NO: 1542815

TP

26 MAY 2021

L Gillion

KHANG 141/559

591/630

From: Vani Mataji < >
 Sent: Wednesday, 19 May 2021 13:52
 To: L Gillion
 Subject: Objection to Proposed Distillery on small holdings between Rooiels and Pringle Bay

TP - A Theart
(H Vld Stoep)



Dear Loretta,

Objection to Proposed Distillery on small holdings between Rooiels and Pringle Bay

I have come to hear that there is a proposal which has reached your desk in terms of building a distillery in the coastal area between Rooiels and Pringle Bay. This saddens me as industry in these small coastal settlements affects the atmosphere physically and esoterically.

However, I am happy to know that You can put a stop to this. We should try our utmost where possible to protect our natural heritage and not to encroach on That which sustains us.

You have no doubt received many justified and explanative reasons why this should not take place, and I plead with you, to please object to this proposal which ultimately does not serve anyone except the Proposer.

I have walked along that pathway, and it is filled with beauty, let's keep it intact.

With warm regards to You,

Samantha Pryce

FILE NO: Ptn 141 559
Hangklip
SCAN NO:
02
COLLABORATOR NO: 542046

TP 24 MAY 2021



KHANG 141/559

L Gillion

From: Rolf Schwerdtfeger < >
Sent: Wednesday, 19 May 2021 12:34
To: L Gillion
Subject: Distilley at Skerpionskraal,

592/620

I am the owner of Erf 274 in Rooi Els and it has been brought to my attention that the owners of the above property have made application for the establishment of a distillery on their property. Let me start by saying that I would like to object to this project in the strongest possible terms. We have been in Rooi Els for over ten years and are enjoying the peace and quiet and the natural surroundings of the area. Surely an enterprise of that nature would be much better located in a place like Pringle Bay or Betty's Bay where there are existing businesses and small industries - and what is more important for the success of an enterprise - more people, who do not have to be transported in minibuses to the venue and back again or use the existing "road" in their own vehicles. I have noticed a steady deterioration of the dirt road over the years and the use of the road by vehicular traffic, particularly trucks, will only accelerate this process. Pollution, of course, will be another negative impact on this otherwise pristine environment.

All told, it is my considered opinion that the establishment of a distillery in that area is unsuitable and totally undesirable. Another point that surely must be investigated before proceeding with the plans is whether there is not a requirement to rezone the property, if there is to be a distillery at all, as it is my understanding that consent use for agri-industry only applies in cases where the input products are actually grown on or near the property which is obviously not the case here.

Yours faithfully,
Anita R. Martin

FILE NO: Ptn 141/559
Hangklip
SCAN NO:
03
COLLABORATOR NO: 1542049

TP 24 MAY 2021

593/630

Professor Phoebe E Barnard
 Percy Fitzpatrick Institute of the University of Cape Town
 Center for Large Landscape Conservation in the USA

The Municipal Manager
 Overstrand Municipality
 Hermanus



21 May 2021

Per email: loretta@overstrand.gov.za

OBJECTION TO DISTILLERY ON PORTION 141/559
 MN:70/2021

Dear Sir/Madam

I am a climate change and biodiversity scientist.

I have led a conservation focussed ornithological research program in the fynbos biome through the Percy Fitzpatrick Institute of African Ornithology. This program prominently included Porter Drive in the vicinity of the smallholdings which are between Rooiels and Pringle Bay.

As an ornithologist, I have extensively studied and observed the Cape Rockjumpers at this particular site. The protection of the Cape Rockjumpers at this site is of major importance in the face of climate change and the protection of biodiversity.

Scientists have found the numbers of South Africa's Cape Rockjumpers at high altitudes is rapidly declining. One reason might be that the bird's preferred habitat is dwindling as a result of climate change and fragmentation of their habitat. Future climate scenarios say that the Cape Rockjumper's habitat may decrease by 62% by 2085.

This site is essential for the protection of the species as climate change is more of a threat in the drier Karoo areas. This is the only known area where Cape Rockjumpers occur at sea level.

This portion of Porter Drive between Rooiels and Pringle Bay is such a special and unique area to view many of the Cape endemic birds – but especially the iconic Cape Rockjumper. Birders travel from all over South Africa and all over the world to see these birds. This brings valuable eco-tourism to this area with many positive economic spin offs for the Overstrand. There are also a number of birding tour operators that use this area, providing employment.

FILE NO: Ptn 141/559
Hangklip
SCAN NO: 06
COLLABORATOR NO: 1542066

TP 24 MAY 2021

TP - A Theart
 (H vld Stoop)

594/630

Sadly, this kind of eco-tourism is not compatible with any increase in vehicular traffic along this dirt road which likely to be caused by the proposed distillery.

Overstrand Municipality is urged to have regard to the precautionary principle. It should not risk the potential or inadvertent destruction of a landscape and eco-system which can never be replaced. As an organ of state it should do all it can to honour South Africa's obligations in terms of the international Biodiversity Convention.

Yours faithfully

Professor Phoebe E Barnard

TP-A Theart
(H v Id stoep)

595/630



JULIA AALBERS

Erf 99, Rooiels.

Tel: -----

E-mail: -----

Objections to the proposed relaxation of title deeds and consent use, Farm 141 of the Farm No 559

I submit for consideration that the overriding requirement in applications for the removal of restrictions is that the removal should be desirable.

My detailed objections are set out below. I would like to emphasise that removal of the restrictions, particularly of clause C13, which would enable an industrial use of the land, is not desirable.

Objections:

The following statements made in the application that are of particular concern:

1. Trustees' for the time being of the Free Life Trust": 1st paragraph and Introduction to the application.

The statement 'for the time being' is indicative of a likely to-be changed status in Trustees. It is my view that this statement implies that the applicants seek to obtain concessions, removal of title deed restrictions and consent use **for to a small family run distillery, which will not raise fears among local communities**. Once the application is approved, this relaxation (particularly of C13) will be utilised by subsequent business-focussed trustees to develop this "home distillery" into a further industrial size development on this site. This is development by stealth as it seeks to reduce the enormous extent of the rejection of their first proposal. Having regard to the extensive and costly capital outlay **already** made by the applicants in anticipation of the approval of their application, it is very unlikely to remain a simple "home distillery" for long.

FILE NO: Ptn 141/559
Hangklip
SCAN NO:
08
COLLABORATOR NO: 1542074

TP

24 MAY 2021

596/620

I therefore object to the removal of the title deed restrictions, particularly C13; which was part of the reason for the referral for legal opinion of the first application.

It is therefore disingenuous to say that this is a new application and the previous application and the adverse response to it, has no relevance.

2. The statement at the end of the Introduction: The initial application submitted on 23 January 2018 was 'subsequently withdrawn on 24 June 2020.'

This statement glosses over the fact that the initial application was not approved – it was in fact rejected, because rezoning of the Portion 141 was a first requirement for any distillery development to even be considered.

Hence the above statement appears to wish to create the impression that 'the applicant has had second thoughts'; while in effect he is now proposing a development which he hopes / or has been advised will NOT require rezoning.

3. This development does, however, require rezoning for the following reasons:

- a. The development will take place within a critically endangered area, as identified by the South African National Biodiversity institute (SANBI) and acknowledged by the Municipality in its final SDF document – see plans 4 +5, page 41 +42, of the Overstrand Municipality Spatial Development Framework. May 2020, final and approved.
- b. There is no reference to this vital and key aspect in the current application. Developments within Critically Endangered Areas require higher intervention than that of either Cape Nature or the Local Municipality. National organisations such as SANBI and the relevant National Departments must be consulted and have the right to veto any development within this area. The views of these agencies must be incorporated into any public document so that individuals can weigh up this expert advice in their considerations.

597/630

- c. A recent review of this SDP document as part of the Municipality's IDP review process, March 2021 has noted: "The Key to the future of Rooiels is to protect the vast environmental resources within and surrounding the settlement."

It is therefore my view that this public consultation process is fatally flawed as key information is not available to the public who are expected to comment on this application

4. Expensive investment infrastructure by the Municipality will be required to support this development, if approved. The access road, which is no longer a Provincial responsibility will become a Municipal responsibility. It is estimated that the costs of providing road access to this 'farm stall and distillery' will be enormous; likely in the region of R15 million; this will be to grade the current non-existent gravel road, remove huge boulders and provide a reasonable road surface. Capital expenditure on roads in the 2021/22 Budget for the whole Municipal area (including Hermanus and Gansbaai) is a mere R10million; for 2022/23 budget the capital expenditure is envisaged as R16 million, with R13 million coming from external sources for road developments within new urban informal settlements.

It behoves the Municipality to either require this from the owners of the site as a condition of approval or to turn down this application in its entirety, as approval without this clause, will result in expenditure being diverted from far more important socially responsible projects in areas such as the Hermanus townships, to a single elite, non-job creating project.

Julia Aalbers,
Erf 99,
Rooiels.

L Gillion

598/630

From: Julia Aalbers < >
Sent: Monday, 17 May 2021 15:41
To: L Gillion
Cc: Wendy Wegener
Subject: Emailing: J Aalbers Objection to the proposed relaxation of title deeds and consent use ,portion 141 of the farm Hangklip no 559
Attachments: J Aalbers Objection to the proposed relaxation of title deeds and consent use.docx

Dear Loretta,

Herewith my comment on the above-mentioned application to remove certain title deeds, portion 141, Farm Hangklip 559.

I am the owner of erf 99 and also a past Councillor of the Kleinmond Municipality prior to its integration into the Greater Hermanus area.

I have served the Rooiels community also on the RERA Committee and Ward 10 Committee for many years.

It is my considered view that any distillery development is not desirable. (Please see my attached appendix.) In view of my long-standing work for the Municipal area I would appreciate a formal note from yourselves, confirming receipt of this document.

Best regards,
Julia Aalbers

Your message is ready to be sent with the following file or link attachments:

J Aalbers Objection to the proposed relaxation of title deeds and consent use

Note: To protect against computer viruses, e-mail programs may prevent sending or receiving certain types of file attachments. Check your e-mail security settings to determine how attachments are handled.

599/630



For the attention of the Overstrand Local Authority

Email sent to: loretta@overstrand.gov.za Copy: sdkrige@gmail.com

Date: May 20, 2021

Objection to: the Application for removal and amendment of restrictive title deed conditions, consent use and departure: Planning Partners (obo Free Life Trust) of Portion 141 (A portion of portion 133) of the farm Hangklip no. 559, Division Caledon

As a property owner of Rooiels I would like to oppose this application.

Rooiels has a unique character as one of the very few remaining areas along our coast where a high awareness of nature conservation has resulted in laudable protection of the environment. Rooiels is situated within the unique Kogelberg Biosphere Reserve (KBR) as designated by UNESCO in 1998 – and Africa's southernmost biosphere reserve. The vast natural and unique, but indeed fragile fynbos heritage (1880 species of fynbos, of which 77 species occur nowhere else on earth than in the KBR), the encouragement of freely roaming wildlife and birdlife, the respect by home-owners to allow open spaces of natural growth, the small slow road traffic shared by pedestrians (as much walking paths as small roads) are only some examples of the unique heritage of this small area. As such any attempt or application to disturb, in any way, this natural heritage is alarming and should be considered in a very conservative and protective manner. Certainly, establishing a distillery on the coast line of this area is a rather shocking proposal with no conservation merit and very little other merit, if any, except financial incentive for the owners.

Furthermore, distilleries are known to be highly polluting industrial activities, particularly but not only, in terms of nitrogen and acidic waste and discharge. Fynbos areas are extremely sensitive to Nitrogen and Phosphorus – even minute quantities can contaminate the soil and surface water and severely impact plant growth. There is no reason why such distillery activities should be placed in the heart of a fynbos protection environment, rather than in a CBD area such as the Pringle Bay CBD, if justified at all).

The application seems to contain some inconsistencies or unexplained impact factors. In short and based on figures from the application: 1) Processing of 300kg grain 4 times a week is enormous and will render 1000 liters/bottles per week - not per month, as stated. 2) 1200kg solid waste per week is nearly 5 tons per month, 60 tons waste per year. How can this be effectively handled? 3) 48 000 liters water consumption per month is needed. Even if sourced from a well (if possible) , it will be a major depletion on underground sources in a naturally dry region, and unjustified for this area.

FILE NO: Ptn 141/559
Hangklip
SCAN NO:
09
COLLABORATOR NO: 6542080

24 MAY 2021

TP

600/630

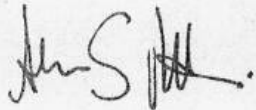
The farmland lies within the buffer zone of the nature reserve and lateral spread of unwanted growth (lawns etc) as well as a negative impact on fynbos growth and contamination of the soil cannot be prevented. The infrastructure of the small dirt roads in the surroundings of this farmland, that are also exquisite walking paths, will not be able to sustain increased traffic and will result in damage to the roads and environment, erosion, and will also necessitate unwanted increased road upkeep and upgrading activities, in a municipality already struggling to maintain its vast area. The applicants indicate removal of solid waste (not clear where to exactly?) as well as delivery of raw materials by road, as well as increased visitor and commercial road traffic. This road use is not in the interest of the region. Furthermore, while the applicants indicate that the Pringle Bay entrance would be used for such, the reality is that the Rooiels entry has been repeatedly and frequently used by sub-contractors, or the owners, and there is no way for the local authority to control this access from one side or the other. Water and sewerage infrastructure would also be overloaded, and that for an industrial use that is not justified or contributory to a natural protection-driven environment.

The Eucalyptus trees on the property is a major fire hazard, in a region that suffered enormous destruction from wildfires only a short while ago. This, together with a distillery that will *burn wood* (from where?) for its functioning, and where 5000 liter *flammable alcohol* is produced per month seems a very reckless and unjustified risk on the total area.

There are a multitude of other objections that can be raised, of which only a few are the following: that the intended grey water irrigation will only increase the danger of nitrogen pollution of soil and surface water and plants in a fynbos area, that the spread of alien grass and trees is already a concern from this particular farm to neighbouring areas, that apparent building or renovation activities already performed there seem to be beyond the stated purpose of such renovations, and several others.

I want to register my objection to the above lifting of the title deed restrictions and the inception of a distillery here, and do sincerely hope that the Council will reject this application in the interest of protecting this unique and threatened biosphere.

With best regards



Dr Adriaan Potgieter.

601/630

L Gillion

From: Kenneth Smith < >
Sent: Wednesday, 19 May 2021 16:30
To: L Gillion
Cc: sdkrige@gmail.com; kenneth Smith
Subject: OBJECTION TO REMOVAL OF RESTRICTIVE TITLE CONDITIONS, DEPARTURE AND CONSENT USE: PORTION 141 OF THE FARM HANGKLIP 559



Kenneth Smith
 Erf 257
 Rooiels
 15 May 2021

TP - A Theart
(Huld Steep)

The Municipal Manager Overstrand Municipality
 PO Box 20
 HERMANUS
 7200

Email: loretta@overstrand.gov.za
sdkrige@gmail.com

Dear Sir

MN 70/2021

OBJECTION TO REMOVAL OF RESTRICTIVE TITLE CONDITIONS, DEPARTURE AND CONSENT USE: PORTION 141 OF THE FARM HANGKLIP 559

I am the joint owner of erf 257 Rooiels and have lived in Rooiels for many years. Our property has a a magnificent view over the pristine fynbos of the smallholdings, including Portion 141, towards Hangklip.

I object to the above application of the following grounds:

1

TP 24 MAY 2021

FILE NO: Ptn 141/559
Hangklip
SCAN NO: 10
COLLABORATOR NO: 1542091

602/630

1) A distillery is not desirable in this particular location in the middle of a Critical Biodiversity Area and Buffer Zone of an International Biosphere

All the smallholdings (except portion 141) are zoned Conservation Use. Most of the smallholdings including portions of 141 have been designated as a Critical Biodiversity Area.

I believe that it is highly undesirable to grant to Portion 141 consent use rights for a distillery. This would be incongruous and completely out of sync with the other properties comprising this precious resource between Rooiels and Pringle Bay.

2) Distilleries have many inherent dangers

There is always a high risk of spills, contamination, explosions, fire and air pollution associated with distilleries in general. A micro-distillery is not different as it may produce a significant amount of spirits in terms of its licence (2 million liters per annum).

2.1) Contamination, spills and pollution:

The following is an extract from the website coursehero.com:

*"Distilleries are among the most polluting industries because ethanol fermentation results in the discharge of large quantities of high-strength liquid effluents with high concentrations of **organic matter** and **nitrogen** compounds, low pH, high temperature, dark brown color, and high salinity". (18 Jun 2020)*

Spent wash is the residual hot dark brown liquid waste generated during alcohol production. Pollution caused by it is one of the most critical environmental issues. Despite standards imposed on effluent quality, untreated or partially treated effluent very often finds its way to water courses. This is a fact set out in numerous articles which are in the public domain.

2.2) Fire and Explosion

Distilleries have inherent dangers due to the nature of the high concentration alcohol produced and its processes (fermentation, heat and fire).

In the present case, the proposed distillery is in the middle of a flammable fynbos area. To make matters worse the owners have shown no intention of removing the gum trees surrounding the proposed distillery. When burning, gum trees shoot out fire balls which cause spot fires in other areas. This is a recipe for disaster for the nearby properties and villages given our strong winds and gusts.

A case in point was the 2017 fire which destroyed a number of houses in Rooiels. During that fire no less than four units of the Fire-fighters were stationed at the gum tree forest on Portion 141. This is indicative of the level of fire risk of the gum trees as assessed by the Fire-fighting teams themselves.

These firefighting units could have been deployed elsewhere and could possibly have prevented a number of houses from burning down in Rooiels.

Having a distillery in this particular location will endanger the whole area in the event of fire.

603/630

2.3) Remote and Unsuitable location

The inherent dangers connected a distillery are amplified and heightened by allowing such an industry to operate in a remote and inherently unsuitable location. There will inevitably be delays in getting the emergency response teams on site.

It is highly undesirable to situate such an enterprise in the middle of a fragile natural area which has for most part, been afforded Critical Biodiversity status. The risks to the environment are simply too great.

3) Undesirable effect on people using the dirt road between Rooiels and Pringle Bay

My wife and I and our guests regularly use the section of Porter Drive which runs through the smallholdings past Portion 141 all the way to the R44 on Pringle Bay side.

It is a narrow dirt track not open to general vehicular traffic. It is used by walkers, joggers, cyclists, photographers and bird-watchers (many specially coming from overseas to see the Cape Rock Jumper).

For us living in Rooiels it is important to our enjoyment of the area that we can walk, cycle and run along the smallholding road without traffic. This will become dangerous and unpleasant given the many vehicles which will be needed to bring raw material to the distillery and take away its waste products on a regular basis.

4) Undesirable effect of proposed distillery on Nature

There are vulnerable and rare plant, bird and animal species in what is a very unique habitat along the coastal plain between Rooiels and Pringle Bay. Examples are the Cape Rockjumper, Victorin's warbler, the Ground Woodpecker, Cape Leopard, Grey Rhebok, Grysbok, Klipspringer, Otter, Caracal and various species of tortoise.

It is common sense that the birds and animals will be disturbed by all the additional traffic generated by the proposed distillery. The barley will be brought in by heavy trucks. The waste products of the distillery will need to be removed by trucks. Sewerage tankers (for the visitor's tasting room and shop area) will need to come into the area. Delivery vehicles bringing distillery equipment and supplies will need to come into the area. Delivery trucks for bottles, closures and packaging materials will need to come into the area. The finished product will need to be moved from the distillery to the warehousing or distribution point. The transport bringing in visitors will join all the trucks driving back and forth along that road. This impact is severely misrepresented and downplayed in the application.

From a botanical point of view, an area on concern is the impact on ground-water depletion by the distillery.

There is also the real risk of ground water pollution through accident or negligent spillage. It should be kept in mind that there are many wetlands close to the distillery.

The significant additional fire risk posed to the fynbos is also of concern as too-frequent fires at the wrong time of year can destroy vulnerable ecosystems.

604/630

It is abundantly clear that the impact on the small dirt road and increased fire and pollution risk will highly likely have a detrimental effect on the biodiversity of the area

5) Legal issues

5.1) Over-reaching by Applicant

The applicant applies for the removal of some title deed restrictions that are not necessary to be removed in order to operate a distillery.

5.2) Public interest requirement

The consent of Hangklip Beach Properties CC is irrelevant as these type of conditions established upon establishment of a property / township vest in the local authority. Overstrand Municipality is obliged to follow the same rules as with the removal of any other type of title deed conditions. It is important to note that the requirement of such removal being in the "public interest" needs to be carefully considered and not merely glossed over. The views of the public need to be taken into account.

5.3) Rezoning required, consent use provisions not appropriate

The legal requirements set out in Overstrand's regulations have clearly not been met as the barley for distilling will be transported from far away. There is also no necessity to process the product on the site "*due to the nature, perishability and fragility*" as substantially all the ingredients used, are transported in.

5.4) Departure from set back lines

Given the natural sense of place of the smallholding area between Rooiels and Pringle Bay, this departure should not be allowed.

In the light of all the points raised above, I request that this application will be turned down.

Yours faithfully

Kenneth Smith

Proprietor Barefoot Safaris

The Municipal Manager
Overstrand Municipality
16 Paterson Street
Hermanus
7200



18 May 2021

605/630

TP - A Theart
(Hvd Steep)

Dear Sir

OBJECTION BY MRS CC VENTER AGAINST THE REMOVAL OF TITLE DEED
CONDITIONS, CONSENT USE AND DEPARTURE APPLICATION PORTION 141/559
MN 70/2021

I am the registered owner of erf 259 Rooiels. My property has a beautiful view over the smallholdings towards Hangklip.

I am opposed to the removal of the title deed conditions, which were imposed at a time there was no municipality for this area. These conditions determine what it is not possible to do on properties in this area, e.g. "noxious trade". Over time this lends a sense of place and character to the greater area on which the inhabitants and purchasers of property rely. It follows that any change in this disturbs the *status quo* and has consequences for all other properties. Such conditions of title may only be removed or altered by the Local Authority and **only** if in the "public interest".

"Public interest" has specifically been defined by the courts, as being the interest of those in that particular neighbourhood or township.

Any removal or a change in the *status quo* of a particular property's title deed conditions has a ripple effect on the other properties in the area. It clearly creates disparities as to what is allowed on one property and not on other nearby properties. Town planners and Developers are always quick to dismiss any reference to the fact that *ad hoc* planning decisions (such as this one) create unfortunate precedents for the nearby properties, by glibly saying that "each case is judged on its own merits". While this may be true, it does **not** render precedent irrelevant and the fact that each decision has a cascade effect / cumulative impact on the status of other properties in the area.

In the light of the particular importance in retaining this beautiful "wild" and pristine green area between Rooiels and Pringle Bay, light industrial development (the distillery) cannot be allowed right in the middle thereof. The actual extent of the proposed development has been skilfully downplayed in the application. It is clearly just not a small home business/craft in someone's garage. The applicants have already spent millions on building their dam and creating a distillery of considerable size through their extensive renovations. They are also planning to acquire a parking garage in Pringle Bay. This is not some simple home distillery but a major business with serious potential impacts!

The introduction of industrial development in an area of international biodiversity importance and of exceptional beauty and ecotourism use, certainly makes no sense. It would create an unfortunate precedent and cascade of similar developments in the area. It makes a mockery of long term planning instruments. **This is clearly not desirable nor in the public interest.**

FILE NO: Ptn 141/559
Hangklip
SCAN NO:
11
COLLABORATOR NO: 154-2093

TP 24 MAY 2021

606/630

On a practical note, the owners of the distillery property have been using the Rooiels gate for the extensive building operations. The Rooiels gate is clearly more convenient. Any assurances given by the owners of the distillery that the Pringle Bay gate will be used is obviously unenforceable. How can this be made a condition of title binding successors in title? How can this be policed on a daily basis and by whom and at whose cost?

I am most concerned about the environmental sustainability and the long term effect of all the heavy trucks bringing in barley and packaging. Trucks will also be needed to distribute the product and to remove sewerage and other waste products of the distillery - notwithstanding which gate they use.

I am furthermore concerned about the environmental sustainability and long term effect on the proposed distillery's water usage on the ground water and aquifers of the greater area.

I also wish to point out the obvious fire risks associated with keeping fairly large volumes of alcohol in a remote area, surrounded by Fynbos and Bluegum trees. With our winds this seems to increase the fire risk greatly. Would Overstrand Municipality really seriously consider further **adding** to the dangers in an area which is **already** a high fire risk area?

I trust that common sense would prevail and that this application will be turned down.

Yours faithfully
Clarissa Venter

Erf 259 Perspicua Street
Rooiels

607 | 630

L Gillion

From: Marion Gullifer < >
Sent: Tuesday, 18 May 2021 17:48
To: L Gillion
Subject: objection



TP-A Theart
(H vld Steep)

17 May 2021

The Municipal Manager
Overstrand Municipality
Hermanus

Per email: loretta@overstrand.gov.za

OBJECTION TO DISTILLERY PORTION 141/559
MN:70/2021

Dear Sir

I am a spiritual teacher and artist. I am writing to urge you not to allow a potentially noxious agri-industry on the smallholding known as Portion 141/559 Hangklip.

It is unthinkable to having an extensive commercial and industrial development in what is otherwise a conservation area with critically endangered lowland fynbos.

The risks of fire, pollution and contamination are obvious. It is simply not the right place for the production and consumption of strong alcohol. There exists an abundance of suitably zoned and situated sites in Overstrand, without endangering the small natural pocket of pristine land between Pringle Bay and Rooiels.

I urge Overstrand Municipality to have regard to the precautionary principle. Overstrand must not to risk or aid the potential or inadvertent destruction of a landscape and eco-system which is beautiful and precious and can never be replaced. Please remember that seemingly small actions can have large and devastating consequences in the long term.

Everything is connected.

Please turn down this inappropriate application.

Yours faithfully

Marion Gullifer

TP

1

FILE NO: Ptn 141/559
Hangklip
SCAN NO: 12
COLLABORATOR NO: 1542097

L Gillion

From: Marion Gullifer < >
Sent: Tuesday, 18 May 2021 18:21
To: L Gillion
Subject: objection sent on behalf of Clive Gullifer



TP - A Theart
 (Huid Steep)

Clive Gullifer

17 May 2021

The Municipal Manager
 Overstrand Municipality
 Hermanus

Per email: loretta@overstrand.gov.za

OBJECTION TO DISTILLERY PORTION 141/559
 MN:70/2021

Dear Sir or Madam

As a keen hiker, photographer and conservationist, I must object to the above application. It will be detrimental to this almost pristine area and all who visit it for that very reason.

World-wide, distilleries are classified as a noxious trade. No matter how well-managed, they are known as one of the major sources of environmental pollution due to the discharge of a substantial volume of dark coloured wastewater. (Chemosphere Vol. 194, March 2018, Elsevier Press). Inevitably, over many years, will cause contamination of water systems as well as soils.

Distilleries also have associated high fire risks.

It is undesirable and not in the public interest, to approve such a high-risk land-use, where

- (a) the proposed distillery site is situated the middle of smallholdings which have been designated a Critical Biodiversity Area;
- (b) there are numerous wetlands and aquatic systems in close proximity to the site where the high risk activity will take place;
- (c) the distillery is situated in a fire-prone area and surrounded by naturally flammable fynbos;
- (d) the distillery is surrounded by naturally flammable Eucalyptus trees;
- (e) the area is in a remote location and buffered by high winds, which can make firefighting difficult;
- (f) the road is inadequate to accommodate both the distillery (delivery vehicles, sewerage trucks and visitors) and the other users of such road (hikers, cyclists, animals). On this single track road, the increased vehicular traffic servicing the distillery will endanger or detrimentally affect the other users thereof;

FILE NO: Ptn 141/559
Hangklip
SCAN NO: 13
COLLABORATOR NO: 1542098

TP 24 MAY 2021

609/630

- (g) the cumulative effect of the risk factors set out above and the harm likely caused thereby, by far outweigh the benefits of the proposed distillery.

The proposed site for the distillery is clearly not a suitable one.

Overstrand Municipality is legally enjoined to protect the biodiversity of its area and act in a responsible manner towards the environment and towards all citizens, not just benefitting a single developer. As this property falls within the Buffer Zone of a Biosphere, Overstrand also has an international duty to act with great caution when taking decisions which may have an impact on the integrity of such special areas.

There are no significant social benefits to having a distillery operate from this particular site. To the contrary, the detrimental effects on Eco-tourism and the tourist accommodation and restaurant industry will be significant. Having a potentially flammable and noxious industry with heavy delivery vehicles driving up and down along the narrow dirt track, creating dust, noise and exhaust fumes, will greatly detract from the present eco-tourism use of this special area.

Eco tourists like me, will simply not visit this area in future.

Yours faithfully

Clive Gullifer



610/630

PO Box
Pringle Bay
7196

24 May 2021

TP - A Theart
(Huid Stoop)

Municipal Manager
Overstrand Municipality
PO BOX 20
HERMANUS
7200
Email: loretta@overstrand.gov.za

YOUR REF: MUNICIPAL NOTICE 70/2021 PORTION 141 OF THE FARM HANGKLIP NO 559
OBJECTION TO THE APPLICATION FOR REMOVAL OF RESTRICTIVE CONDITIONS, CONSENT USE
AND DEPARTURE

Dear Sir / Madam

Introduction

1. I hereby lodge my strong objection to the above development.
2. I am the owner of a house in Rooiels and have owned this property since 1979 and thus have a vested interest in the impact this proposed development will have on the area.
4. This new 2021 application is, in essence very similar to the 2018 one (MN 69/2021). The new application is very elaborate and cleverly written to obfuscate the basic principles thereof, which should not be overlooked, namely that it is a noxious and potentially dangerous industry in a remote and ecologically sensitive area.
- 4.1 Waste products will constitute far larger volumes than claimed in the application. This waste will impact negatively on the fynbos environment. This site is situated in a Critical Biodiversity Area and is extremely sensitive.
- 4.2 Another potential danger is the fire hazard presented by a distillery. International studies have shown just how susceptible distilleries are to fire. Add to this the fact that the property has a large grove of very tall bluegums adjacent to the distillery building and you are looking at a very real fire threat for the area. During the last big fire that threatened Rooiels, four firefighting teams were designated to protect this property because of the fire risk of the bluegums. These teams could have been better utilised to protect the village.
5. The proposed whisky and gin distillery / manufacturing is completely inappropriate in the area which has been designated an important biodiversity conservation area. Noxious liquid waste will certainly enter the environment and change the type of soil

FILE NO: Ptn 141/559
Hangklip ✓
SCAN NO:
Scholtz
COLLABORATOR NO: 1542468

TP 25 MAY 2021

611 | 630

on which fynbos is dependent. The volumes of effluent will be too large for removal by the Municipality and where would they discharge it?

6. The property involved is completely inappropriate for the purposes of a gin/whisky factory. Access for distillery tourists and customers would be very difficult. There is no reason why an inappropriate development would be approved on this site and not in an already developed area, e.g. in the CBD of Pringle Bay or the harbour development in Kleinmond. Access is by a narrow, dirt road and totally insufficient for the amount of heavy traffic that the distillery would cause. This is a mostly pristine area and any noise or light pollution would detract from its ambience. Then there is the problem of the malodourous smell which distilleries generate.
7. It appears that obfuscation of the essence of this application has been the intention of the drafters thereof, in an apparent attempt to avoid the public outcry and close to 100 objections received in 2018. The application presents a mix of distortions, half-truths and baseless claims, the worst being that this development would be "desirable".

Yours faithfully

Gerard Scholtz



612/630

Libby Harrison

24 May 2021

TP - A Theart
(H vld Stoep)

The Municipal Manager
Overstrand Municipality
PO BOX 20
HERMANUS
7200

Email: loretta@overstrand.gov.za

YOUR REF: MUNICIPAL NOTICE 70/2021
PORTION 141 OF THE FARM HANGKLIP NO 559
OBJECTION TO THE APPLICATION FOR REMOVAL OF RESTRICTIVE CONDITIONS, CONSENT USE
AND DEPARTURE

Dear Sir / Madam

I have been coming to Rooiels for around 32 years and must strongly object to the above application.

In this era of climate change and environmental degradation, one would expect Overstrand's Planning Department to be more environmentally sensitive and better at protecting the "sense of place" of areas of high beauty and ecological sensitivity within the Overstrand Municipality. I find it shocking that Overstrand's Planning Department would entertain such an inappropriate and undesirable development.

The development is inappropriate and undesirable because:

1. **The proposed distillery is situated in the Buffer Zone of the Kogelberg Biosphere Reserve and allowing light industry in the Buffer will weaken the protection offered by the Buffer.**
 - 1.1. The purpose of the Buffer Zone is to protect the Core Zone of the Biosphere Reserve. Situating a substantial distillery (it is clearly not small) in the Buffer Zone will detract from the integrity thereof and weaken the protection offered to the Core Zone.
 - 1.2. It has not been proven by the Applicant that a distillery would in any way be beneficial for the protection of the Core Zone. It is telling that nowhere in this application is any mention made of the function and importance of the Buffer

FILE NO: Ptn 141/559
Hangklip
SCAN NO: 13
COLLABORATOR NO: 1542450

TP

25 MAY 2021

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Zone. Either there exists no understanding of the importance of the Buffer Zone or, alternatively, its importance is deliberately being downplayed in an attempt to make this application more palatable.

2. The proposed distillery is situated right in the middle of a greater SANBI Critical Biodiversity Area

- 2.1 The only major degradation to this Critical Biodiversity Area, is that which has been caused by the applicant. For 15 years the applicant has allowed the unabated spread of invasive species such as eucalyptus, kikuyu and myrtle. It is undesirable and morally wrong that applicant should in any way benefit from years of neglect of this property. This is not in keeping with the principles of the National Environmental Management Act (NEMA).
- 2.2 A dam of 600 square meters was constructed without and prior to NEMA authorization (subsequently obtained). This is indicative of the type of applicant who is inclined "to act first and ask permission later". Given the large scale development and the substantial distillery facility already constructed earlier this year (under the guise of it being stables), the applicant's distillery is likely to cause a cascade of other impacts such as gradual widening of the road, informal creation of lay-bys, parking spaces, turning places - all which will have an undesirable impact on a CBA and in respect of which NEMA authorization will be required.
- 2.3 A distillery is a noxious, dangerous and flammable industry (as set out in detail under paragraphs 3, 4 and 5) and this makes it undesirable in the greater Critical Biodiversity Area in which it is situated. Precious natural heritage (of international significance) could too easily be destroyed by too frequent and too hot fires. It can likewise be destroyed by pollution, toxic seep and contamination of soils by this noxious industry. The risks are simply too great in this specific area.

3. The noxious nature of a distillery is not in keeping with location thereof

- 3.1 All distilleries produce noxious waste and effluent. If this were not the case, there would have no need for applicant to apply for the removal of the title deed condition prohibiting a noxious trade.
- 3.2 There is no adequate oversight, supervision and policing in this remote location.
- 3.3 From a policy point of view, permitting a noxious trade in an ecologically sensitive area of critical biodiversity importance, makes no sense at all.

4. Increased threat of Fire due to the presence of the distillery in the area

614/630

4.1 A quick search on the internet shows that distilleries are regarded as high fire risk. This is common sense due to highly flammable nature of the product produced. In the present application, this fire risk is greatly exacerbated by the use of wood chips and highly flammable plant material such as eucalyptus and fynbos surrounding the distillery. The whole area is also prone to extreme winds and naturally occurring wildfires. It does not seem prudent and responsible to place a distillery in this type of location.

4.2 The applicant recently constructed a 600 square meters as "a fire pool" for the distillery. If there were no increased fire risk due to the distillery there would be no necessity for such a fire pool. There is, however, no proof by applicant that this fire pool would be effective in the case of wildfires or even lightning. It is highly unlikely that it would be effective in the case of an explosion or hazardous material fire. In such a case, it should be noted that first responders have to travel along a single lane rough track to this remote location.

5. The incremental effects of increased traffic along Porter Drive is likely to lead to a gradual widening of Porter Drive over time with negative effects for all the eco tourists, bird and wildlife in the area

Kindly acknowledge receipt hereof

Yours faithfully

Libby Harrison

615/630

The Municipal Manager
Overstrand Municipality
16 Paterson Street
Hermanus
7200



18th May 2021

TP - A Theart
(H vld stoep)

Dear Sir

OBJECTION AGAINST THE REMOVAL OF TITLE DEED CONDITIONS, CONSENT USE AND DEPARTURE APPLICATION PORTION 141/559 MN 70/2021

My mother, Mrs C C Venter, is the registered owner of erf 259 Rooiels and I regularly occupy the house. I have always enjoyed walking along Porter Drive to Pringle Bay, passing Portion 141 which is known as Skerpioenkraal to me, along the way.

Removal of title deed conditions are not in the public interest

I am opposed to the removal of the title deed conditions as it clearly is not "in the public interest" to have a noxious industry which can produce up to 2 million litres of hard alcohol in this special critical biodiversity and Buffer zone area.

Rezoning is required, not consent use

I am also opposed to the consent use application. It seems to be a contrived attempt to avoid a rezoning of the property which is necessary in the circumstances.

Agricultural industry is defined as an enterprise for the processing of agricultural related products "on or close to the land unit where these agricultural products are grown, harvested and raised where processing in such proximity is necessary due to the nature, perishability and fragility of such agricultural products". These legal requirements, have clearly not been met as the barley for distilling will be transported from far away. There is also no necessity "due to the nature, perishability and fragility" as substantially all the ingredients used, are transported in.

Not sustainable and not environmentally friendly

Given the massive amounts of unnecessary transportation involved, this distillery is clearly not ecologically friendly and is not ecologically sustainable. This is not acceptable activity in the buffer zone of an international Biosphere.

Risks

The risks of having a small to medium industry in this particular area, hidden far away from proper controls and policing are also unacceptable. This is simply not the right place for the establishment of this type of manufacturing enterprise. These risks include fire, dust, air pollution, soil contamination, water pollution, depletion of ground water, etc.

Unenforceable

In an apparent attempt to pre-empt a proliferation of objections from Rooiels (as in 2018), the owners of the distillery property stated that their visitors will be using the Pringle Bay gate. This is pure tomfoolery and totally unenforceable. In fact, their heavy construction trucks have been using the Rooiels gate which seems to be more convenient.

Yours faithfully

Felcie Tillemans
Email:
Erf 259 Perspicua Street, Rooiels

FILE NO: Ptn 141/559 ✓
Hang Klip
SCAN NO: Tillemans
COLLABORATOR NO: 1542462

TP 25 MAY 2021

Municipal Manager: Overstrand Municipality
PO Box 20
HERMANUS
7200

Email: loretta@overstrand.gov.za



TP - A Theart
(H Vid Stoep)

Municipal Notice 70/2021

REMOVAL and AMENDMENT OF RESTRICTIVE TITLE DEED CONDITIONS,
CONSENT USE AND DEPARTURE: PORTION 141 of the FARM HANGKLIP 559

As owner of Erf 300, Rooiels, having built our primary home in this location in 1997, I strongly object to the above application. In essence the application is seeking consent to build and operate a distillery. The property in question is situated on the narrow coastal strip between Pringle Bay and Rooiels which is a known fire-prone area. I served as Pringle Bay volunteer firefighter for seven years and actively fought fires throughout the Overstrand Municipal area under command of Fire Chief Lester Smith and former acting Fire Chief Marlu Rust. From a fire perspective I know Rooiels' local conditions and challenges very well.

OBJECTION

1 Exacerbation of an existing fire risk, threatening an entire community

- 1.1 Portion 141 lies directly in the path of the strong southeaster that howls along this strip of coastline throughout summer. The property features a forest of highly flammable bluegum trees. This invasive species is known for burning at extreme temperatures and causing spot fires in high winds.
- 1.2 Over the years many fires decimated this area. In the 2017 Rooiels fire four firefighting units were tasked to protect the above property because of the high fire risk posed by the bluegum trees in close proximity to buildings. This placed extra pressure on an already stretched fire contingent, which was also trying to save houses within Rooiels. Indeed, several houses were damaged and two burnt down completely.
- 1.3 The development of a distillery as per application would change the fire hazard in this area from a veld and structure fire to a hazardous material fire that Overstrand Municipality is ill-equipped to respond to. As first responders neither Pringle Bay nor Betty's Bay firefighters are ticketed breathing-apparatus operators, nor are they trained or equipped to deal with HazMat fires, which is what a distillery fire would constitute. Will Overstrand Municipality supply and maintain the necessary firefighting training and equipment to Betty's Bay and Pringle Bay volunteer firefighters should this application be granted?
- 1.4 Rooiels lies at the extreme western boundary of Overstrand Municipality, which means lengthy response times of professional firefighting brigades from Kleinmond and Hermanus. Is it responsible town planning to consider allowing a high-risk manufacturing plant so far away from sustained emergency capability?

2 Misleading claim

The applicant states that he 'belongs to the Rooiels firefighters (REDI)'. Please note that Rooiels is not registered as an FPA (Fire Protection Association) neither does it have a fire brigade or firefighting capacity as confirmed by Rooiels

FILE NO: Ptn 141 / 559 ✓
Hangklip
SCAN NO:
COLLABORATOR NO: 1542453

TP

25 MAY 2021

617/630

Ratepayers Association Secretary Allison Vienings: "It is basically an initiative run by volunteers, to tell people what to do if there is a fire and encouraging residents to be firewise (sic). During the fires they were there to inform people about when and how to evacuate and to assist people. They arranged inter alia for the provision of food and water for the fire fighters plus mattresses and blankets." The applicant clearly stretches facts in favour of the application.

3 Failure to address key fire preparedness

- 3.1 The applicant states that the heat source for the distillery's water boiler is woodchips. Where will this highly flammable fuel load be stored? The application does not address this.
- 3.2 What fire suppressant systems will be installed in the distillery and storage areas?
- 3.3 Will employees be trained in safe handling of dangerous materials (eg ethanol, alcohol) to mitigate fire and explosion risk?

4 Access during a fire

The access road to this property is a single vehicle road with access points from Pringle Bay in the south and Rooiels in the north. The road condition is challenging. This poses a danger to firefighting crews as they can easily become stranded/trapped during a fire, putting firefighters' lives at risk.

I find it incredulous that a community member who has lived in the area for more than 15 years and knows the risks and challenges in the area, is prepared to gamble with the lives of an entire community for the sake of personal aspiration and profit.

I urge Overstrand Municipality to consider its own legal responsibility and duty of care towards its community when assessing this application.

Pierre Kruger
Erf 300
Rooiels

PO Box
Pringle Bay
7196

618/630

TP - A Theart
(Hvd Stoep)

L Gillion



From: Ian Klink < >
Sent: Monday, 17 May 2021 13:13
To: L Gillion
Cc: Loriaan Isaacs
Subject: Re: [EXT] Portion 141 of Farm Hangklip 559: Interested and Affected Party

Good Afternoon
With reference to the communication with regards to portion Erf141 of the farm
My concerns have been addressed with regard to the Removal and Amendment of Restrictive Title Deed Conditions.
For the record I have no objections to the new application.
Kind Regards

I.E. and G.D. Klink
246 Oceanview Road, Rooiels
Contact No.

On Wed, Apr 21, 2021 at 3:24 PM Ian Klink < > wrote:

Good Afternoon Lorianne

Postal address is

New e-mail address is _____ n

Kind Regards
Ian Klink

Sent from my iPad

On 20 Apr 2021, at 11:25, Loriaan Isaacs <loriaanisaacs@overstrand.gov.za> wrote:

Dear Sir / Madam

A new application for the abovementioned property has been submitted, of which the public participation proce

You have been earmarked as an Interested and Affected Party due to the fact that comment/objection was rece
public participation process of the 2018 application.

FILE NO: Ptn 141/559 ✓
Hangklip
SCAN NO:
Klink
COLLABORATOR NO: 1540429

1

TP 17 MAY 2021

619/630

L Gillion

From: Mariki Schwiebus <
Sent: Tuesday, 18 May 2021 11:58
To: L Gillion
Subject: Teenkanting teen beoogde distillery in Rooiels



Goeie dag

Ons bele tans baie geld in Rooiels met die bou van 'n nuwe woning op erf 273 in 20 Perspicua weg Rooiels.

Ons het die erf in 2007 gekoop omdat ons gehou het van die afsondering en natuurskoon van Rooiels sonder enige besoedeling en menslike aktiwiteite wat die omgewing ontwrig.

Ons is aboluut gekant teen die voorgenome bou van die distillery aangesien dit teen bogenoemde redes waarom ons in Rooiels wil woon, teengaan.

Ons hoop van harte dat die natuur die saak sal wen bo geldmaak van 'n individu.

Groete

Mariki Schwiebus

COMMUNICATION MANAGER

C:
T:

Radnor Street, Parow Industria, 7493, Cape Town, South Africa
www.pepstores.com



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FILE NO: Ptn 141 559 ✓
Hang Klip
SCAN NO:
COLLABORATOR NO: 1540645

18 MAY 2021



620/630

TP-A Theart
(H v d Steep)

Cel no:

31 May 2021

The Municipal Manager
Overstrand Municipality
Hermanus
loretta@overstrand.gov.za

PORTION 141 (PORTION OF PORTION 133) OF THE FARM HANGKLIP 559: APPLICATION FOR A DISTILLERY REMOVAL OF TITLE DEED RESTRICTIONS, CONSENT USE AND DEPARTURE MN 70/2021

OBJECTION AGAINST THE TOTAL REMOVAL OF TITLE DEED CONDITIONS AND CONSENT USE

This letter should be read in conjunction with my earlier letter of objection sent to you on 6th May 2021.

1. INTEREST IN THE APPLICATION

I am owner of the neighbouring smallholding, Portion 142.

The coastal strip between Rooiels and Pringle Bay is a pristine area of critical biodiversity. The long term integrity and cohesion of this area will be adversely affected by the proposed total removal of title deed conditions. It will have a ripple effect on the other smallholdings in this area. Retaining the Conservation and non-commercial character of the area is of critical importance to the specific area between Rooiels and Pringle bay, as well as to the whole, wider Overstrand area. .

2. MY OBJECTION AGAINST THE PROPOSED COMPREHENSIVE REMOVAL OF TITLE DEED CONDITIONS

2.1 THERE EXISTS A NEED FOR A UNIFORM APPROACH TO TWO SETS OF TITLE DEEDS FOR PORTION 133 AND PORTION 45.

I request that a uniform approach be followed by the Overstrand Municipality regarding the compliance with title deed restrictions on the smallholdings between Rooiels and Pringle Bay,

FILE NO: Ptn 141/559 ✓
Hangklip
SCAN NO:
Brenda
COLLABORATOR NO: 1545728

TP - 1 JUN 2021

621/630

even though there are two sets, distinguished from each other by the aspect of who may give consent to the removal thereof (as set out below).

2.2 THE HISTORY

The smallholdings between Rooiels and Pringle Bay consist of two mother portions, namely Portion 133 and Portion 45, both of the farm Hangklip 559. The smallholdings are either zoned Conservation Usage, or Undetermined, and some as Agriculture, as in the case of Portion 141.

Both mother portions are designated as part of the Critical Biodiversity Area.

Mother Portion 133 was subdivided in the 1960's into a number of smallholdings on the slope of the mountains on the landside of the mountains, and also on the seaside of the mountains.

Inland, across the trunk road, Portion 45 was subdivided into a number of smallholdings at about the same time.

As is usual for township establishment, title deed restrictions for regulating the use of the smallholdings were registered on the title deeds. Zoning scheme regulations were apparently not invented at that time.

Unlike the usual registration (as for mother Portion 45) of the restrictions on smallholdings in favour of both the developer, Hangklip Beach Estates Ltd, as well as in favour of all the other smallholdings in the subdivision, the restrictions on mother Portion 133 were effected only in favour of Hangklip Beach Estates Ltd.

This leaves the smallholdings between Rooiels and Pringle Bay with two sets of title deed conditions.

This, in my opinion, is not an ideal situation for a coherent conservation approach for the Critical Biodiversity Area between Rooiels and Hangklip.

3. THE DANGER OF ACCEPTING CONSENT BY A SINGLE REMAINING MEMBER OF HANGKLIP BEACH ESTATES

In the application for a distillery on Portion 141, application is also made for the complete removal of title deed conditions, after the sole remaining member of Hangklip Beach Estates had recently consented to it – in my view a serious error of judgement, and most detrimental to the protection of the natural biodiversity of the area in question.

Such removal might now destroy the original land planning that holds the smallholdings together and which protects the other owners from any inappropriate development.

This applies to both mother Portion 133 and mother Portion 45 - as Portion 45 will not escape the effects of adverse development, detrimental to conservation, of any Portion 133 smallholdings across the trunk road from them

4. DEEDS OFFICE REQUIREMENT.

I support the view from the Deeds Office of not allowing the removal of the title deed restrictions on Portion 141 solely on the basis of the consent of Hangklip Beach Estates Ltd. This is singularly

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unfair and does not take into account the views of other residents, and does not serve to protect the natural heritage of this area.

Instead, the Deeds Office now requires the consent of the Overstrand Municipality before registration of the cancellation. It is critical that the Overstrand Municipality should act in the interests of the greater area, and with the focus on protection of fauna and flora in this biodiverse area, which is a natural attraction to tourists.

5. IMPORTANT PRECEDENT NEEDS BE SET NOW

In my opinion, it is important now that a precedent also be set that the Overstrand Municipality needs to approve all removals of restrictions. Removals of restrictive title deed conditions cannot be dealt with on the basis of consent only without motivating the *desirability* of having the restrictions removed.

6. THE NEED FOR DESIRABILITY MUST BE PROVED BY APPLICANT

6.1 It is important that the set legal procedure and considerations be followed for the application.

6.2 I would submit that consent by Hangklip Beach Estates does not amount to the requirement of desirability (or public interest or social benefit).

6.3 Title deed conditions can only be removed if it is in the "public interest" (as legally defined) to do so. I find no compelling reason in the Applicant's report why the application is in the public interest. In fact, exactly the opposite, as the protection of the natural fauna and flora is what this area is praised for by the public at large.

6.4 It is important to retain as much of these title deed conditions as possible, as these conditions create the very character of a particular area. Typically most nearby properties have similar title deed conditions. It follows that any change in this status quo may have consequences and disparities for all other nearby properties owners.

6.5 It should also be considered that the Applicant is seeking to change the status quo of the area in a way that will seriously impact on the existing use and enjoyment of the area by the general public. The potential cost to the environment, and very real loss of income from eco-tourists like the birders (including the whole hospitality industry serving them) by far outweigh the benefits of having a distillery. The Applicant has failed to prove public interest.

6.6 There appears to be considerable over-reach in the removal of title deed conditions going way beyond what are required to be removed for the operation of a distillery.

In fact, only two small adjustments would be truly necessary to enable the distillery, namely

- (a) The deletion of C4: "No building shall be erected within 25,19 metres of any road or within 6,3 metres of any other boundary of the land."
- (b) The amendment of C13 to delete the word "shop": "No [shop,] public garages or filling stations, business premises, canteens, bioscopes, factory or industrial buildings shall be erected on the land nor shall any such business or public entertainment be conducted on the land."

623/630

The complete removal of all title deed conditions, which is now applied for, has not been properly motivated as it is not required for the proposed development. Such comprehensive removal should thus not be allowed.

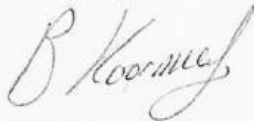
7. OBJECTION AGAINST CONSENT USE

The Applicant has failed to prove that he qualifies to apply for "consent use" within the requirements of the applicable legislation. There is no agricultural activity at present on the property. The distillery will not distil anything produced on or near the property which is particularly fragile, etc. It is my considered opinion that the applicant is not entitled to such consent use and needs to apply for a rezoning.

We rely solely on the correct and proper judgement of the Overstrand Municipality to serve as the protector of our precious natural heritage

Kindly acknowledge receipt of this further motivation, in addition to my letter sent earlier on

Yours faithfully,



Brenda Koornneef

Owner Portion 142, Hangklip 559

L Gillion

624 | 630

From: Brenda Koornneef < >
Sent: Tuesday, 01 June 2021 11:31
To: L Gillion
Subject: Re: URGENT: Objection Distillery 141.docx
Attachments: Objection to application of Portion 141, Hangklip 559.pdf

Dear Loretta,

Please find attached a further submission from myself with reference to my Objection to the relaxation of Title Deeds and the proposed establishment of a Distillery on Portion 141 of the Hangklip Farm 559.

Having now had a further opportunity to consider this issue, I wish to submit this additional Objection on this matter – please see attached. As an immediate neighbour of the property in question, my concerns should carry specific weight when the Municipality considers this application.

Thank you

Kind regards

Brenda Koornneef

(Owner Portion 142 of the Farm Hangklip 559)

From: L Gillion <loretta@overstrand.gov.za>
Date: Thursday, 06 May 2021 at 12:42
To: Brenda Koornneef < >
Subject: RE: URGENT: Objection Distillery 141.docx

Dear Ms Koornneef

Receipt is hereby acknowledged of your email.

Regards

Loretta Gillion
 Administrator : Town & Spatial Planning
 Overstrand Municipality
 A: 16 Paterson Street, Hermanus, 7200 P: P O Box 20
 T: 028 313 8900 | F: 028 313 2093 | E: loretta@overstrand.gov.za

625/620



Stand 178,
6 Blenna Street,
Rooi Els.
7196

P.O. Box

TP-A Theart
(Huld Stoep)

31 May 2021

Attention: Ms Loretta Gillion

Administrator, Town and Spatial Planning Overstrand Municipality

Via e-mail: lorretta@overstrand.gov.za

Dear Madam,

Comments on: Portion 141 (A portion of 133) of the farm Hangklip no. 559, Division of Caledon:
Application for removal and amendment of restrictive title deed conditions, consent use and
departure: Planning Partners (obo Free Life Trust).

We wish to register our objection to the above application. We object to all three components of
this application namely:

1. Removal and amendment of restrictive title deed conditions
2. Consent use.
3. Departure

Name: Mr James Welsh and Adv. Cathy Welsh
Stand 178,
6 Blenna Street,
Rooi Els
7196

Contact details: James Welsh
Cathy Welsh

e-Mail address: (James)
(Cathy)

Date: 31 May 2021

Interest in the application:

We are the owners of Stand 178, 6 Blenna Street, Rooi Els which we purchased through "the Welsh
Family Trust" in 2017. We bought in Rooi Els, Overstrand for a very specific reason, we wanted to be
close to nature and we bought into the "Rooiels Conservancy" because our core values as a family

FILE NO: Ptn 141/559
Hangklip ✓
SCAN NO:
Welsh
COLLABORATOR NO: 1546039

TP - 2 JUN 2021

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was aligned with the preservation of nature. As a result of our ownership of property in Rooi Els we are both interested and effected parties and request that we are registered as such.

We oppose this application on numerous well thought through and scientific reasons. We do not know the applicant and we only oppose this application on the basis that we believe that this application if accepted by the Overstrand Municipality would place the very fragile ecosystem at unacceptable risk of total destruction. In our opinion we believe that this application carries significant risk to the local environment of Rooi Els, Pringle Bay and the Koegelberg Nature Reserves.

We believe that the following high risks will results from the formation of a Microbrewery, Distillery or any type of industrial use within this very sensitive natural ecosystem.

We specifically oppose this application on the following grounds:

1. Extremely High Fire Risk

As you are aware this area we live in is an "extremely high fire risk area". In particular the recent fires that destroyed homes in Pringle and Betty Bays is a stark reminder. Now on this site ethanol or alcohol will be manufactured and stored, increasing the fire risk of the whole area. Also, on this property with the large number of Blue gum trees, with this alcohol / ethanol is an absolute recipe for a high-risk fire disaster. We cannot even imagine the scale of the disaster an explosion or fire would result in to the whole area. We believe that there is no easy way to reduce this risk and I do not see active plans in the proposal to mitigate such a risk. If this operation were to burn, it would put the whole area at huge risk. On this basis only, the application should be declined and preferably built in an Industrial area.

2. Poor Current Road Infrastructure

The applicant plans to use a small narrow road (dirt track) to transport all the requirements of this operation. The road is ideal for a few small holdings and has not been built for the operation of a business, any business. In particular a brewery or distillery, has to have staff, raw materials, visitors etc. delivered to it. Moreover it has to have waste products, visitors and staff removed from it. This would result in a significant increase in traffic on the road. The applicant has said it would use the "Pringle Bay exit" In fact during building at the applicant both entrances were commonly used. This road is used by many pedestrians who walk along this road with a view of the mountains and sea. This would be impossible with many vehicles on the road. We also use this road to cycle to Pringle Bay. This would not be possible if the planned operation was approved. The Overburg Municipality could upgrade this road but I believe the costs would way exceed the benefits.

3. Air Pollution Risk

3.1 Combustion of wood

Nowhere in this application do I see mention of this very real risk. I would like to point out that a large volume of wood needs to be burnt to keep the distillation process in operation. (This is not a household or a Pizza Oven that burns a few pieces of wood.) When combustion

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of any matter occurs (coal/wood/gas/ HFO etc) it creates pollution and fine ash. I would like the applicant to address the following issues:

1. The exact volume of wood consumed and the effects that the combustion would have in and on the environment.
2. Does the process have a means of filtration to remove both the ash (fine particles of burnt wood) and a stack that ensures gases are emitted safely?
3. Are pollutants such as SO_x / NO_x / CO_x going to be measured?
4. Has "City of Cape Town air pollution control by-laws (if relevant) and the Natural Environment Management Air Quality Act 39 of 2004 been fully complied with in all its details.

In my experience in any burning process if you do not filter the exhaust gases of a combustion process by means of either an electrostatic precipitation or bag filter (preferably) then the fine ash and soot (Particulate Matter (PM)) would be spread over the entire area. The effect of this ash on the soil, vegetation, the animals and birds has not been addressed. It is well documented that large quantities of wood burning results in high levels of carbon monoxide, nitrous and sulphur oxides (Cox / NO_x / SO_x) and are a major source of particle pollution.

It should be noted that the effect of this operation is not equivalent to a house or a restaurant wood fire as mentioned before due to the high volume of wood. The applicant plans to burn large quantities of alien wood in a particular area for the process. This would result in high concentration of these gases and particulate matter in the region of this operation. If it is windy these pollutants would cover Rooi Els or Pringle Bay depending on the wind direction. In industry we are compelled to get the dust / ash / particulate material down to 10mg / normal cubic meter. I would like to know how the applicant will measure the particulate matter from the operation and how the applicant will minimise the effects by installing bag filters (preferred) and / or electrostatic precipitators.

My concerns above are about particulate matter and the other pollutants such as mercury, carbon monoxide, and volatile organic compounds. The applicant may respond that the ash is "good" for the environment as it is rich in calcium, potassium, sodium etc. and could be a fertilizer. We would respectfully request a detailed study on the effects of ash on the Fynbos and include it in your environmental assessment. We would also ask the effect on these particulate matters on the people of Rooi Els and Pringle Bay. (Please refer to USA Environmental Protection Agency EPA) that advises the negative effects of high volumes of wood burning fires on human respiratory system and the resultant increase in Upper Respiratory Tract infection, breathing and lung complications in polluted areas.

3.2 Foul odours from distillation

In the literature often foul smells are associated and present near distillation processes. This results from the waste products as well as from Aldehyde formation sometime formed in this process. Has the applicant satisfied the Overstrand Municipality that this process will not create any odours that would have an effect on their neighbours as well as the villages of Rooi Els or Pringle Bay.

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4. Ground Water Pollution

It is well known and documented that these processes produce large amounts of waste that is very harmful to the environment. The distillery waste or spent wash is a strong industrial organic pollutant and results in major environmental issues. The applicant would place this waste into the environment which would contaminate our water table and the surrounding properties. Please ensure that the applicant fully addresses how they will deal with all water from the process so that it may not enter into the ground water or any vegetation. This I believe is an impossible task and thus this application should be declined on this basis.

5. Solid dry waste

I am not convinced on the applicant's ability to remove the solid waste from the operation. I believe the OM must investigate the validity of all the applicants' proposals. Including all the solid waste produced by the operation as well as waste produced by visitors, workers etc.

6. Excessive use of the local natural resources

I believe that the distillation process will use a very large volume of water in its processes. How much of this water will be reprocessed and how much will be contaminated. A full and accurate water balance is required. I believe that this will show a large amount of water would be used by the applicant's process.

7. Threat to the Cape Rock Jumper

I am not a birder but my understanding is that this bird is only found in this particular area. I also believe that "birdwatchers" come from all over the world to the Overberg area to look at this bird. (a big tourist attraction)! I spoke to an ornithologist and they advised me that the Cape Rock Jumper is a rare bird that is endangered and that the placing of a brewery / distillery in the buffer zone of the Kogelberg Biosphere would have a very negative effect on this endangered bird. I would be happy to supply the details of the ornithologist if required. I also believe that "Birdlife Overberg" is opposing the application.

8. Summary

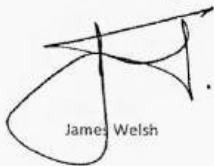
Above we have highlighted to you some of the concerns and issues we have with the proposed removal and amendment of restrictions on the title deed of Portion 141. This by no manner is a full risk assessment as it would have been hundreds of pages. It again must be pointed out that I don't know applicant but based on the very high risks to the environment and the area, in particular the following risk, the application should be declined.

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- Extremely high fire risks in an area that is prone to fires.
- Poor road infrastructure.
- Air pollution risk.
- Ground water pollution.
- Solid waste disposal.
- Excessive use of water and a water balance required. The contamination of water.
- Threat to the Cape Rock Jumper.

These risks cannot be easily mitigated by the applicant. We cannot understand the motivation or the benefit of having a distillery in such an environmentally sensitive area. As custodians of the Overberg, we respectfully request you deny the application.

Yours sincerely,



James Welsh



Adv Cathy Welsh

L Gillion

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From: Louise Silander <
Sent: Saturday, 15 May 2021 09:56
To: L Gillion
Subject: Distillery plans objection, Pringle Bay
Attachments: Notice to be posted and e-mailed.PDF



Dear Loretta,

Please find below our objection to the planned distillery in Pringle Bay, notice attached.

We bought our house in Pringle Bay in 2016, and go there regularly on weekends. The reasons for choosing the Rooiels-PringleBay-BettysBay area for our special getaway place are many - notably its pristine undisturbed fynbos nature, wild life, small village feeling, closeness to Cape Town but still very far from industrialised areas.

If one small holding gets a consent for "agricultural industry" in this area, then more can follow over time. It could be the first step in destroying this very special area of Rooiels-PringleBay-BettysBay. Also, distilleries smell bad, there is no way of getting around that.

Whilst the current application indicates small scale production, I am concerned that should approval be granted, there is nothing that would stop this business from expanding.

Would appreciate if my concerns are considered in this process.

Thanks!

Best regards,
Louise Silander

Pringle Bay address
139 Bell Rd North
(NB no mail box)

Residential address

Skickat från min iPhone

FILE NO: Ptn 141/559
Hangklip
SCAN NO: Silander
COLLABORATOR NO: 1539924

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PLANNING PARTNERS

TOWN AND REGIONAL PLANNING · PROJECT PLANNING · LANDSCAPE ARCHITECTURE · MASTER PLANNING

29th November 2021

Ref: 4424

Overstrand Municipality
 Infrastructure and Planning
 PO Box 20
 HERMANUS
 7200

FILE NO: Pen 141/559
Hangklip
PLAN NO:
Partners
Suite 103, 1st Floor, 97 Durham Avenue, Salt River, 7925
COLLABORATOR NO: 608842



Suite 103, 1st Floor, 97 Durham Avenue, Salt River, 7925
 PO Box 4866, Cape Town 8000, South Africa
 Tel: +27 (0) 21 418 0510
 E-mail: admin@planpart.co.za
 Website: www.planpart.co.za

FOR ATTENTION: Ms HANEEN VAN DER STOEP

Dear Ms Van Der Stoep,

PORTION 141 OF THE FARM "HANGKLIP" NO 559 ROOI-ELS – RESPONSE TO COMMENTS AND OBJECTIONS

1. INTRODUCTION

We refer to our application submitted in February 2021 for consent, regulation departure and deletion and/or amendment of title deed conditions. Council ref:141/559 KHANG

In response to the notification of the application, comments and/or objections were received from:

- The Overstrand Environmental Management Section (EMS) in terms of a letter dated 17th June 2021
- The Department of Environmental Affairs and Development Affairs (DEA & DP) in terms of a letter dated 19th May 2021, and
- 180 comments from interested and affected parties.

Based on an evaluation of the comments, queries and/or objections received, we herewith provide our response. The response was formulated in conjunction with the project environmentalist, being Green Africa, who dealt with the environmental related aspects, and the project legal consultant, being Advocate Adele Erasmus, who dealt with the legal aspects.

2. FORMAT OF RESPONSE

Three Tables are included in this response and each serve a specific purpose.

- **Table 1** provides a list of each letter of comment and/or objection received from the general public. Each respondent is given a number, and the respondent's name and address is noted (if known), as well as indicating if the respondent supports or objects to the proposal.
- **Table 2** summarizes the comments as received from EMS and DEA & DP with the applicant's response to each comment, issue or query raised.

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- **Table 3** summarises the objections as received from the general public. Similar objections and/or comments received are grouped together as well as indicating who submitted them under a common heading. The applicant's response to each objection is then provided.

3. COMMENT ON OBJECTIONS RECEIVED

The following needs to be noted regarding the objections received.

- Of the 180 responses received from the general public, 18 support the application, while the remainder object to the application in its entirety or portions thereof. It should be noted that while the Rooi-Els Ratepayers Association objected to the application, of the 73 members who voted for and against, while 40 objected to the application 33 are in support.
- Many of the names and addresses of the letters or e-mails received from the general public had their personal details redacted, i.e. their names and in some instances their addresses. This made it difficult in some cases to determine if some responses were submitted by different members of a particular household as some of their responses were the same in content.
- Some respondents made reference to their (or others) objection to the previous application submitted in 2018. We have not responded to the content of the previously submitted objections as the current application is a new application that needs to be evaluated on its own merits.
- Some of the respondents made reference to court judgements and or judicial orders, i.e.:
 - HEAG v MEC for Environmental Affairs & Development Planning
 - Van Rensburg v Naidoo
 - Van Rensburg v Equus Trading & Consulting
 - Ex Parte Kirsten

Our client's legal consultant, Advocate Adele Erasmus provided a rebuttal regarding where applicable to and with relevance to the application. The responses are contained in **Table 3**.

- In many instances, certain respondents have attempted to motivate against the application via personal attacks on our client. Any negative aspersions cast on the integrity of the Elves's character is rejected as unfounded and, in the context of the application is irrelevant and should be rejected by the decision-maker.

4. CONCLUSION

It is evident from the content and tone of the objections received, that many of the objectors are dogmatically opposed to the proposal irrespective of the merits of the application. It appears as if the scale and intent of the proposal has been deliberately misunderstood. If approved, it will allow for a small, bespoke family run micro-distillery and associated farm store to be accommodated on site in an existing structure with a minor addition. Tours of the facility will be offered and be conducted by appointment only. Visitors will park off site and be transported to and from the subject property. The impact of the proposal on utility services and in terms of traffic generation and on road operations will be negligible. The potential environmental impacts of the proposal are appreciated by our client and as is evidenced by

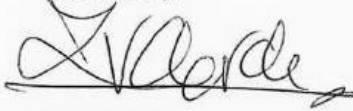
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the WMP included with the application and the Environmental Management Programme to be submitted by our client in due course, for consideration and approval by the Overstrand Municipality. All potential dangers resulting from a fire are understood, especially in this location, and our client will fully comply with all fire related regulations and laws. Appreciation of the sense of place of the area is fundamental to our client's lifestyle philosophy and they will not undertake any activity that could negatively impact on it. This is because the subject property is not only the proposed seat of the micro-distillery, but is also that of their home.

It is firmly contended that the proposal is a desirable, an appropriate component use on the site and can be contextually accommodated.

We reserve our right to make representations to the Municipal Planning Tribunal if the application is recommended for refusal or if any of the objectors wish to make representations to the Tribunal.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Le Van Aarde', written over a horizontal line.

LE VAN AARDE
DIRECTOR

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Table 1: List of Respondents

Number	Name	Erf Number/Address	Object/Support
1	Julia Aalbers	99 Rooi-Els	Objects
2	Cannot distinguish name from signature	277 Rooi-Els	Objects
3	Unknown	147 Rocklands, Rooi-Els	Objects
4	Unknown	Portion 137 of the Farm Hangklip 559	Objects
5	Cannot distinguish name from signature	Portion 142 of the Farm Hangklip 559	Objects
6	The Welsh Family Trust	No 6 Bienna Street, Rooi-Els	Objects
7	Unknown	Erf 65, Bathers Road Rooi-Els	Objects
8	Unknown	13 Bell Road North Pringle Bay	Objects
9	Unknown	Erven 187 & 221 Rooi-Els	Objects
10	PO Trust	Erf 576 Pringle Bays	Objects
11	Unknown	Erf 285 Porter Road Rooi-Els	Objects
12	Cannot distinguish name from signature	201 High Level Road Pringle Road	Objects
13	Unknown	Erf 270 Rooi-Els	Objects
14	Unknown	Erf 118 Rocklands Street Rooi-Els	Objects
15	Unknown	205 Oceanview Drive Rooi-Els	Objects
16	Unknown	136 Bell Road North Pringle Bay	Objects
17	Cannot distinguish name from signature	Erf 382 Oceanview Drive Rooi-Els	Objects
18	Rooi-Els Conservancy		Objects
19	Unknown	58 Seventh Street Kleinmond	Objects
20	Unknown	Erf 914 Buffels Road Pringle Bay	Objects
21	Cannot distinguish name from signature	Erf 153 Rooi-Els	Objects
22	Unknown	Erven 138, 143 & 386 Rooi-Els	Objects
23	Unknown	147 Rocklands Road Rooi-Els	Objects
24	Unknown	24 Lower Beach Road Kleinmond & 20 Oak View Court, USA	Objects
25	Kathleen Ann Leresche	25 Rocklands Road Rooi-Els	Objects
26	Unknown	Erven 140 & 142 Rooi-Els	Objects
27	Unknown	12 Stream Road Pringle Bay	Objects
28	Unknown	No 14 Priestleya Road Roo-Els	Objects
29	Unknown	Unknown	Objects
30	Unknown	Erf 127 Rooi-Els	Objects
31	Unknown	10 Kaapzicht Ave Heldevue Somerset West	Objects
32	Cannot distinguish name from signature	123 Mont Blanc Hibiscus Ave Gordon's Bay	Objects
33	Unknown	Joint owner of Erf 257 Rooi-Els	Objects
34	Riél & Estelle Buys	Erf 2 Rooi-Els	Objects
35	Cannot distinguish name from signature	191 Beach Road Gordon's Bay	Objects
36	Mrs Cowan	Erf 207 Rooi-Els	Objects
37	Unknown	7 Gloucester Ave, Bishopscourt & Erf 76 Gull Road, Pringle Bay	Objects
38	Unknown	Erven 5 & 14 Rooi-Els	Objects
39	Unknown	Unknown	Objects
40	Unknown	Erf 138 Pringle Bays	Objects
41	Unknown	Erf 393 High Level Road Pringle Bay	Objects
42	Unknown	269 Cuenta Circle Rooi-Els	Objects
43	Unknown	Unknown	Objects
44	Unknown	27 4 th Avenue Melkbosstrand	Objects

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45	Cannot distinguish name from signature	Erf 277 Rooi-Els	Objects
46	Birdlife South Africa		Objects
47	Cannot distinguish name from signature	Erf 89 9 Gull Road Pringle Bay	Objects
48	Mrs Elma van der Walt	393 High Level Road Pringle Bay	Objects
49	Unknown	Erf 156 Rooi-Els	Objects
50	Zietsman - Horn o.b.o the Ronal Schild Trust	Owner of Erf 217 Rooi-Els	Objects
51	Members of Barrydale Sanibona Place cc	Erf 225 Ocean View Rooi-Els	Objects
52	Unknown	Unknown	Objects
53	Unknown	Unknown	Objects
54	Marie Philip & Jane Torien	Erf 121 Rooi-Els	Objects
55	Cannot distinguish name from signature	Erf 117 Rooi-Els (2 Rocklands Road)	Objects
56	Cannot distinguish name from signature	Unknown	Objects
57	Cannot distinguish name from signature	Unknown	Objects
58	Unknown	Erf 300 Rooi-Els	Objects
59	Unknown	Unknown	Objects
60	Unknown	Erf 274 Rooi-Els	Objects
61	Unknown	Percy Fitzpatrick Institute of University of Cape Town	Objects
62	Unknown	Erf 99 Rooi-Els	Objects
63			
64	Cannot distinguish name from signature	Unknown	Objects
65	Unknown	Erf 257 Rooi-Els	Objects
66	Mrs CC Venter	Erf 259 Rooi-Els	Objects
67	Unknown	2 Hoog Street, Montagu	Objects
68	Unknown	2 Hoog Street Montagu	Objects
69	Unknown	Portion 145 of Farm 559 Hangklip	Supports
70	Unknown	Unknown	Objects
71	Libby Harrison	10 Suffolk Street Harfield Village	Objects
72	Cannot distinguish name from signature	Erf 259 Rooi-Els	Objects
73	Unknown	Erf 300 Rooi-Els	Objects
74	Unknown	246 Oceanview Road Rooi-Els	No Objection
75	Unknown	Erf 273 Rooi-Els	Objects
76	Unknown	Unknown	Objects
77	Unknown	50 Schonenberg Retirement village Somerset West	Objects
78	Unknown	50 Schonenberg Retirement village Somerset West	Objects
79	Unknown	Owner of erven 101 & 336 Rooi-Els	Objects
80	Cannot distinguish name from signature	Unknown	Objects
81	Unknown	Erf 161 Rooi-Els	Objects
82	Unknown	Unknown	Objects
83	Unknown	Unknown	Supports
84	Unknown	Unknown	Objects
85	Unknown	Unknown	Objects
86	Unknown	Owner of Erven 89 & 90 Rooi-Els	Objects
87	Unknown	Erf 382	Objects

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88	Cannot distinguish name from signature	Unknown	Objects
89	Unknown	Unknown	Objects
90	Unknown	Erf 3 Pringle Bay	Supports
91	Unknown	Unknown	Objects
92	Elizabeth Moss	Owner of Erf 172	Partial objection
93	Unknown	Unknown	Supports
94	Unknown	Owner of Erf 254	Objects
95	Unknown	Unknown	Objects
96	Unknown	Erf 222 Rooi-Els	Objects
97	Unknown	Unknown	Objects
98	Unknown	Owner Erf 113 Pringle Bay	Supports
99	Unknown	Unknown	Supports
100	Unknown	1274 Caspar Road Pringle Bay	Supports
101	Unknown	Unknown	Supports
102	Unknown	Unknown	Supports
103	Unknown	Erf 355 Pringle Bay	Supports
104	Unknown	Unknown	Objects
105	Unknown	858 Jally Road Pringle Bay	Supports
106	Mrs Marzo	Unknown	Supports
107	Unknown	Erf 223 Rooi-Els	Objects
108	Unknown	Owner of portion 142/Farm 559	Objects
109	Unknown	Unknown	Supports
110	Unknown	Unknown	Partial objection
111	Cannot distinguish name from signature	Owners of erven 429 & 421 Pringle Bay	Objects
112	Cannot distinguish name from signature	Owners of erven 429 & 421 Pringle Bay	Objects
113	Raymond McCreath inc o.b.o Ms Hettie Claasens	Owner of Erf 179 Rooi-Els	Objects
114	Members of the PO Trust	Owner of Erf 576 Pringle Bay	Objects
115	J. du Preez	Owners of Erven 429 & 421 Pringle Bay	Objects
116	Cannot distinguish name from signature	Owner of erven 508 & 509 Pringle Bay	Supports
117	Unknown	Owner of Erf 440 Pringle Bay	Supports
118	Unknown	Erf 577 Pringle Bay	Objects
119	Unknown	Erf 224 Pringle Bay	Objects
120	Motsoo Investments 2 (Pty) Ltd	Owner of Erven 266 & 267 Rooi-Els	Objects
121	Unknown	Unknown	Supports
122	Unknown	Owner of Erf 286 Rooi-Els	Supports
123	Unknown	23 Bosman Street Strand	Objects
124	Cannot distinguish name from signature	46 Acton Road Somerset West	Objects
125	Unknown	13 Bell Road North Pringle Bay	Objects
126	Unknown	Unknown	Objects
127	Pringle Bay Ratepayers' Association		Objects
128	Unknown	295 Porter Drive Rooi-Els	Objects
129	The Biodiversity Conservancy	Erf 324 Rooi-Els	Objects
130	Unknown	66 Harveya Road Rooi-Els	Objects
131	Unknown	Owner of Erf 879 Pringle Bay	Objects
132	Unknown	Owner of portion Erf 559/48 Jangklip/Rooi-Els	Objects
133	Unknown	935 George Way Pringle Bay	Objects
134	Unknown	Erf 282 Rooi-Els	Objects
135	Unknown	No 4, Erf 66 Lover's Walk Rooi-Els	Objects

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136	Unknown	37 Lawrence Road Pringle Bay	Objects
137	Unknown	Plot 3371 Albertyn rylaan Sunny Seas Bettys Bay	Objects
138	Unknown	64 Victoria Street Robertson (Erf 89, 9 Gull Road, Pringle Road)	Objects
139	Unknown	64 Victoria Street Robertson (Erf 89, 9 Gull Road, Pringle Road)	Objects
140	Unknown	Owners of Erven 278 & 282 Rooi-Els	Objects
141	Unknown	108 Priestleya Road Rooi-Els	Objects
142	Birdlife South Africa		Objects
143	Unknown	Erf 162 Rooi-Els	Supports
144	Unknown	Unknown	Objects
145	Unknown	7 Mammosa Road Rooi-Els	Objects
146	Unknown	No 57 Caesar Road Pringle Bay	Objects
147	Birdlife Overberg		Objects
148	Cannot distinguish name from signature	Onwer Erf 510 Pringle Bay	Supports
149	Lwando Hanise	48766 Llanda Street, Green Point Khayelitsha	Objects
150	Unknown	Erf 65 Rooi-Els	Objects
151	Unknown	Unknown	Objects
152	Unknown	Unknown	Objects
153	Rooi-Els Ratepayers Association		Objects (Note 40 members object while 33 support)
154	Unknown	Unknown	Objects
155	Unknown	Unknown	Objects
156	Unknown	Unknown	Objects
157	Unknown	Unknown	Objects
158	Unknown	Erf 263 Rooi-Els	Objects
159	Unknown	Erf 141	Supports
160	JJMA Trust	Owner Erf 240 Rooi-Els	Objects
161	Unknown	Unknown	Objects
162	Unknown	Unknown	Objects
163	Ian & Stephanie Milne	Erf 262 Rooi-Els	Objects
164	Unknown	Unknown	Objects
165	Unknown	Unknown	Objects
166	Unknown	Unknown	Objects
167	Unknown	Erf 158 Rooi-Els	Objects
168	Unknown	Unknown	Objects
169	Unknown	Resident in Bett's Bay	Objects
170	Cannot distinguish name from signature	Property Owner in Porter Drive Rooi-Els	Objects
171	Cape Bird Club		Objects
172	Unknown	Unknown	Objects
173	Unknown	Unknown	Objects
174	Unknown	Unknown	Objects
175	Mike Leresche	25 Rocklands Road Rooi-Els	Objects
176	Unknown	Unknown	Objects
177	Unknown	Owners of Erf 296 Porter Drive Rooi-Els	Objects
178	Friends of Rooi-Els		Objects
179	Chennells Albertyn o.b.o Hangklip Environmental Action Group		Objects
180	Unknown	Portion 137 of the Farm Hangklip 559	Objects

Table 2: Response to the Letters received from the Municipal Environmental Management Section and the Department of Environmental Affairs and Development Planning

COMMENT FROM EIMS	RESPONSE
<p>WETLANDS & VEGETATION ON SITE Wetlands (watercourse): please refer to Appendix 1 for spatial representation of the wetlands on the property.</p>	<ul style="list-style-type: none"> The project environmentalist has confirmed that: While it is agreed that according to Appendix 1 the area is represented as a wetland. However note that: <ul style="list-style-type: none"> this area is zoned for agriculture and has been a working farmyard since the 1970's and therefore is exempted in terms of the 1998 NEMA cut-off date. The spatial maps do not indicate landfill and other micro activities that were done by previous owners of the farm in the period from 1970 to 1998. Furthermore, the only maps for this area which are available are large-scale maps showing the majority of the conservancy as a wetland. However, there are no small-scale maps (eg 1:50) showing the detailed historical farmyard and surroundings, which do not fall within the wetland.
<p>Portion 141 of Farm 559 contains Critically Endangered Kogelberg Sandstone vegetation. The proposed expansion of the existing stable is within the transformed area as specified in the application and the DEA & DP correspondence referred to (i.e. in the 2018 letter from DEA & DP)</p>	<ul style="list-style-type: none"> It is agreed that the expansion area is in the transformed area. However the DEA&DP correspondence referenced has been superseded by the DEA&DP dated 22/10/2021 which is contained in Annexure 1, where the DEA&DP have provided their consent for the activity to go ahead.
<p>Eucalyptus species are classified as a Category 1b Alien Invasive Species by the National Environmental Management Biodiversity Act: Alien Invasive Species List, 2016:</p> <p>a) Category 1b within- i) Riparian areas; ii) A Protected Area declared in terms of the Protected Areas Act; iii) Within a Listed Ecosystem or an ecosystem identified FOR conservation in terms of a Bioregional Plan or Biodiversity Management Plan published under the Act.</p>	<ul style="list-style-type: none"> Only certain Eucalyptus species are classified as Category 1B. Others are classified as Category 1C, 2 and 3. In this particular case the Eucalyptus does not fall within a riparian area or a protected area. Notwithstanding, our client has an alien invasive species management plan that will address the removal of these trees over time, and the legislative requirements will therefore be complied with. Currently these trees form a windbreak and protection

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<p>b) Not listed within Nama-Karoo, Succulent Karoo and Desert biomes, excluding within any area mentioned in (a) above.</p> <p>c) Category 1b in Fynbos, Grassland, Savanna, Albany Thicket, Forest and Indian Ocean Coastal Belt biomes</p> <p>i) Category 2 for plantations, woodlots, bee-forage areas, wind-rows and the lining of avenues.</p> <p>ii) Not listed within cultivated land that is at least 50 meters away from untransformed land, but excluding within are (a) above.</p> <p>iii) Not listed within 50m of the main house of a farm but excluding in (a) above.</p> <p>iv) Not listed in urban areas for trees with a diameter of more than 400mm at 1000mm of height at the time of publishing this Notice, but excluding (a) above.</p> <p>The Listed Ecosystem referred to above at a) (iii) above is the Critically Endangered Kogelberg Sandstone as indicated in 2.a. of this document.</p> <p>As per the above, the gumtrees on the property therefore do not have a "Heritage" status.</p>	<p>from the elements.</p> <p>These trees are currently used for bee forage and are more than 50 meters away from untransformed land and are less than 50 meters from the main house.</p> <ul style="list-style-type: none"> •
<p>NEW NEMA APPLICATIONS</p> <p>DEA & DP statement included in the 2018 letter received from DEA & DP, (i.e. that the proposal does not trigger any Listed Activity) has been included here due to the information submitted in the 2021 application that indicates that the expansion is below the applicable threshold. However Figure 11 (being the Conceptual Distillery Layout Plan) indicates that the extension includes:</p> <ul style="list-style-type: none"> • 131.4 m² Distillery and • 19.6m² Boiler Room addition <p>The total development footprint is therefore 150.1m².</p>	<ul style="list-style-type: none"> • Approval has now been given by DEA&DP (refer to letter dated 22nd October 2021, contained in Annexure 1). • The proposed listed activity therefore has the approval of the DEA&DP, and no new application is required.

<p>Due to the increase in the proposed development footprint and proximity of less than 32 meters from the watercourse, EMS request that a new application using the NEMA Applicability Checklist is submitted to the DEA & DP for EA.</p> <p>It must be noted that the removal of Title Deed Restrictions does not surpass the National Environmental Management Act (NEMA, 1998) Environmental Impact Assessment (EIA) Regulations published as Government Notices 324, 325, 326 and 327 in 2017.</p> <p>If any activities related to the removal of Restrictive Title Deed clauses – for e.g. "6. No noxious trade or activity shall be carried on the said land".</p> <p>The relevant authority must be notified, and permission applied for to undertake NEMA listed activities prior to commencement of such an activity.</p>	<p>CONFIRMATION OF THE APPLICATION TO LEGALIZE THE DAM</p> <p>The applicant must provide evidence that the section 24 G NEMA process for the legalization of the dam is underway.</p> <p>INCLUSION OF THE PROTECTED AREA BUFFER EMOZ IN THE APPLICATION</p> <p>The Protected Area Buffer Zone was not included in the application. The application must be amended to be accurate.</p>
<p>Refer to the letter received from DEA & DP dated 9th September 2021 acknowledging receipt of the Section 24G application contained in Annexure 2.</p>	<ul style="list-style-type: none"> Section 7.4.2 provided an overview of the five Environmental Management Overlay zones, and in particular the Coastal Protection Zone EMOZ Reference to the Protected Area Buffer EMOZ was omitted in the motivation report. Similar to the Coastal EMOZ, the proposed micro-distillery and farm shop/stall do not constitute any of the prohibited activities, as per Schedule "A" in Protected Area Buffer EMOZ, but includes activities only permitted with Council consent, i.e. "commercial" and "construction or placement of any permanent object, building, shelter, pathway or structure", as in Schedule "B". The requisite consent is herewith applied for.

<p>In a subsequent e-mail the Environmental Officer stated that, "141/559 has both the Coastal Protection Zone and Protected Area Buffer Zone EMOZ, please make sure both are in the application (you have included the Coastal Protection EMOZ but I can't find reference to the Protected Area Buffer Zone?). The Schedules for both of these EMOZ for e.g. prohibited activities or activities that require permission etc. for e.g. harbouring alien invasive species (the gum trees), installation of conservancy tank (I requested this be installed to replace soak away) storing water (the dam) etc."</p>	<ul style="list-style-type: none"> • Consent for the two activities requiring Council's consent in the Protected Buffer Area EMOZ are applied for as per the above. • Refer to the statement regarding the Eucalyptus species provided under "wetlands and vegetation on site." • It has been confirmed that current sewage system on the property which is a "soak away" septic tank system, is to remain. It has been confirmed that the soak-away system does not require pumping/removal by a sewerage truck. The soak away is a natural process system and works with natural bacteria that break down solids. • The capacity and functioning of the system will be closely monitored. • Based on the aforementioned, what is proposed regarding the blue gums and the retention of the existing septic tank, means that it is not in contravention of the prohibited activities (i.e. the blue gums) as per Schedule "A" or requires consent (i.e. the conservancy tank) as per Schedules "B" applicable to the Protected Area Buffer Zone EMOZ. • Regarding the dam, it is a completely separate issue and must not be conflated with the land use application for the micro-distillery and farm store/shop. This is confirmed in the letter dated 22nd October 2021 from DEA & DP contained in Annexure 1. • This is incorrect. The existing soak away septic tank that receives sanitary ablation waste should not be confused with the waste management system designed to serve the micro-distillery. The waste water from the micro-distillery will not discharge into the septic tank. Please refer to the Waste Management Plan (WMP) contained in Annexure 3 for further details regarding this, and specifically Section 5.2 in the WMP.
<p>It was noted in the letter received from EMS that, "The owners indicated that the current soak-away septic tank will used to collect wastewater produced by the Reverse Osmosis Filter used in the distillery process. The application indicates that this wastewater does not contain organic waste but is high in dissolved minerals. The owners and the written application indicated that should the septic tank require more frequent emptying the service will be contracted out by the owner."</p>	

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<p>ADDITIONAL INFORMATION REQUIRED</p> <p>Due to the location of the soak-away system away from property access points, is not clear how the soak-away system will be accessed by a sewage truck to remove excess wastewater if the need arises. Clarity from the applicant is requested on this point.</p> <p>A Waste Management Plan (WMP) was submitted with the application. The WMP should be updated and resubmitted to include the conservancy tank installation.</p> <p>There is no information in the application regarding the harvesting or utilization of fynbos species. It is therefore unclear what species will be used – or the conservation status of the fynbos species – will be.</p> <p>It is unclear whether a permit will be required from Cape Nature for this proposed activity, it is requested that the applicant contact the relevant authority and include in this application the proposed activities with regard to fynbos harvesting, the amount of harvesting required for the proposed activity and either reasons for not requiring a permit (i.e. the lawfulness of the activity without a permit) or the assurance that the permit process will be undertaken if proposed application is granted.</p>	<ul style="list-style-type: none"> • Refer to the 3rd, 4th and 5th bullet points in the 2nd in the response titled "inclusion of the protected buffer EMOZ in the application." • Waste Management Plan has been updated, and a copy thereof is contained in Annexure 3. • Our client no longer intend to harvest fynbos for use in the micro-distillery. • Nonetheless, nothing prevents our client from applying for the requisite permit at a later date. • Cape Nature will only approve permits for specific species that may be harvested that are not endangered.
<p>RECOMMENDED CONDITIONS OF APPROVAL</p> <p>It is recommended that the approval for this application should include conditions that for e.g. should road traffic be seen to increase due to increased and/or valid complaints are received, measures will be put in place to mitigate.</p> <p>Broilers, depending on the MW capacity and the other specifications indicated within the regulations must be registered with the Overstrand Municipality designated Air Quality Control Officer, Tamzyn Zweig (t.zweig@overstrand.gov.za).</p> <p>The condition of approval of this application should therefore include, as per National Legislation and the Overstrand 2020 EMOZ regulations (as described in section 1 of the EMS letter), a commitment from the applicant to remove the AIS species over a period of time. An Alien Vegetation Management Plan should be attached to the application.</p>	<ul style="list-style-type: none"> • This is acceptable to our client. • Contingent on the approval of the application, this will be complied with, if required. • It is anticipated that the proposal will use far less than 1 MW of electricity. • This is acceptable to our client. • Note that an Environmental Management Plan (EMP) is being compiled by the project environmentalist (i.e. Green Africa) and will be submitted for approval once complete, and contingent on the approval of this application. The EMP will address the requirements of EMS (including the Alien Vegetation Management Plan).

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<p>The property must comply with fire regulations at a National, Regional and Municipal level before the commencement of commercial micro distillery activities.</p> <p>Due to the proximity of the wetlands on the property, it is requested that a sealed conservancy tank is installed with off-site suction point is installed. The EMOZ requires that the installation of conservancy tanks be further than 50m of a watercourse. An amended plan to the Overstrand Building Control Department must be submitted to indicate the location of tank and suction point.</p>	<ul style="list-style-type: none"> • This is acceptable to our client who is committed to complying with the applicable National, Provincial and Municipal fire regulations. • As explained earlier the current septic tank "soak away" system has been operating well for many years and the Elves are loath to remove it and replace it with a conservancy tank, which also requires consent in the Protected Buffer Zone EMOZ. • Furthermore, the justification for it, i.e. due to the presence of a "wetland" is refuted for the reasons provided earlier in this Table.
<p>COMMENT FROM DEA & DP (DATED 19th May 2021)</p> <p>The site is located within 32m of a watercourse and the existing building will be expanded by more than 100m² to accommodate the proposed micro-brewery and farm shop/siall ad triggers Listed Activity No.48. Written authority is required from the competent authority prior to the undertaking of the proposed micro-distillery.</p> <p>This letter has been superseded by the letter received from DEA&DP dated 22nd October 2021 contained in Annexure 1 in which it is confirmed that, "...the proposed development on the property does not constitute any listed activities..."</p>	

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Table 3: Response to Objections

OBJECTOR AMENDMENT AND/OR DELETION OF TITLE DEEDS UNDESIRABLE	OBJECTION	RESPONSE
<p>1, 2, 3, 4, 5, 10, 25, 37, 40, 43, 45, 47, 50, 52, 53, 56, 57, 62, 65, 72, 92, 94, 113, 107, 114, 120, 127, 129, 132, 139, 139, 141, 155, 160, 163, 171, 173, 177, 178, 179, 180</p>	<ul style="list-style-type: none"> The removal of the conditions of title applied for is not in the public interest because they were specifically included to protect the area between Pringle Bay and Rooi-Els from inappropriate development. The contention that these conditions were only imposed because at the time no legal mechanisms or zoning schemes existed which regulated development is rejected. The legal standing of the remaining member of Hangklip Beach Estates (HBE) is contested. That the conditions to be deleted are only in favour of HBE is disputed. Reference is made to two judgments, namely <u>Van Rensburg v Naidoo 2011 (4) SA 149 (SCA)</u> and <u>Van Rensburg NO v Equus Training and Consulting CC and Camps Bay Ratepayers ('Equus Training')</u> and an order in <u>Ex Parte GF Kirsten</u> (case no 17268/2008) in support of the contentions made. The title deed conditions should be in favour of both HBE and the Municipality as is the case with other properties in the area. The consent of the remaining member of HBE is insufficient to remove and/or amend conditions. This view is supported by the Registrar of Deeds. Only the Municipality can approve the amendment and/or deletion of conditions. It is unnecessary to amend and/or remove so many of the conditions to permit the establishment and 	<ul style="list-style-type: none"> Before 1984 most properties located in the districts and small villages were not covered by formal zoning schemes. Instead township conditions of establishment were imposed by the Administrator, the provincial authority responsible for township establishment. These conditions usually included specifications relating to use, building lines, coverage etc., and included as reciprocal title deed conditions on the registration of all erven falling within the township established. In some cases, subdivision of land did not involve a prior township establishment process. Sometimes conditions of subdivision were imposed by the local authorities and included as title deed conditions, while sometimes this did not occur. Sometimes land developers included conditions in the title deed that are private conditions, and not conditions imposed by the authorities. After 1984 zoning schemes became applicable to all properties in the Western Cape and these zoning schemes included provisions to regulate the development of land in terms of use, height, building lines, coverage etc. This created a situation where some properties are affected by zoning regulations relating to use, building lines, height and coverage, and also by different conditions in the title deed dealing with use, building lines, height and coverage. In such a situation both sets of conditions apply, until one or other is amended. In order to facilitate the proposed development it was initially considered necessary to delete one condition

OBJECTOR	OBJECTION	RESPONSE
	<p>operation of the proposed Distillery.</p> <ul style="list-style-type: none"> • Only C4 should be removed while C13 should only be amended by the removal of the word "shop". It is contended that the proposed amendment of C13 is a "red herring". • The remaining conditions should remain. • Why should C1 should be removed? It deals with the water pipeline servicing Rooi-Els. 	<p>of title being clause C(4) which relates to the street building line, and to amend another condition being clause C(13) which relates to land use. These clauses were imposed by and for the benefit of the original land owner (developer), being Hangklip Beach Estates Limited (Hangklip Beach Company). Hangklip Beach Company was approached for its consent to make these deletions / amendments. During this process Hangklip Beach Company decided that there was no reason to retain the other conditions save for a portion of clause C(13), namely that "No public garages or filling stations shall be erected on the land". Since Hangklip Beach Company no longer wishes to enforce the other conditions, and the owners of the property have no intention to erect or operate a public garage or filling station, an agreement was reached between the parties. The relevant documentation is contained in Annexure 8 of the motivation report.</p> <ul style="list-style-type: none"> • Like the definition in SPLUMA, the definition of "restrictive condition" in the Planning By-Law does not exclude personal servitudes, which it could have done based on the definition in LUJA, which is the provincial legislation passed in terms of Schedule 1 to SPLUMA. There is a resultant uncertainty in the Western Cape about how to remove or amend title conditions which are "servitudes creating real or personal rights". To move past this uncertainty it is considered necessary to apply to the Municipality to amend and delete the relevant restrictive conditions in terms of Section 16(2)(f) of the Planning By-Law and to follow the procedures set out in sections 35 and 36 of the By-Law. • Motivation in terms of Section 35(4) of the Planning

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OBJECTOR	OBJECTION	RESPONSE
		<p>By Law was provided for in the application for the deletion and/or amendment of the restrictive conditions of title and it was concluded that the conditions should be deleted and/or amended as proposed.</p> <ul style="list-style-type: none"> • The following bullet points were provided by our client's legal consultant (Advocate Adele Erasmus): • Caution is to be exercised when referring to the Van Rensburg case for two reasons. • First it dealt with restrictive conditions inserted in title deeds in favour of all erf-holders on the establishment of a township. The preamble to the restrictive conditions states: "C. SUBJECT FURTHER to the following conditions contained in Deed of Transfer ... imposed by the Municipality ... in terms of the provisions of Township Ordinance No 13 of 1927 in favour of itself [the Municipality] and any erf-holder in the Summerstrand Extension Township (and subject to alteration and amendment by the Administrator)." Adv's Erasmus emphasis • The preamble to the restrictive condition in the title deed for 141/559 (T8920/2005) provides: "C. SUBJECT FURTHER to the conditions contained in Deed of Transfer No T23786/1964 imposed by Hangklip Beach Estates Limited for its (sic) sole benefit as owner of the remaining extent of the Farm "Hangklip" ... and held by it under Certificate of Consolidated Title No. T3720 dated 17 April 1937. provided always however that if in the said Company's opinion it is expedient the Company may suspend or relax restrictions contained in any of such conditions and then subject to such conditions as the Company may impose." Adv's Erasmus emphasis

OBJECTOR	OBJECTION	RESPONSE
		<ul style="list-style-type: none"> • The Trust, at substantial cost, instructed Ms Malan, an experienced conveyancer, to make enquiries at the Cape Town Deeds office and conduct an examination of the deeds relating to 141/559. Not because it wanted "to take 'short cuts'" - these derogatory comments are rejected as being unfounded on the objective facts - but to establish the legal status of the restrictive conditions in its title deed. This analysis is contained in Annexure 12 to which all the title deeds in relation to 141/559 are attached. • No matter how much the objectors would want it to be otherwise, the condition speaks for itself. It is a personal servitude enforceable by the HBE. It is not what the SCA in Van Rensburg referred to as a praedial servitude, namely restrictive conditions which are for the benefit of all other erven in a township, unless there are indications to the contrary. Although the Trust, as they were entitled, obtained the consent from HBE, the Registrar, has rejected the consent, saying the Municipality must also give its consent. • That he refused the consent is not because it was unlawful but because he believes the provisions of SPLUMA apply. The question of the removal of restrictive conditions registered in favour of a person as opposed to reciprocal title deed holders is a developing area of law within the context of the new planning legislation. The Trust has applied to the Municipality and motivated its application. This will obviate any uncertainty. Accordingly, section 8 of the motivation report contains a detailed motivation in terms of the relevant criteria. • Any negative aspersions cast on the integrity of the

OBJECTOR	OBJECTION	RESPONSE
		<p>Elves's character for obtaining HBE's consent is rejected as unfounded and, in the context of the motivated removal, is irrelevant and should be rejected by the decision-maker.</p> <p>Caution is to be exercised secondly, because Van Rensburg and the further cases respondent no 178 raises, i.e. Equus Training and Camps Bay Ratepayers dealt with the removal of restrictive conditions under the Removal of Restrictions Act 84 of 1967 which was repealed by s 59 of SPLUMA effective 1 July 2015.</p> <p>It is contended that the Applicant has not met the onus of proving the desirability of removing the restrictive conditions. The focus on desirability as the sole criterion is misplaced.</p> <p>Section 2(1)(a) of the Removal Act provided the criteria in the following terms: "Whenever the Administrator ..., is satisfied (a) that it is desirable to do so in the interest of the establishment or development of any township or in the interest of any area, ..or in the public interest". Section 2(1)(a) in the terms was not repeated in the legislation with replaced the Removal Act.</p> <p>In circumstances when municipal officials exercise a discretionary power which, depending on its use, could improperly affect rights, it is open to the legislature to structure the exercise of their discretionary power by stipulating the mandatory considerations a decision-maker must consider before deciding.</p> <p>Section 35(4) of the Planning By-Law provides that legislative guidance by specifically identifying the relevant criteria the Municipality must consider when applying the desirability criterion in section 66(1)(c) of</p>

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OBJECTOR	OBJECTION	RESPONSE
		<ul style="list-style-type: none"> • the Planning By-Law. Whether the application should be refused or granted is a matter for the decision-maker's judgment and discretion having regard to the general criteria in s 66 which in addition to desirability, incorporates amongst other considerations the Municipality's SDF, s 42 of SPLUMA and Chapter VI of LUPA, and the specific criteria in s 35(4). • Decisions about restrictive conditions are now to be taken by the authority responsible for land use management at municipal level. This ensures that such decisions accord with the broader objects of spatial planning and land use management as determined by a municipality. The removal, amendment, or suspension of restrictive conditions must accordingly align with the broader objects and principles set out in the legislation. • Ex Parte Whitfield 2017 (5) SA 161 (EP) held that these statutory mechanisms, permit the Municipality to consider the broad set of criteria now provided in the applicable legislation and to decide such application, having full and proper regard to the public interest where the consent of all affected parties cannot be or has not been obtained. • As to the issue of consent, some of the objectors contend that based on the Order in Ex Parte GF Kirsten and a letter by the Western Cape Government that praedial servitudes can only be removed with the consent of the owners of the dominant tenements in whose favour the restrictive conditions exist. • That is not correct. A distinction needs to be drawn between the two ways in which restrictive conditions can be removed. Either in terms of an order by a

OBJECTOR	OBJECTION	RESPONSE
		<p>court or pursuant to the then applicable Removal of Restrictions Act (decided by Province) or the now applicable provisions in the Planning By-Law (decided by the Municipality). Section 16(2)(f) of the Planning By-Law read with s 35 authorises the bringing of an application and empowers the Municipality to amend, vary or remove restrictive conditions.</p> <ul style="list-style-type: none"> Ex Parte Whitfield held that the High Court removes, varies, or suspends a restrictive condition, given the contractual or servitudinal nature of these conditions, a Court cannot do so unless all the parties whose rights and interests are regulated thereby, consent. A Court has no independent or inherent jurisdiction to change the conditions. Its role is merely to serve as a court of enquiry to establish whether all the interested parties have by mutual agreement or unilateral waiver abandoned their rights. If the Court is satisfied that this is so, it issues a declarator which authorises the Registrar of Deeds to effect an appropriate endorsement of the title deeds in accordance with the provisions of the Deeds Registries Act. The Court process is different to the statutory amendment process authorised by SPLUMA, LUPA, and the Planning By-Law. Ex Parte Whitfield held that the statutory and court processes can co-exist. However, in circumstances such as here, where a land use application is required for consents and a departure, to facilitate integrated administrative decision-making in relation to land development there is no reason to engage the courts to have a restrictive condition removed. The Municipality can determine the removal application simultaneously

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OBJECTOR	OBJECTION	RESPONSE
		<p>with other land use applications made in respect of the subject property.</p> <ul style="list-style-type: none"> • What should also not be confused is the giving of consent and the giving of notice. • The order in Ex Parte Kirsten and the Province's letter addresses the requirement that proper notice be given. It is incorrect to say that because notice is required to be given that the consent of everyone to whom notice is given must consent. • Section s 35(3) of the Planning By-Law stipulates how notice is to be given. The Trust has complied with its provisions. As addressed elsewhere, registered notice of the application was given, not only to the owners of the farms immediately surrounding 141/559 but to all the portions of Farm 559 as depicted in Figure 1 (in the motivation report) as well as to the ratepayers and other associations. E-mail notification was sent to a much broader audience. The municipal decision-maker must consider whether proper notice has been given as required by s 35(3) of the Planning By-Law and if so, it must consider all objections raised by interested parties. • Ex Parte Whitfield held [para 21] that there is no requirement in SPLUMA that parties whose rights are affected by the removal or variation of a restrictive condition must consent to such removal or variation. Consent is not a criterion for the exercise of the discretion granted by the legislation to the municipal decision-maker. Consent of everyone is only required in a court enquiry. • It is accordingly denied that because the immediate neighbour has refused its consent that the Municipality is precluded from approving the

OBJECTOR	OBJECTION	RESPONSE
<p>THE CURRENT APPLICATION IS NOT "NEW" 1,4, 62, 70, 104, 107, 113, 140, 147, 167, 177, 178, 180,</p>	<ul style="list-style-type: none"> It is disingenuous to state that the previous application was withdrawn when in fact it was rejected as the subject property needed to be rezoned first to permit a Distillery. The current application is very similar to the previous application, though it is elaborate and cleverly written to obfuscate that the proposal is for a noxious and dangerous industry in a remote and ecologically sensitive area. The MPT on 31st October 2018 resolved that the previous application be referred back as a legal opinion was awaited. It is presumed that this legal 	<ul style="list-style-type: none"> application. It is to be remembered that the removal of a restrictive condition serves merely to remove an impediment to use. It does not confer any use rights upon the owner. Such use rights are conferred by approval of a defined land use pursuant to a land development application made in terms of the relevant legislation. As to the Trust's motivation, the specific criteria in s 35 are comprehensively addressed at para 8, pp 28 to 33 of the motivation. It is denied that Applicant relies solely on considerations which the Courts have ruled irrelevant because 1) the cases were decided on different legislation, 2) the comment in Van Rensburg was not the basis on which the Court decided the matter, 3) in relation to Equus Training, while it is correct that a zoning scheme as a matter of law does not override restrictive conditions, it is not unlawful to amend them and it is denied that the Applicant's sole motivation is that the conditions have been replaced by the zoning scheme. This is a new application and the process for notification and assessment must start afresh based on the information provided in this report. The current application does makes use of information gained during a previous application process submitted on 23rd January 2018 and subsequently withdrawn on 24th June 2020. The reasons for the withdrawal were to refine and supplement the written motivation for the application and to undertake further investigations in relation to the restrictive conditions of title. The current application needs to be considered on its

OBJECTOR	OBJECTION	RESPONSE
	<p>opinion was not favourable and that the Town Planning Branch finalised its recommendation before the legal opinion was requested by the MPT.</p> <ul style="list-style-type: none"> As the current application is essentially the same as the previous one, it is not considered to be procedurally fair or transparent and gives rise to fears of collusion between the applicant and town planner (presumably Ms van der Stoep). What is stated in the application as to why the application was withdrawn is pure obfuscation and the "real" reasons were not disclosed, and that alone should be reason enough for the MPT to refuse this application. 	<p>own merits. The contention that the current application is simply a "repackaging" on the previous application is fallacious.</p> <ul style="list-style-type: none"> The application provides all the information required for an informed decision to be made. The assertion that the application is attempting to "hide" any aspect of the proposed micro-distillery is rejected. The application has been submitted in terms of the relevant legislation and publicised in accordance therewith. In no way has the applicant attempted to circumvent any aspect of the application process. Any untoward relationship between the officials of the municipality and the applicant are also rejected.
<p>ZONING OF SUBJECT PROPERTY DISPUTED & CONSENT USE MECHANISM CONSIDERED INCORRECT 1, 2, 3, 4, 5, 21, 25, 37, 44, 52, 56, 57, 60, 62, 65, 72, 88, 94, 107, 113, 119, 120, 127, 128, 129, 138, 139, 141, 144, 153, 160, 167, 172, 173, 178, 179, 180</p>	<p>The subject property's zoning is questioned.</p> <ul style="list-style-type: none"> Reference is made to the case of HEAG v MEC for Agriculture, Environmental Affairs and Development Planning, Western Cape 2007 (6) SA 65 (C) and an undated email by the Municipality's town planner. It is alleged the Municipality conceded it erred in zoning the Hangklip Farms and smallholdings outside the urban edge of towns as Agricultural Zone 1. Zonings were re-assigned either as Undetermined or Rural Zone 2: Conservation Usage. Before the consent use can be considered, the zoning needs to be confirmed. Agri industry is not a consent use permitted in Undetermined or Rural Zone 2: Conservation Usage zones. The liquor license was refused because the subject property was not zoned correctly. All other smallholdings in the area are zoned Rural Area 2 or 	<ul style="list-style-type: none"> The following 2 bullet points were provided by our client's legal consultant (Advocate Adele Erasmus): The zoning of Agricultural 1 is correct. The Agricultural 1 zoning was confirmed on two occasions after the HEAG case. First when the Municipality gazetted its zoning scheme map pursuant to its Zoning Scheme, June 2013 (Fig 7: para 4.3, p 5 of the motivation report). Secondly, the issue of a zoning certificate to the Trust on 18 October 2017, a copy which accompanies this response in Annexure 4) The consent uses applied for are in accordance with this zoning. Therefore reference to the subject property being incorrectly zoned or to other zonings that some of the objectors believe the subject property should be zoned as, are based on incorrect assumptions.

OBJECTOR	OBJECTION	RESPONSE
	<p>Undetermined and therefore it makes no sense for an agri industry to be situated in this remote area. The current zoning of the subject property is an anomaly.</p> <ul style="list-style-type: none"> A consent use is not suitable or legally applicable in this instance because the proposed land use does not meet the requirements of the definition of "agricultural industry". The Distillery does not distil anything produced on or near the property. Based thereon, it is questioned how the Distillery can be considered to be an agricultural industry. Therefore the property should be rezoned rather than applying for consent. Any mention of fynbos flavouring is sophistry. It is contended that this component is vague and does not demonstrate compliance with the Municipal Land Use Scheme (2020). The property has never been used for bonafide agriculture. A permit is required to be issued by CapeNature to harvest Fynbos on the land unit and this is not likely to be given due the presence of many threatened and near threatened species occurring on the property such as <i>Potea compacta</i>, <i>Diastella thymeriodes</i> & <i>erica brachialis</i>. The applicant cannot motivate that the Distillery is not an industrial use, which is not permitted in the Critical Biodiversity Area. This contrary to the Western Cape Land Use Planning Guidelines Rural Areas (March 2019) which only permits for leisure or tourism. A Distillery is considered a "nuisance" in terms of this Planning Instrument. The smallholdings in the area between Rooi-Elis and Pringle Bay identified as Core 1 in terms of the WC Land Use Planning Guidelines Rural Areas with the 	<ul style="list-style-type: none"> It is acknowledged that the liquor license was refused, but that was because the necessary land use rights were not in place. Contingent on the approval of this application, those rights will be in place, the license will be re-applied for. The Agricultural zone makes provision for certain activities of a commercial nature (such as what has been applied for) with consent, if the Municipality considers them to be appropriate to the site and context. It is firmly contended, based on the motivation provided that the micro-distillery and farm shop/stall proposed are such appropriate enterprises. The definition of Agricultural Industry includes a distillery and the Land Use Scheme therefore makes provision for distilleries in such a zone. The proposed agricultural industry is not a regular industry which is characterised by larger scale, commercial operations with greater power, water, and waste disposal requirements. This is a small family concern specialising in a high quality crafted product, making use of sustainable local resources such as solar energy, water from the well and wood from cut alien vegetation. The enterprise will promote tourist-related activities. The proposed farm shop/stall is a small-scale ancillary use to the distillery. It will sell produce from the farm and mementos related to the distillery. The number and range of products will be limited, and the target market will be visitors on tour to the distillery. This is therefore not a retail node or magnet and will not attract customers in the way a conventional shop would do. The enterprise does not require a large staff complement nor land area. It is designed to produce relatively small quantities of premium

OBJECTOR	OBJECTION	RESPONSE
	<p>management objective (Terrestrial) to maintain in a natural or near natural state with no further loss of natural habitat. This policy doc identifies this area as "Protected Area" or "Critical Biodiversity Area".</p> <ul style="list-style-type: none"> Some respondents make reference to the requirements for an agricultural industry and their sets of criteria regarding desirability to the City of Cape Town and Stellenbosch By Laws. 	<p>products and the business model does not require ever increasing volumes to increase profitability. The sustainability of the micro-distillery is linked to the quality of the spirits produced and not the quantity. Based on the extensive information provided in this motivation report about the subject property and proposal it is clear this is a desirable and appropriate enterprise to be established on the property, and that granting of Consent is reasonable and desirable.</p> <ul style="list-style-type: none"> The contention that the consent use as applied for in the application as vague and unmotivated is rejected as unfounded. The relevant sections of the motivation report provided the necessary information and motivation as prescribed by the By Law. The necessary permit will be obtained should the landowner wish to harvest local fynbos species to utilise in the distillation process.. Note that the project environmentalist (Green Africa) have confirmed that "any landowner may apply for a permit, which may be issued for specific species to be harvested, regardless of whether threatened species are present or not." Section 4.4 of the motivation report investigated and analysed the suitability and potential impact of the proposal on the Kogelberg Biosphere and Nature Reserve. Nonetheless, the following needs to re-iterated: <ul style="list-style-type: none"> The Kogelberg Biosphere Reserve is different to a conventional nature reserve where nature conservation predominates and human activities are minimised. By contrast the biosphere reserve includes within its area a significant permanent and non-permanent population, together with a wide range of economic activities including

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OBJECTOR	OBJECTION	RESPONSE
		<p>deciduous fruit farming, wine production, flower production, fruit processing, commercial pine plantations, tourism and even urban development.</p> <p>- Economic development is not prohibited within the biosphere reserve but there is an emphasis on sustainable development and respecting the environmental characteristics and ecosystems of the area.</p> <p>- The proposed micro-distillery and associated activities are consistent with the biosphere principles because, amongst other factors, the proposal is of a small scale, recycles an existing building, makes use of renewable resources and operates in accordance with sustainable production processes.</p> <p>- The Kogelberg Nature Reserve and other formally protected areas constitute the core of the biosphere reserve. This sensitive core remains pristine and essentially wild, with a high level of biological diversity. Around the core is a buffer where agriculture and other activities occur.</p> <p>- The biosphere concept accommodates both conservation and development, ensuring that sensitive areas and biological diversity are adequately protected, but at the same time allowing human settlement and economic development, particularly in the buffer and transitional areas.</p> <p>- While the subject property is situated inside the Kogelberg Biosphere Reserve, it lies outside the Kogelberg Nature Reserve, and is not part of the core area.</p> <p>- The micro-distillery and associated activities will</p>

OBJECTOR	OBJECTION	RESPONSE
<p>INAPPROPRIATE USE OF MUNICIPAL RESOURCES 1, 2, 4, 10, 62, 64, 114</p>	<ul style="list-style-type: none"> It is contended that scarce municipal resources will be required to upgrade municipal infrastructure such as Porter Road, the sewage system, waste removal and the fire fighting capability for the benefit of a single land owner. The upgrading will be capital intensive and be expensive to maintain. This will be burdensome for the Municipality. 	<p>be accommodated within an existing disused stable structure. The production process will not generate harmful impacts on the Reserve, and no alien plant species will be introduced onto the property which could potentially spread to the Reserve. Note that an Alien Invasive Management Plan will be included in the Environmental Management Plan (EMP) that will be submitted in due course for approval.</p> <p>The biosphere concept accepts that development, under controlled conditions and of an acceptable nature, can be accommodated. No negative impacts on either the nature reserve or the broader biosphere reserve are foreseen.</p>
<p>INAPPROPRIATE LAND USE WITH RESULTANT NEGATIVE CHANGE IN CHARACTER OF THE AREA 1, 2, 4, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 20, 22, 23, 24, 25, 26, 28, 29, 29, 30, 31, 31, 32, 34, 35, 36, 37, 38, 39, 41, 42, 43, 44, 45, 46, 48, 49, 50, 52, 53, 54, 56, 57, 60, 61, 64, 65, 66, 67.</p>	<ul style="list-style-type: none"> The proposed Distillery will be situated in a remote and ecologically sensitive area that will be negatively impacted upon. The existing "sense of place" created by the pristine, undeveloped environment, being situated within the Buffer Area of the Kogelberg Biosphere reserve & home to many rare species of fauna and flora (such as the Cape Rockjumper and Fynbos). The Distillery with its attendant by products will negatively impact on the fauna and flora and is 	<ul style="list-style-type: none"> The motivation report is clear, no municipal resources are required to either upgrade existing infrastructure or install new infrastructure to permit the proposed micro-distillery. Refer to Section 6.4.3 of the motivation report which dealt with utility services. The upgrading of Porter Road is not required based on the amount of traffic to be generated by the micro-distillery. The issue of the suitability of locating the proposed micro-distillery in this locale was dealt with in the last bullet point under the objection titled "zoning of the subject property disputed and consent use mechanism considered incorrect". The proposed micro-distillery will not have a negative impact in terms of its location, an existing building will be repurposed, and therefore it also does not encroach into an ecologically sensitive area. A Waste Management Plan (WMP) will be

OBJECTOR	OBJECTION	RESPONSE
<p>68, 70, 71, 70, 75, 76, 77, 78, 79, 80, 81, 84, 85, 86, 88, 89, 91, 94, 95, 96, 97, 107, 108, 111, 112, 113, 114, 115, 119, 120, 123, 124, 125, 126, 127, 128, 129, 130, 133, 134, 135, 136, 137, 139, 140, 141, 142, 146, 147, 149, 152, 153, 154, 157, 158, 160, 162, 163, 164, 167, 169, 170, 171, 172, 173, 174, 175, 176, 179, 180</p>	<p>therefore not considered to be ecologically friendly or sustainable.</p> <ul style="list-style-type: none"> The subject property is situated in an area designated by SANBI as having "critical biodiversity importance". By allowing light industry in the Buffer Zone will weaken the protection offered by the Buffer to protect the Core Zone. No mention about the function & importance of the Buffer Zone provided in the motivation report. The subject property is situated within the nearly pristine stretch of land between Rooi-Eis and Pringle Bay comprising critically endangered Kogelberg Fynbos vegetation & endangered Hangklip Sand fynbos. This means it is an inappropriate land use in this locale. It is this unspoilt environment that results in ecotourism (and especially avitourism). The proposal will change the underdeveloped character of the area (between Rooi-Eis and Pringle Bay) to now including commercial activities. The proposal will negatively impact on the existing use and enjoyment of the area by the general public & loss in income generated by eco-tourists (birders and hospitality industry serving them). The type of tourists who visit distilleries and tasting facilities are undesirable and will be out of place in this area. Concern is expressed about "drinking & driving" after the patrons have left the Distillery. This type of behaviour will be difficult to police. When alcohol is involved, it will result in a noise disturbance. It is suggested that the Distillery be situated in an existing developed area accommodating industrial activity such as in Gordon's Bay, Hermanus. 	<p>implemented and a copy thereof is contained in Annexure 3. Note that this is slightly updated version of the WMP included with the February 2021 submission. Consequently, the possible impacts of the establishment and operation of a micro-distillery have been assessed and as well mitigatory measures proposed, to be implemented if required.</p> <ul style="list-style-type: none"> The property may be located in an area designated as being of "critical biodiversity importance", however the proposed use of an existing building will have no negative impact on the biodiversity of the area. The proposed use will not impact on the Rockjumper or fynbos in the area. Section 4.4 of the motivation report dealt with the Kogelberg Biosphere and nature reserve and included its various components. It was concluded no negative impacts on either the nature reserve or the broader biosphere reserve are foreseen. The statement regarding the pristine nature of the area is true, in so far as it excludes the farmyards and historically transformed areas where the proposed micro-distillery will be. It must be emphasised that the subject property is zoned for agricultural use, if the landowner wants to develop other areas excluding the historically disturbed farmyard, an EIA would be required and the legislatively empowered authority would decide on such application. The current application does not constitute such an application, and the concern is unfounded. The contention that the proposal will negatively impact on eco-tourism in the area based on its attributes is rejected. The proposed use of the existing structure will not impact on avi-tourism. The

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OBJECTOR	OBJECTION	RESPONSE
	<p>Kleinmond, or even in Pringle Bay or Bettys Bay.</p> <ul style="list-style-type: none"> The proposal will degrade the landscape for nature conservation and related tourism activities (birding, whale watching and coastal fynbos). The proposal will have a negative impact with the long term alignment of eco-sustainability industries in the region, skills development and jobs creation. A potentially dangerous and noxious industry with heavy duty vehicles will detract from the present eco-tourism use of the area and amenity value of retaining the pristine and natural "sense of place" of the area. 	<p>low-key nature of the proposed tourism component of the distilling activity presents a diversification of the tourism offering in the area even to discerning birders, whale-watchers etc.</p> <ul style="list-style-type: none"> The concern regarding "drinking and driving" is not directly related to the use but rather a behavioural observation, generalised and misplaced with respect to a tasting facility. The "sense of place" of the area between Rooi-Els and Pringle Bay will not be impacted upon due to the nature and scale of the proposal. Section 7.1.1.2 of the motivation report dealt with Policy S1 of the PSDF which included "sense of place" and it was concluded that, "...the development will not constitute urban sprawl, but will make use of an existing building (with a minor extension) to undertake an activity that is consistent with the rural character of the site. The character of the buildings and operations within the buildings will enhance the sense of place", located within a tourism area. All of the aforementioned are incentives for the operators of the micro-distillery to have as little as possible impact on the environment within which the proposed micro-distillery will be embedded, noting also that the operators will live on site. A shuttle vehicle will ferry the guests to the micro-distillery to and from the parking area at No 16 Central Road. Measures would therefore be in place to ensure the safe delivery of tourists who visit the micro-distillery. The allegation that the type of guest to a micro-distillery such as the one proposed will somehow be inappropriate to the area is unsubstantiated by fact. It must be emphasised that what is proposed is not a

OBJECTOR	OBJECTION	RESPONSE
<p>APPLICATION CONTAINS MISLEADING AND ERRONEOUS INFORMATION 2, 4, 7, 13, 20, 25, 33, 34, 36, 50, 58, 64, 70, 73, 77, 78, 84, 86, 94, 96, 107, 111, 113, 115, 120, 125, 127, 128, 129, 145, 150, 151, 152, 157, 157, 158, 160, 167, 177, 178, 179, 180</p>	<p>It is contended that the application contains a mix of distortions, half-truths and baseless claims. Examples include:</p> <p><u>Building Plans:</u></p> <ul style="list-style-type: none"> Land owner has pre-empted the issuing of the required municipal approval by completing additions to the existing building under guise of building the barn. Building plans for the additions to the stable building were submitted under false pretences and without full disclosure of the future intended use. In the application, an outdated photo of building (Figure 6) was included creating the false impression that the construction of the distillery will only take place after the approval of the application. Old and outdated building plans were included in Annexure 6 of the motivation report. After the previous application was withdrawn, building plans for a structure claimed to be a barn were submitted July 2020 and subsequently approved in September 2020 and the building inspected in January 2021, while the current planning application was submitted in February 2021. It is clear that the "barn" was concealed in the application and outdated Distillery plans and photos included. 	<ul style="list-style-type: none"> bar but a micro-distillery that offers a tasting experience. This tasting experience is very different from going to a bar and binge drinking. The suggestion that the proposal be situated somewhere else is rejected and irrelevant, as the desirability of the application on the proposed property needs to be evaluated. The building plans were submitted on 24th July 2020 and approved on 11th September 2020 for two new stores of various sizes to the existing stables/barn structure. A copy of the building plan approval is contained in Annexure 5. Building commenced on ± 20th January 2021. It should be noted that once building plans are approved, construction can commence. The plan submission and approval was in accordance with the applicable legislation and approved. The application submitted in November 2020 was subsequently withdrawn and resubmitted in February 2021 (due to the title deed issue). The photographs and plans included used at the time were accurate. The contention that building plans were submitted under false pretences is denied, as the structure will only be utilised as a distillery should the current application be approved. The fact that Planning Partners has submitted the application, cannot be construed as a breach of ethics. The building is designed in a way that it can be repurposed easily, i.e. contingent on the success of

OBJECTOR	OBJECTION	RESPONSE
	<ul style="list-style-type: none"> It is contended that the "barn" shown in Figure 5 corresponds exactly to the planned Distillery and transgresses the building lines. The ethics of the town planner is questioned as the construction of the distillery is almost complete. Based thereon Planning Partners is accused of being in breach of the code of conduct and ethics in terms of the Planning Professional Act if they were aware that the additions were intended as a distillery and advised/allowed the submission of the plans as "additions to a stable". It is claimed that the landowner has spent two million rand on the dam and distillery building and therefore what is proposed is not a modest addition to the former stable building. <p>Scale:</p> <ul style="list-style-type: none"> The scale of the distillery is misrepresented in the application as a micro distillery can produce up to 2 million litres of spirits per annum. This is not a small "home distillery" but a large scale operation because of extensive buildings, dam and parking garage in Pringle Bay. <p>Dam:</p> <ul style="list-style-type: none"> In addition, the dam is six times the minimum size for which authorization is required in terms of NEMA. 	<ul style="list-style-type: none"> The monetary value of the spend on the property is irrelevant and unsubstantiated. Much of the labour was carried out by the family members where possible and much of the building materials used was recycled from the internal stable walls (building blocks). The land owner has constructed the barn in accordance with approved building plans. The addition is modest – note square meterage and % this application. <ul style="list-style-type: none"> The terminology utilised to describe the activity is related to the classification utilised in the relevant legislation. A micro-distillery manufacturing licence applies to a maximum of two million litres. This is the smallest legislated licence. The dam has nothing to do with the distillery function (& which is confirmed in the letter received from DEA & DP contained in <i>Annexure 1</i>). The parking venue is a solution to respecting neighbours privacy. This statement is not correct. That applies to where indigenous flora is removed. The dam was constructed on a historical dumping site which was at the time covered by exotic kikuyu lawn. The land owner has applied for a 24G submission in terms of National Environmental Management Act which

OBJECTOR	OBJECTION	RESPONSE
	<p><u>Fire & Waste:</u></p> <ul style="list-style-type: none"> The application conceals and/or misrepresents the fire risk, the quantity and quality of wastewater produced. Limited and inaccurate info provided about the disposal of the Distillery's waste water. The waste disposal process is not adequate to provide sufficient protection to the environment. 	<p>provides for an administrative process to rectify the unlawful commencement of listed activities which require environmental authorisation under NEMA (being the dam).</p> <ul style="list-style-type: none"> The operators of the proposed micro-distillery appreciate the fire risks associated with a micro-distillery. Contingent on the approval of the current application, a Fire Engineer will be appointed to advise on how to fireproof/fire safe the building. The distillery will not be allowed to commence with operations until the fire department as approved the fire engineer's plan. Refer to the WMP contained in Annexure 3 which addresses waste management, including waste prevention & minimisation (waste avoidance), to its collection, treatment, recovery and final disposal. It addresses the practicalities of waste management, and issues of public education and changing concepts, as these are vital to a successful management system. The Plan is guided by National and Provincial legislation and new municipal by-laws drafted to enforce the recommendations of the WMP. It demonstrates the importance of this issue and the operators commitment to complying with the relevant legislative framework and will ensure that the environment within which the proposal is situated will be protected. The author of WMP, Green Africa, is of the professional opinion that it contains sufficient information as required by the DEA & DP and the Overstrand Municipality.

OBJECTOR	OBJECTION	RESPONSE
	<p><u>Qualifications:</u></p> <ul style="list-style-type: none"> • Falsely claiming that the land owners are qualified master distillers. <p><u>Distillation process:</u></p> <ul style="list-style-type: none"> • The provision of misleading, flawed and incomplete information on the distillation process. <p><u>REDI:</u></p> <ul style="list-style-type: none"> • Mr Elves states he is a member of REDI, but it is not registered as a Fire Protection Agency and does not have a fire brigade or fire fighting capacity which creates a false impression as its function is merely advisory. <p><u>Quantities of alcohol & grain required:</u></p> <ul style="list-style-type: none"> • Doubt is expressed regarding the amount of ingredients required and the amount of alcohol to be produced. The actual and potential future impacts of the Distillery cleverly & dishonestly down played. <p><u>Outdated letters from other Authorities:</u></p> <ul style="list-style-type: none"> • Approvals contained in Annexures 9 & 10 (being the 2018 letter from DEA & DP and the 2018 letter from the Breede Gouritz Catchment Management Agency) were obtained in 2018 in terms of a withdrawn application, and those bodies have not considered the current application and therefore the application be refused because of this serious misrepresentation. • Also creates the false impression that both Bodies have given permission to current application 	<ul style="list-style-type: none"> • Refer to response further on (under Land Owners are not master distillers) regarding the allegations about the land owners qualifications, and the response from a representative of Distilleque. • The information contained in section 6.3 of the motivation report is considered to be accurate and containing sufficient detail to make an informed decision. • Mr Elves volunteers to assist REDI, in which he assists in maintaining the fire-fighting equipment for the village. This equipments utilised to fight fire in Rooi-Eis and the REDI volunteers are part of a community initiative. • The information contained in Section 6 of the motivation report provided by our client is considered to be accurate. It is contended that the motivation report has been transparent with regard to manufacturing quantities. The statement is at most speculative in nature. • There is nothing untoward in including these letters. While the current application does make use of information used in the 2018 application including the letters received and included in Annexures 9 and 10, the intention for a micro -distillery as proposed in 2018 remains the same as what per the application submitted in February 2021, and the information remains relevant. • A letter received from DEA&DP dated 22nd October

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OBJECTOR	OBJECTION	RESPONSE
	<p><u>Liquor license:</u></p> <ul style="list-style-type: none"> On pg 14 of the motivation, incorrect information is stated, i.e. a liquor license was granted but has since lapsed. The license was in fact refused. <p><u>Photos:</u></p> <ul style="list-style-type: none"> Figure 4 is deliberately misleading as it does reflect the large extension to the barn. 	<p>2021, contained in Annexure 1, confirms that, "...the proposed development on the property does not constitute any listed activities as defined in terms of the NEM EIA Regulations 2014 (as amended). Environmental Authorisation is therefore not required prior to the proposed development.". This is the same as what was stated in the DEA & DP letter dated 26th January 2018 (and included in Annexure 9 of the motivation report). Furthermore, the October 2021 letter further states that, "...the Section 24G application relates to the development of a dam, which has no direct link to the extension of the stables to accommodate the micro-brewery. The proposed micro and the dam are two separate aspects and must therefore be treated as such. The micro-brewery must therefore not be linked to the Section 24G application".</p> <ul style="list-style-type: none"> It is acknowledged that the liquor license was refused, on the basis that the necessary land use rights were not in place. Contingent on the approval of this application, the license will be re-applied for, and the activity will only commence with the necessary approval. As mentioned previously, the 1st application submitted by Planning Partners was in November 2020, while the 2nd was in February 2021 (due to the need to include the removal of restrictive title deeds component). Construction commenced near the end of January 2021, based on approved building plans. The photograph in Figure 4 was therefore taken prior

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OBJECTOR	OBJECTION	RESPONSE
	<p><u>Members of Trustees</u></p> <ul style="list-style-type: none"> Developers called the Trustees of the Free Life Trust, then Leigh & Monique Elves which it is contended is a deliberate attempt to create impression that it is small family business. Also a third trustee listed on resolution but omitted in the application form. <p><u>Application form:</u></p> <ul style="list-style-type: none"> Applicant only indicates C3 and C13 need to be removed on application form, but still applies for all the others as well which constitutes misleading and conflicting info as contemplated by Sect 84(1)(e) of the OM by law. 	<p>to the November 2020 submission.</p> <ul style="list-style-type: none"> It is misleading to refer to the land owners as "developers" when in fact they are the land owners and residents of the subject property, and wish to use a part of the their property to accommodate a micro-distillery, subject to obtaining the necessary approvals. The Free Life Trust owns the property, and the trustees reside permanently on the farm. Law requires that a Trust has at least 3 trustees. The third trustee will have no interest in the Distillery and is therefore not mentioned as an involved party. C4 and C13 were listed in the application form because those two conditions, in particular, restrict the proposal as intended. While application has been made to delete Condition C in its entirety (though C13 is only to be amended), it is only C4 (building line restriction) and C13 (land use) which are impediments to the proposal, and therefore need to be mentioned in the application form. Technically there are no reasons to retain these conditions save for a portion of clause C13 regarding the prohibition regarding public garages or filling stations, and therefore application has been made to remove the other conditions listed under Condition "C".
<p>THE LAND OWNERS ARE NOT MASTER DISTILLERS 7, 20, 120</p>	<ul style="list-style-type: none"> It is contended that neither Monique or Leigh Elves are master distillers. It is claimed that Distillique does not offer a "master distiller" qualification as claimed by the land owners. 	<ul style="list-style-type: none"> From a land use planning law perspective whether or not the applicant is a master distiller or not is irrelevant. However, the following is an extract of a transcript of a Whatsapp from Hendre Barnard from Distillique on 4th June 2021, contained in Annexure 6. We

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OBJECTOR	OBJECTION	RESPONSE
<p>LAND OWNERS ASSURANCES CANNOT BE TRUSTED</p> <p>2, 4, 13, 16, 17, 20, 25, 31, 34, 36, 55, 58, 71, 86, 96, 107, 126, 127, 128, 129, 131, 134, 135, 138, 139, 140, 147, 52, 152, 157, 160, 163, 177, 180,</p>	<p>Due the past actions of the landowner, it would be irresponsible to permit the land owner to operate a Distillery. These actions include:</p> <p><u>Dam:</u></p> <ul style="list-style-type: none"> The construction of a dam without the necessary NEMA approval and illegally dammed a spring in the area within a wetland. 	<p>reproduce the following extract: "We offer a Comprehensive Distilling Course – now this Comprehensive Distilling Course is colloquially referred to as a Master Class and many of our students and many people in the industry have taken to calling themselves Master Distillers after the completion of this Comprehensive Distilling Course. This is a term that is not legally defined, it is not a term that has any special meaning per say but it is a general term used in the distilling industry to refer to a person who has mastered a range of skillsets that applies to distilling and that is what the Comprehensive Distilling Course does. It teaches a range of skillsets." Based thereon this allegation is rejected.</p> <ul style="list-style-type: none"> Nonetheless the applicants have completed the above cited course.
	<p>The dam was constructed on a historical dumping site which was at the time covered by exotic kikuyu lawn.</p> <ul style="list-style-type: none"> The land owners client however voluntarily applied for a 24G submission in terms of National Environmental Management Act which provides for an administrative process to rectify the unlawful commencement of listed activities which require environmental authorisation under NEMA (being the dam). The spring is still clearly visible north-east of the dam and has not been dammed. 	

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OBJECTOR	OBJECTION	RESPONSE
	<p><u>Building approval under false pretences:</u></p> <ul style="list-style-type: none"> • Completion of the Distillery building being the "barn" before the planning application has been approved. <p><u>Conduct during construction:</u></p> <ul style="list-style-type: none"> • As the landowners used the Rooi-Els entrance for construction vehicles during the construction of the Barn and therefore how can they be trusted to use the Pringle Bay gate for visitors to the Distillery. <p><u>Non-compliance with Environmental Law:</u></p> <ul style="list-style-type: none"> • For past 15 years the land owner has allowed the spread of invasive species such as Eucalyptus, kikuyu and myrtle in an ecologically sensitive area. Deliberate retention of alien vegetation (i.e. the Bluegums) onsite suggests lack of concern for the environment and the law. <p><u>Conduct during previous fire:</u></p> <ul style="list-style-type: none"> • During a previous veld fire in the area, landowner monopolised four fighting teams to protect his 	<ul style="list-style-type: none"> • The barn was built according to approved building plans, no planning application was required nor required approval for this to be done. • Local suppliers from Botriver were used (sand, stone, bricks etc). These suppliers all used the Pringle Bay entrance. The builder resides in Somerset West and he and his team (either 1 or 2 bakkies a day Monday to Friday) used the Rooi-Els entrance. It should be noted that the Elves were not the only property owners busy with renovations during this period. Any negative aspersions cast on the integrity of the Elves's character is rejected as unfounded and, in the context of the application, is irrelevant and should be disregarded by the decision-maker. • On the contrary, over the last 16 years, the land owner has removed alien vegetation and planted many indigenous plants and this is an ongoing task. The landowner is growing indigenous trees for replanting to replace some of the gums and this will dealt with in terms of the alien vegetation management plan. • Our client has appointed an Environmental Company to draw up an EMP which will be audited annually by environmental affairs. • Any negative aspersions cast on the integrity of the Elves's character is rejected as unfounded and, in the context of the motivated removal, is irrelevant and should be rejected by the decision-maker. • This allegation is rejected. Please refer to Annexure 7 which contains a written account of the incident as

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OBJECTOR	OBJECTION	RESPONSE
	<p>property.</p> <p><u>Animal Management:</u></p> <ul style="list-style-type: none"> Letting sheep wander and graze where they wished in this critically endangered area, the shooting of a caracal in a trap & that an employee/caretaker of the subject property shoots mongoose on site. <p><u>Membership of Community Organizations:</u></p> <ul style="list-style-type: none"> It is contended that the land owners only joined the local community groups after the withdrawal of the 1st application to obtain support for the new application. Campaign led by the RERA/REC Treasurer to have the owner of the subject property onto the RERA and REC Exco, which raises 	<ul style="list-style-type: none"> recounted by Mrs Elves. Any negative aspersions cast on the integrity of the Elves's character is rejected as unfounded and, in the context of the motivated removal, is irrelevant and should be rejected by the decision-maker. While none of these allegations are relevant to the determining the desirability of the application, a response is nonetheless provided, due to the deliberate attempt being made to denigrate the character of the Elves. The sheep owned by the landowner roam over some of our neighbours property. None of these neighbours have complained to date. The landowner has informed the neighbours that if this is an issue, the sheep will be penned in. An unemployed and homeless individual resided on the property while waiting for a disability payout from the RAF. The Elves were not aware that he shot any animals, and to their knowledge he did not own a firearm. Trapping of animals is contrary to the lifestyle ethos of the land owner. Any negative aspersions cast on the integrity of the Elves's character is rejected as unfounded and, in the context of the application is irrelevant and should be disregarded by the decision-maker. Similar to the above, this has no bearing on the desirability of the application. Our client was invited by a Pringle Bay resident to join the local hack group when they settled permanently on the property (2017) and have been members ever since. Our client offered to stand for

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OBJECTOR	OBJECTION	RESPONSE
	<p>questions how people are being influenced to support the current application. There was probably a carefully orchestrated plan to influence some of the Rocielis Ratepayers in order to "divide and rule". Being on committees is not evidence of environmental commitment.</p> <p><u>Pringle Bay Gate:</u></p> <ul style="list-style-type: none"> No guarantee that the Pringle Bay entrance undertaking will be used once the approval is granted. It is questioned how this guarantee will be enforced (policed) and by whom, and if it will be binding on any successor in title. The erection and control of a gate at the Pringle Bay side without permission. <p><u>Condition of title:</u></p> <ul style="list-style-type: none"> The retention of one condition creates doubt that the applicant disclosed full intent to HBE and that the land owners has taken advantage of the sole remaining member of HBE. 	<p>election as committee members as they felt that they could add value to the Rooi-Elis community. They abstained from any decision making with regard to the distillery application. The accusation of the Treasurer leading a campaign is absurd as the Elves did not know him personally. The statement is based on unfounded and unsubstantiated conjecture.</p> <ul style="list-style-type: none"> Any negative aspersions cast on the integrity of the Elves's character is rejected as unfounded and, in the context of the motivated removal, is irrelevant and should be rejected by the decision-maker. The gate with the padlock was erected before our client purchased the subject property in 2004. This undertaking was made by the Elves in good faith, and they remain committed to accessing the Distillery from the Pringle Bay side. Should issues arise, these can be taken up at the appropriate forum and rectified. This claim is rejected. The authorised representative of Hangklip Beach Company, Mrs Elizabeth Walliers, has given written permission to remove Condition C in its entirety save for a portion of C(13) namely that "No public garages or filling stations shall be erected on the land". Copies of the relevant resolution, consent and notice are contained in Annexure 8 of the motivation report. As such no undue influence has been exercised on the authorised representative of the HBE.

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OBJECTOR	OBJECTION	RESPONSE
<p>NOXIOUS NATURE OF A DISTILLERY & WASTE MANAGEMENT</p> <p>2, 4, 6, 9, 14, 16, 20, 21, 25, 27, 33, 42, 52, 64, 70, 71, 72, 77, 78, 82, 85, 88, 89, 91, 97, 123, 125, 126, 129, 130, 133, 137, 145, 150, 152, 156, 165, 166, 167, 168, 174, 176, 178, 180</p>	<ul style="list-style-type: none"> The distillation process has noxious by-products. The noxious nature of the Distillery is acknowledged by the applicant as Condition C6 is to be deleted. The waste products are poisonous and escape into the air, land and water. It is claimed that distilleries are amongst the most polluting industries because ethanal fermentation results in the discharge of large quantities of liquid effluents with high concentrations of organic matter, nitrogen compounds, low pH, and high salinity. Distillery spillage poses a serious threat as it blocks out sunlight and inhibits photosynthesis and reduces oxygen in the water which negatively affects aquatic life. High pollution load causes eutrophication of water bodies. Ethanol emissions cause black fungus which is harmful to plants, humans and other animals. Concern is expressed as to the ability of the land owner to remove the solid waste generated by the proposal. None of the livestock farmers mentioned in the motivation report are situated nearby, therefore disposal of waste products to them is questioned. The amount of waste production and its risks and impacts have been underestimated. Spillage of grain could attract rodents, pests and birds not endemic to the area. It is dangerous to establish a noxious industry in an area of high conservation value. There is no adequate oversight, supervision and policing in this remote location of a noxious industry. 	<ul style="list-style-type: none"> As Hangklip Beach Estates does not intend to enforce this clause, and because National, Provincial and Municipal laws deal with noxious activities, there is no need to retain this condition in the title deed. A WMP has been prepared for the proposed micro-distillery, and is included in Annexure 3. The WMP deals how solid and liquid wastes, distilled condensate waste, low volatility organic compounds and waste water will be dealt with. According to our client, Fynbos Enterprises is situated in the Pringle Bay CBD. They have a producers off-consumption liquor license (WCP036790). This means that they manufacture and distill their own alcohol on-site. To our client's knowledge, they are not aware of a single complaint made by anyone with regard to pollution, including smell or because of it being a fire hazard. The only "smell" that could be generated by the micro-distillery could possibly occur in the fermentation phase. The proposed fermentation unit is a closed unit which would eradicate any smell. The scale of the micro-distillery needs to be appreciated. What is proposed is not industrial factory type building that will mass manufacture alcohol. Quality rather than quantity is to be ethos of this bespoke micro-distillery. Reference is made to Section 6.4.1 of the motivation report which deals with the Distillery operation and provides an overview of the production scale envisaged. At full production, it is estimated that 1000 bottles of whiskey and gin per month will be produced. There are many livestock farmers in Somerset West, Grabour and Botriver that could be potential

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OBJECTOR	OBJECTION	RESPONSE
<p>PRECAUTIONARY PRINCIPLE SHOULD BE APPLIED 2, 4, 25, 61, 67, 129, 134, 137, 180</p>	<ul style="list-style-type: none"> • Good practice is for the Municipality to apply the "Precautionary Principle" before approving the proposal that could have irrevocable, unintended or unknown outcomes. • This means that the applicant must prove that there will be no harmful impact resulting from the establishment & operation of the Distillery. • The burden of proof is not the objector's responsibility. • The incremental effect of the distillery on the environment over time requires more study, including possible future transformation of the area around the Distillery which could trigger additional authorisations. 	<p>consumers of the solid waste. Due the increase in food costs/animal feed, it is anticipated that there will be no shortage in demand.</p> <ul style="list-style-type: none"> • The establishment and operation of the micro-distillery will be subject to the applicable National, Provincial and Municipal legal framework, which our client will comply with. • While the subject property is located between the villages of Roo-Eis and Pringle Bay, it is easily accessible to any enforcement agency.
		<ul style="list-style-type: none"> • The spirit and intent of the "precautionary principle" has been applied. This is evident in the wealth of information provided in the application which includes Section 6 which provides a description of the proposed micro-distillery & farm shop, an overview of the distillation process and specifics about the micro-distillery. In addition, the proposal has been assessed in terms of the applicable regulatory framework, and motivation provided for it in terms of the municipal by-law, the WCLUPA and SPLUMA. It was concluded that the proposal should be supported based on this assessment. • A WMP has been included with the application, which addresses how waste products produced in the distilling process will be managed. • The Department of Environmental Affairs and Development Planning in terms of their letter dated 22nd October 2021, indicated that, "...the proposed development on the property, does not constitute any listed activities as defined in terms of the NEMA EIA Regulations (as amended). Environmental Authorisation is therefore not required prior to the

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OBJECTOR	OBJECTION	RESPONSE
<p>2, 4, 11, 21, 28, 33, 55, 64, 66, 80, 85, 88, 91, 94, 97, 111, 113, 115, 120, 127, 128, 130, 140, 154, 160, 167, 177, 179, 180</p>	<p>CURRENT AND FUTURE SCALE OF OPERATIONS INCLUDING POSSIBLE CHANGE IN OWNERSHIP</p> <ul style="list-style-type: none"> It is contended that based on demand, the scale of the Distillery could be increased as could the hours of operation. Comparison is made with Appletiser in the Elgin Valley and its negative impact on the agricultural environment. It is claimed that up to 2 million litres of spirits per year could be produced for which a micro-manufacturing license is required. It is contended that the Distillery is in fact an industrial activity and not a small home business/craft operating (i.e. "micro-distillery") from a garage but a major business based on the amount of money (i.e. millions of rand) the land owners have spent to date and the process specified in Table 2 of the motivation report. It is contended that a micro manufacturing license is required and/or permit 2 million litres of spirits per annum. It is questioned why a "micro distillery" needs an off-site parking facility in Pringle Bay. The amount of spirits to be produced and the amount of ingredients in the motivation report is questioned. Due to the which could because of the financial 	<p><i>proposed development."</i></p> <ul style="list-style-type: none"> All of the aforementioned indicate that this principle has been complied with and it should not be used as a reason to refuse this application. Should any future initiative require the permission in terms of applicable legislation, the requisite permissions, authorisation, permits will be sought at that time, prior to implementation. The scale of the micro-distillery cannot be increased without the requisite permission sought. The comparison with what is proposed to other large producers such as Appletiser is pure hyperbole due to the scale of the proposed micro-distillery (which was clearly indicated in the motivation report). It must be appreciated that only a small percentage of the property will be utilized for the micro-distillery. This is not an industrial scale facility, but rather a boutique craft distillery. It is not possible to produce 2 million litres a year in a building that measures 491 m². A threshold of 2 million litres is set in legislation, as the upper threshold for a micro-distiller licence. It is required to permit anything equal to or less than the threshold amount. Current electrical and space limitations limit PRD would never be able to manufacture 2 million. Note power is generated in site via solar technology. Off-site parking is required to control access and limit impact on the environment. No chapel is situated on site. The only land use activities that will be accommodated on site will be the ones applied for in terms of the application.

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OBJECTOR	OBJECTION	RESPONSE
<ul style="list-style-type: none"> 2,4, 6, 8, 9, 10, 11, 13, 14, 15, 16, 17, 20, 21, 22, 23, 25, 26, 25, 27, 31, 33, 37, 39, 41, 44, 45, 48, 49, 51, 54, 55, 58, 60, 64, 65, 66, 68, 71, 72, 77, 78, 79, 80, 82, 84, 86, 88, 89, 91, 94, 95, 96, 97, 107, 111, 112, 114, 115, 119, 120, 123, 125, 127, 128, 129, 130, 133, 135, 136, 137, 138, 139, 140, 142, 144, 145, 147, 150, 152, 153, 156, 157, 158, 160, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 175, 176, 177, 178, 180 	<ul style="list-style-type: none"> unviability of the distillery, activities could be expanded to be a wedding venue as there is a chapel on site or as a "bush drinking" place. Nothing precludes the current landowner from selling the property to a commercial distiller in the future, or expanding operations. If sold, nothing obliges new owner to maintain baseless assurances given by current landowner. 	<ul style="list-style-type: none"> The application, if granted, will be subject to conditions which the Elves and/or any future owner will have to comply with. The selling the property on in the future poses no new or additional risk to environment. The inference that the land owner is not to be trusted is baseless and denied. The statement should be disregarded by the decision maker.
<p>NEGATIVE TRAFFIC RELATED IMPACT</p> <ul style="list-style-type: none"> Porter road is a narrow, one way dirt road that serves only the properties between Rooi-Elis and Pringle Bay and pedestrians such as hikers, joggers and birders. Increased vehicular traffic resulting from the Distillery will threaten the physical safety of the existing road users, damage the road and result in various forms of pollution (noise, light, gas emissions and general littering) which will disturb the tranquil character of this area. The increase in vehicular traffic could negatively impact on fauna and flora such as the Cape Rock Jumper and the Fynbos. The increased usage of Porter Road due to the Distillery will require the road to be upgraded especially to accommodate heavy vehicles required for the operation of the Distillery. The increased carbon footprint resulting from vehicular traffic to be generated by the Distillery is not ecologically sustainable. It is questioned who will maintain the road. The proposed limitation on vehicular access will be controlled (i.e. limited to the use of the Pringle Bay Gate) is baseless and unenforceable as there is no 	<ul style="list-style-type: none"> Regarding road operations on this road, it is understood that all of the smallholding owners currently use the road as follows: <ul style="list-style-type: none"> - There are certain spots where a vehicle can pull over onto the side (shoulder) of the road. - One would have to give way to the approaching vehicle by reversing to one of these spots and allowing the approaching vehicle to pass. The constraints of Porter Road are acknowledged by the fact that it is intended that guests to the micro-distillery will park their vehicles at No 16 Central Road in Pringle Bay to be transported via the Pringle Bay side utilizing a mini bus or safari type vehicle, and on completion of the tour, be returned to No 16 Central road. The shuttle service has been incorporated specifically to reduce the traffic related impact of the proposal. A "bakkie" type vehicle will be required to transport the grain barley. As stated in the motivation report, one bakkie load is envisaged per week, while at full production (which it is estimated will take 8 years to reach) will require three bakkie loads per week. All visits to the micro-distillery are intended to be by appointment only with no "walk-ins". Numbers can therefore be controlled. Due to the scale of the micro- 	

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OBJECTOR	OBJECTION	RESPONSE
	<ul style="list-style-type: none"> • legal mechanism to regulate it. • As porter Road is a public road there nothing to prevent vehicular access to the Distillery from the Rooi-Els side. Similarly, there is nothing to prevent visitors to the Distillery from using private vehicles instead of the shuttle service. • The amount of parking off and on site is questioned. Parking site in Pringle Bay is zoned Business zone 3 which does not permit parking garage or warehouse as a primary or consent use. • A full Traffic Impact Assessment should be provided to demonstrate the impact of the increased traffic resulting from the proposed Distillery. • The shuttle service is a smokescreen to get the application approved. It is questioned if the shuttle driver requires a PDP, where the drivers will be sourced and housed & lead to the taxi industry demanding to be included. 	<ul style="list-style-type: none"> • distillery in terms of production, employees, guests and the shuttle system proposed, it is anticipated that Porter Road, in its current state, can and will accommodate the minimal amount of traffic to be generated by the proposal without any negative impacts. The scale of the proposal does not justify a Traffic Impact Assessment or Statement. • The "carbon footprint" to be generated the micro-distillery will be negligible and in no way negatively impact on the ecology of the area. • The minimal amount of additional traffic to be generated by the proposal will not damage the road. As it is a "public" road, it is the Municipality's responsibility to maintain it to a sufficient standard to allow all land owners of the small holdings between Rooi-Els and Pringle Bay to access their properties • The Elves have confirmed that all traffic to and from the subject property will utilize the Pringle Bay Gate. • Any driver transporting passengers requires a PDP. The driver will be employed by the distillery and locally sourced and live off site. • Porter road to the best of our knowledge does not form part of a minibus taxi route and due to the scale and target market of the proposal, it will not result in the minibus operators using Porter Drive to transport guests and/or staff to the micro-distillery. • The Central Road site will not be utilized as a warehouse or as a commercial parking garage. It is simply a site which visitors to the micro-distillery will park their vehicles and then be chauffeured to the micro-distillery. This in our opinion does not require any particular land use approval.

OBJECTOR	OBJECTION	RESPONSE
<p>THE DISTILLERY REPRESENTS A FIRE RISK</p> <p>2, 4, 6, 7, 8, 9 13,14, 15, 16, 17, 21, 22, 23, 25, 26, 29, 30, 33, 36, 37, 38, 39, 41, 44, 48, 49, 51, 52, 54, 56, 57, 58, 64, 65, 66, 67, 68, 70, 71, 72, 73, 77, 78, 80, 82, 84, 85, 86, 88, 91, 95, 96, 97, 113, 119, 125, 126, 127, 128, 129, 133, 134, 135, 137, 138, 139, 140, 141, 142, 145, 150, 153, 156, 158, 160, 162, 163, 165, 166, 167, 169, 171, 172, 173, 174, 175, 176</p>	<ul style="list-style-type: none"> A distillery is a huge fire risk in an area that has experienced many fires over time. The applicant has not addressed the many fire hazards associated with a Distillery and this aspect is downplayed in the application. It is claimed that Ethanal vapor is highly flammable and is one of the main causes of fire and explosions at distilleries. Ethanal can be released from leaks in tanks, casks, transfer pumps, pipes and flexible hoses. The proposed distillery has the potential to intensify and exacerbate the power and rapid spread of fire from another source and have severe impact on the surrounding environment. Use of wood to fire the stills represents a huge fire risk. Locating a Distillery in a remote and unsuitable location means that there will be delays in emergency response units to the site in the event of an emergency. Due to its location it means there will be lengthy response time for professional firefighting brigades. The dam is too small to be used by a fire fighting helicopter. The construction of the 600m² "fire pool" which indicates that the distillery is a fire risk. A fire at the distillery would constitute a hazardous material fire which the Overstrand Municipality is ill equipped to deal with. Blue Gums/Eucalyptus trees are very flammable and therefore should be removed. During a fire in 2017, four units of fire fighters were 	<ul style="list-style-type: none"> Fire prevention and safety should be a top priority for every landowner in this area, and is for our client. The fire department have visited and inspected the site. This acknowledged in the letter received from the Environmental Management Section dated 17th June 2021 it which the following is stated, "...the dam was confirmed as a useful fire defence mechanism by the Overstrand Fire Department who were present at the site visit" and "...the transformed garden acts as a defensible space in the event of a fire. This was also confirmed by the OM Fire Department on site." If the application is granted, a fire engineer will be appointed to advise on how to fireproof the building. Permission to commence operations will not be permitted until the "fire plan" has been approved by the fire department and will include details pertaining to sprinklers, fire extinguishers and fire hoses etc. All staff employed at the micro-distillery will be trained in fire prevention and what to do in the event of an emergency event. The wood will be stored in very close proximity to the dam. The fire department will dictate what suppressant systems will be required. The subject property is accessible via Porter Road and emergency vehicles can, and do, access this area between Rooi-Els and Pringle Bay, as and when required, as for example during the fire of 2017 It is fallacious thinking to state that the mere existence of a dam proves that the proposed distillery is a fire risk. The Dam is a separate issue from the micro-distillery as confirmed by the DEA & DP letter dated 22nd October 2021. Nonetheless, common

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OBJECTOR	OBJECTION	RESPONSE
<p>USE OF A SEPTIC TANK</p> <p>2, 16, 23, 37, 79, 107, 111, 112, 115, 140, 157</p>	<ul style="list-style-type: none"> stationed on the gum tree forest on the subject property, indicating how seriously the fire fighters considered the fire risk associated with these trees (& could have been better utilised elsewhere). Further information is requested regarding the i) storage of the highly flammable woodchips, ii) what fire suppressant systems will be installed in the distillery & storage areas, and iii) will employees be trained in the safe handling of dangerous material (being ethanol & alcohol) to mitigate fire & explosion risk. It is claimed that Mr Elves' previous family business involved with an explosion in which people lost their lives. 	<p>sense dictates that in the event of a fire, any source of available water will be used to douse the fire.</p> <p>Neither the alleged conduct of our client during the 2017 fire nor the fire at their previous business has any bearing on the desirability of the current application. Any negative aspersions cast on the integrity of the Elves's character is rejected as unfounded and, in the context of the motivated removal, is irrelevant and should be rejected by the decision-maker. Nonetheless, for the sake of accuracy the following is provided:</p> <ul style="list-style-type: none"> Refer to Annexure 7 which contains an account of the 2017 fire as written by Mrs Elves & the allegation that the Elves monopolised fire fighting units. In the 60 years that the family has owned an engineering company, there was one explosion/fire at one of their premises. Mr Elves's brother lost his life while making sure that the staff were evacuated. Mr Elves had severe burns, mostly on his hands and arms from trying to remove an employee's clothing that had caught alight. Mr Elves spent 2 months in an intensive care unit fighting for his life. There were several investigations by the Fire Department, Police, WCA, Afrox and the insurance company. The finding was that there was a faulty valve in an Afrox acetylene cylinder and NO human error. This particular cylinder could have been issued to any business or persons.
	<ul style="list-style-type: none"> It is questioned whether or not the septic tank system proposed can accommodate the additional load in terms of waster water, sewerage etc resulting from 	<ul style="list-style-type: none"> An existing septic tank is used for sewage disposal. It is anticipated that the current tank will accommodate the additional amount of sewage that will be

OBJECTOR	OBJECTION	RESPONSE
	<ul style="list-style-type: none"> the additional people (staff, patrons) utilising the system. It is not possible to establish how much of the water required per spirit run will be dumped into the septic tank. No indication of how often tank needs to be emptied and how big the tank is. The use of a septic tank is considered to be unsustainable & will need to be emptied frequently. It is claimed that hazardous water could be stored in the septic tank. It is claimed that septic tanks leak and therefore a conservancy tank is to be used. That passes the responsibility and cost to the Municipality for its safe disposal. 	<ul style="list-style-type: none"> generated by staff and guests once the distillery is operational. if the current septic tank arrangement process to be insufficient to accommodate the extra load generated by the operation of the micro-distillery, our client intends to install a "composting toilet" to supplement the system which is deemed to be more environmentally friendly than a conservancy tank, subject to the Municipality's approval. Refer to response provided in Table 2 regarding the septic tank which provides further detail in this regard.
<p>NEGATIVE WATER RELATED IMPACTS 4, 6, 7, 8, 9, 11, 12, 13, 14, 15, 16, 17, 19, 20, 21, 22, 25, 24, 26, 27, 30, 31, 33, 34, 39, 42, 44, 45, 49, 52, 56, 57, 58, 64, 65, 66, 67, 70, 72, 79, 80, 81, 82, 84, 85, 86, 95, 96, 113, 119, 120, 125, 127, 128, 129, 130, 133, 134, 135, 137, 138, 139, 140, 141, 142, 142, 147, 150, 151, 152, 153, 156, 157, 158, 161, 163, 163, 165, 166, 167, 168, 168, 169,</p>	<ul style="list-style-type: none"> Extraction of subterranean water for industrial purposes, being the Distillery, is unacceptable and is not ecologically sustainable in a water poor country and will negatively impact on the water table and aquifer in the area. It is contended that whole area between Porter Drive and the Sea constitutes a Wetland. There is a real risk of ground water pollution through spillage, which could impact on the wetlands close to the Distillery. It is contended that the liquid waste has a high concentration of chemicals and minerals therefore cannot be used for irrigation, and the greywater also contains high levels of chemicals, minerals and nutrients and therefore also cannot be used in a Fynbos region which is concerning as this is proposed to be used for irrigation purposes on site. 	<ul style="list-style-type: none"> The amount of water to be used for the distillery is negligible in terms of the irrigation water (allowance) that the farm has. No liquid chemical waste will be released into the environment as per the revised waste management plan. The WMP covers only the relevant areas as there will be no contamination of soil and groundwater. The information provided in the motivation report is to the best of our knowledge is accurate and no attempt has been made to hide any detail of the waste to be generated by the micro-distillery, nor how these products will be handled. The project environmentalist, being Green Africa has confirmed that the WMP is correct and adequate. It is acknowledged however that there is very little information available on micro-distillery waste

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OBJECTOR	OBJECTION	RESPONSE
<p>169, 174, 176, 177, 178, 179, 180</p>	<ul style="list-style-type: none"> The true scale and nature of the waste products produced is intentionally concealed and misrepresented. The proposal will over time devastate the subject property and surrounding Fynbos biosphere area. Further detail is required as to how the applicant will deal with all water from the distillation process so that it does not enter the ground water or any vegetation. Concern is expressed about the use of, and, water treatment, of the borehole water and if it will require a water treatment plant due to the high levels of iron contained in the borehole water. This in turn questions the financial viability of the distillery as it is expensive. It is contended that the Waste Management Plan was simply "copied and pasted" from the internet and indicates that this aspect was not properly considered and is not site specific. No adequate measures which will protect from severe environmental harm caused by accidental spillage, fumes, smoke, explosion, contamination of soil, pollution of groundwater and other accidents. A Water Usage License Application (WULA) is required to use the water for the Distillery (to use water from the dam and borehole). Furthermore, if water from a natural spring that flows into a wetland on the property that it has dammed, it requires a Section 21(c) & (f) authorization. The dam reduces water flow to the wetland to the south of the distillery. There are numerous wetlands and aquatic systems in close proximity to a high risk activity which could be contaminated by distillery waste. 	<ul style="list-style-type: none"> management in South Africa. Nonetheless, it has been prepared to meet the requirements of DEA & DP and the Overstrand Municipality. A WULA is only required under Section 21(f). (The distillery is less than 100m from the adjacent river). The necessary permissions will be obtained as prescribed in the relevant legislation, if any. The wetlands south of the micro-distillery is fed from the spring southeast of the dam as well as the adjacent river. No contamination will occur. The current 24G is investigating the accusation that the building is within the 32m of a wetland, and it is contended that it is not. The project environmentalist has also confirmed that the only maps for this area which are available are large-scale maps showing the majority of the conservancy as a wetland. However, there are no small-scale maps (eg 1:50) showing the detailed historical farmyard and surrounds, which do not fall within the wetland. Furthermore, Green Africa confirmed that as far as the statement that the building is on a wetland is concerned, there is no evidence to that as the area is actually a Kikuyu farmyard since the 1970s and the current building has been constructed before the 1998 NEMA cut-off date. Consequently, the Elves cannot be sanctioned if there is evidence that the area was a wetland prior to 1970. As previously mentioned earlier in this Response, the DEA & DP confirmed in their letter dated 22nd October 2021 (refer to Annexure 1), that the Section 24G application relates to the dam and has no direct link to the extension of the stables to accommodate

OBJECTOR	OBJECTION	RESPONSE
	<ul style="list-style-type: none"> If any building work occurs within 32m of a wetland, it triggers NEMA regulations. 	<p>the proposed micro-distillery.</p> <ul style="list-style-type: none"> Refer to response provided in Table 2 under "wetlands and vegetation on site" which provides further detail in this regard.
<p>INAPPROPRIATE RELATIONSHIP 4, 158, 180</p>	<ul style="list-style-type: none"> It is contended that there is an inappropriate relationship between the land owner and Overstrand Municipality. Claimed that several elected Rooi-Eis officials are friendly with the applicants and have supported the land owners by actively lobbying for people supportive of the application, distributing a circular downplaying or omitting key facts about the application. 	<ul style="list-style-type: none"> These claims are rejected as unfounded. If any proof exists, this should be provided to the appropriate authorities. Any negative aspersions cast on the integrity of the Eives's character is rejected as unfounded and, in the context of the motivated removal, is irrelevant and should be rejected by the decision-maker.
<p>BUILDING LINE 4, 10, 65, 114, 160, 172, 177, 180</p>	<ul style="list-style-type: none"> The reduction of the building line is not supported as building lines are to ensure harmony and uniformity among the properties in the area. It is contended that reducing the building line towards the water's edge will undermine the fragile ecosystem. The departure, if granted, will not prevent the land owner from erecting any new structures in this new adjusted building line area. Reducing the building line will increase light and noise pollution on the fragile ecosystem. By reducing the building line it could impact on other properties in the area. The building line departure should not be granted because of the natural sense of place of the smallholding area between Pringle Bay and Rooi-Eis. The land owner should be required to demolish that part of the building that encroaches into the building line. Regulations should be followed and not 	<ul style="list-style-type: none"> The regulation departure does not apply uniformly to the Porter Drive street boundary but only to a specific portion of the disused stable structure as indicated on Figure 19 in the motivation report. Only a relatively small portion of the existing structure is within the street building line. The remainder of the structure is positioned more than 30m from Porter Drive. Note that the planned extension to the structure is on the ocean side of the structure and unaffected by the street (or common) building line. As the footprint of the structure is not built parallel to Porter Drive the impact of the reduced building line is negligible. The structure was built in accordance with an approved building plan (refer to Annexure 6 in the motivation report) and therefore presumably in accordance with the then applicable planning regime. The current application is required to bring an existing building that pre-dates this application in line

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OBJECTOR	OBJECTION	RESPONSE
	<p>departed from.</p>	<p>with the provisions of the existing planning regime. It would be grossly unfair to the current owner if this departure is not approved for an existing structure that was built by a previous owner.</p> <ul style="list-style-type: none"> The distance the structure has been setback from the road edge is more than sufficient to ensure the safety of road users (both vehicles and pedestrians) and continuity of a rural sense of place. There is no valid reason to require our client to demolish the triangular portion of the building that is situated within the building line. The building line departure applies to the Porter Road side and not the ocean side of the property. As the departure is to regularise an existing situation and one that was built in accordance with approved building plans issued many years ago, the contention that it will result in increased light and noise pollution is rejected. The structure has been in existence for many years without negatively impacting on Porter Road. Precedent is not a valid argument to refuse or approve an application. Each application needs to be assessed in terms of its own unique set of circumstances and context.
<p>AIR POLLUTION 6, 8, 9, 11, 13, 14, 23, 31, 33, 42, 52, 67, 70, 72, 76, 77, 78, 80, 82, 84, 85, 88, 89, 95, 97, 113, 125, 128, 129, 130, 141, 145, 150, 152, 154, 156, 158, 160, 162, 163.</p>	<ul style="list-style-type: none"> The Distillery will negatively impact on air quality due to foul odours resulting from the distillation process and is therefore a health risk (including dust and smoke). Air pollution will result from wood firing of the stills and because a large amount of wood is required to keep the distillation process in operation. Concern is expressed regarding particulate matter 	<ul style="list-style-type: none"> The system is closed circuit (the wash travels from the mash tun to the washbacks to the stills in closed stainless steel piping). There are no open containers where odours can permeate into the air. The proposed micro-distillery will be managed in accordance with the relevant legislative framework applicable to air quality, and if our client transgresses any such law, adjoining land owners or other

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OBJECTOR	OBJECTION	RESPONSE
167, 168, 172, 174, 178, 180	<p>and other pollutants such as mercury, carbon monoxide and volatile organic compounds. This could have a long term detrimental effect on the local fynbos.</p> <ul style="list-style-type: none"> Applicant concedes noxious nature of distillery because applied for C6 to be removed. Additional information regarding the following needs to be provided: <ul style="list-style-type: none"> Amount of wood required & the effect of its combustion on the environment. Will there be filtration to remove the ash and a stack that ensures that gases are emitted safely? Are pollutants such as Sox, NOx, Cox going to be measured? Is the City of Cape Town air pollution control by laws & the Natural Environment Management Air Quality Act (39/2004) complied with? 	<p>interested and affected parties will have recourse in terms of that legal framework, which is the National Environmental Management Act: Air Quality Act (2004). This Act will apply to any pollution resulting from the micro-distillery including carbon monoxide. No mercury will be used in the distillation process and the spirit is in a closed circuit system.</p> <ul style="list-style-type: none"> The contention that the micro-distillery is a noxious activity based on the application to remove the condition relating to noxious industries is premised on a superficial understanding of the application. All of the conditions in Condition C (save one) have been applied to be deleted as the entity (i.e. Hangklip Beach Company) in whose favour these conditions was imposed does not intend to enforce these clauses and because there are now National and Municipal laws now dealing with these issues. The proposal is situated in the Overstrand Municipality and not the City of Cape Town Municipality. Nonetheless it is believed that the proposal will comply with the applicable By-laws. As previously stated, our client have confirmed that their micro-distillery will comply with the provisions of the Act as it applies to the micro-distillery.
<p>PRECEDENT</p> <p>8, 10, 11, 18, 22, 25, 26, 27, 36, 37, 45, 50, 51, 66, 76, 107, 108, 114, 125, 126, 127, 135, 136, 138, 146, 152, 153, 156, 156, 160, 168, 171, 173</p>	<ul style="list-style-type: none"> By granting this application, it will create a precedent for other landowners in the area to establish their own commercial and/or industrial enterprises. Additional similar types of applications (if granted) will negatively impact on a sustainable future. Concern is expressed that other type of commercial activities could be permitted in the area if this application is granted such as resorts, multiple dwelling developments, agri industry, as well as host 	<ul style="list-style-type: none"> Precedent is not a valid argument to refuse or approve an application. Each application needs to be assessed in terms of its own unique set of circumstances and context. The scale of the micro-distillery (now and in the future) has been dealt with earlier in this Response. The potential for development elsewhere or within the area is not relevant to the current application.

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OBJECTOR	OBJECTION	RESPONSE
	<ul style="list-style-type: none"> weddings, raves, motorbike rallies. Concern is expressed that the Distillery could be expanded in the future by the current or future owners based on the granting of this application. 	<ul style="list-style-type: none"> The decision maker must apply its mind to the current application at hand. Future expansions, if any, will need to comply with the prevalent legislative regime.
<p>LACK OF DESIRABILITY</p> <p>10, 16, 24, 25, 27, 28, 32, 45, 55, 59, 68, 75, 114, 119, 125, 126, 129, 137, 140, 146, 149, 160, 162, 177, 178, 180</p>	<ul style="list-style-type: none"> It is contended that the proposal only benefits the landowner. It is questioned how a distillery/light industrial activity and/or a large tourist development is in the public interest and the environment. It is asserted that the application only serves to divide the local community. The motivation report is not based in scientific evidence and is very biased in favour of the landowner. The income derived from the Distillery to the local economy will be limited, while income derived from eco-tourism (because of birdlife, and specifically the rock jumper & fynbos) is far greater. The distillery will degrade and damage the environment (i.e. a noxious industry with heavy delivery vehicles using a narrow, dirt road creating noise, dust and exhaust fumes) which will negatively impact on existing eco-tourism, all for the benefit of a single land owner. The proposal will have no significant social benefit or contribute significantly with regard to job creation. A few extra jobs (permanent & temporary) do not constitute positive socio-economic returns. Other than undertaking to protect fynbos, no motivation is provided to explain how the proposal will benefit the area in general except for personal 	<ul style="list-style-type: none"> The scale of the development needs to be appreciated and understood. It will be bespoke micro-distillery and not an industrial distillery producing alcohol and a factory type setting. The proposal will be accommodated in an existing building with a minor addition to it. Due to the scale of the proposal, it is acknowledged that only a few extra jobs will be created, but that needs to be seen in the context of the current high levels of unemployment in South Africa. The proposed land use is considered to be appropriate in terms of location due to its scale and limited impact envisaged, including a minimal increase in vehicular traffic. Furthermore, potential waste related impacts have been considered and therefore a WMP was included with the application, and an EMP will be submitted to the DEA & DP and the Overstrand Municipality in due course. The micro-distillery will have a small but appreciable benefit for the local and regional economy in terms of job creation and tourism, as well as diversifying the tourism appeal of the area. Due to its scale, type of operation as described in the motivation report as well as further elaborated on herein, its impact will be limited and will not impact on existing activities currently enjoyed in this area, such as birding. Section 7 in the motivation report assessed the

OBJECTOR	OBJECTION	RESPONSE
	<p>gain.</p> <ul style="list-style-type: none"> The lack of economic benefit for Rooi-Elis and wider community do not justify potential environmental risks. Comparison of the distillery to a wineries and breweries on other farms is irrelevant as those were established on farms where the raw material is produced, which is not the case in this instance. Ad hoc nature of the proposal is not in keeping with the spirit of SPLUMA and will result in fragmentation of the area. The proposal not aligned with Overstrand IDP. 	<p>application in terms of the applicable Policy Framework, being the Provincial Spatial Development Framework, Overstrand Municipal Growth Management Strategy, Overstrand Municipal Spatial Development Framework, and the Overstrand Municipality Land Use Scheme, as well as Section 42 of SPLUMA in Section 13 of the motivation report. Based on this assessment it was concluded that what is proposed is desirable and worthy of support. Consequently, the claim that what is proposed is not in-keeping with planning policy is rejected.</p> <ul style="list-style-type: none"> It is acknowledged that the proposal will benefit own client, if approved and proves to be successful. Nonetheless, a great deal of their resources have been committed to this endeavour. It is firmly contended that the proposal will in turn have a small but positive benefit for the area and will be able to co-exist with surrounding land owners due to its limited anticipated impact on the environment and due to its scale.
<p>SECURITY 10, 22, 26, 114</p>	<ul style="list-style-type: none"> The proposal could result in potential security risks to residents due to increased number of people (visitors to the distillery, employees, delivery workers) accessing this area. 	<ul style="list-style-type: none"> Crime is an ever present threat to South African society no matter where one is located, be it in a township, suburb, high security residential estate or small holding. Crime exist in Roo-Elis and Pringle Bay and what is proposed will not result in an increase in crime levels. The days of preventing people from accessing an area ended with the dismantling of Apartheid in which the "other" was feared and prevented from entering a particular area. The use of the property as proposed and the associated increase in numbers of people does not present an undue security risk.

OBJECTOR USE OF WOOD	OBJECTION	RESPONSE
11	<ul style="list-style-type: none"> The use of hack invasives to produce enough wood to heat the still is questioned if the still is to operate four times a week. A projection of wood usage should be provided and if wood will need to be delivered (increasing traffic load). The disposal and amount of wood ash is not described in the motivation report 	<ul style="list-style-type: none"> It is not the intention that wood will be sourced exclusively from alien clearance activities on the property and in the area. Half a bakkie load of wood is required per spirit run. The applicant intends to bring in wood on their weekly trip to Caledon/Botriver. The wood ash is minimal and will be disposed of responsibly. It will be used for composting and for agricultural purposes.
ADDITIONAL IMPACT STUDIES/INFORMATION REQUIRED 11, 12, 16, 18, 21, 27, 55, 58, 86, 88, 96, 107, 119, 120, 123, 127, 129, 130, 135, 147, 171, 178, 179, 180	<p>Additional information and/or studies need to be provided to make an informed decision about the proposed Distillery.</p> <p><u>Additional info required:</u></p> <ul style="list-style-type: none"> Due to the possible impacts of the Distillery on its environment, a full Environmental Impact Assessment is required before an informed decision can be made. This is done by an independent specialist and not by someone previously involved with the project. EIA may be required as disturbance of indigenous vegetation might exceed 300m². <p><u>Disposal of Waste:</u></p> <ul style="list-style-type: none"> The claim of disposing of grain waste to cattle and pig farms is unsubstantiated. <p><u>Effect of planned irrigation:</u></p> <ul style="list-style-type: none"> Specialist study required on the effect of irrigation and of increased phosphates on the fragile natural 	<ul style="list-style-type: none"> DEA & DP have confirmed that a full EIA is not required. Refer to the letter dated 22nd October 2021 contained in Annexure 1. An EIA can be done by any consultant that the landowner wishes to appoint. In keeping with the applicants intention to minimise waste, grain waste will be disposed of to livestock farmers in Somerset West, Grabouw and Botriver There is a small orchard and vegetable garden on the farm which is only for home use. This has been

OBJECTOR	OBJECTION	RESPONSE
	<p>Fynbos ecosystem, including on the seepage areas and run off into the sea is required.</p> <p><u>Waste Water:</u></p> <ul style="list-style-type: none"> The amount of wastewater to be generated and disposed of, needs to be independently verified regarding the implications and potential impact on environment (especially the Fynbos) and ground water. <p><u>Fire:</u></p> <ul style="list-style-type: none"> A comprehensive fire risk assessment required including aspects such as layout, design and storage of flammable material. <p><u>Wetland:</u></p> <ul style="list-style-type: none"> Based on John's botanical assessment and the Hardcastle letter, requires a freshwater specialist to confirm existence of wetland <p><u>Questions:</u></p> <ul style="list-style-type: none"> Will locals be employed and are there any BEE requirements? 	<p>irrigated for many years and no specialist study is required.</p> <ul style="list-style-type: none"> The WMP (refer to Annexure 3), confirms that wastewater will not be released into the environment. This was dealt with earlier in this response. The proposed micro-distillery is on a historical dumping site which was covered by exotic kikuyu lawn and is far removed from any wetland or pristine flora. Refer to response included under "negative water related impacts". Refer to response provided in Table 2 under "wetlands and vegetation on site" which provides further detail in this regard. Locals will be first option for employment. B-BBEE compliance for companies is not a legislative requirement. Companies are not required to disclose their B-BBEE status or verify their status.

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OBJECTOR	OBJECTION	RESPONSE
	<ul style="list-style-type: none"> • What kind of public liability will the Distillery have in place for surrounding owners, & owners in Pringle Bay and Rooi-els? • What kind of insurance & capability does the Municipality have to contain and clean-up a spill of highly toxic material in the Buffer area of the Biosphere reserve? • How will the grey water be used/stored? • More info regarding the educational lessons, i.e. how many guests, qualifications of the lecturer & how can these lectures be held in co-ordination with whiskey & gin tasting & the quality of info to be provided? • It is contended that the subject property is covered with alien species to the extent that it has spread to other properties. What is planned to get rid of them? • Will all visits to the Distillery be via appointment only and what about "walk-ins"? • Alien vegetation to be used as fuel on the land unit is finite. No info is provided about what alternative fuel will then be used. 	<ul style="list-style-type: none"> • Once the application has been approved, and the distillery constructed, the Elves insurance company will advise on the public liability that they require. • This is a small scale craft distillery. The largest quantity of spirit produced will be 250 litres at a time and contained in a wood barrel. • The grey water will be stored in a sealed container (Jo-Jo type) and used for irrigating the vegetable garden (raised beds) and the fruit orchard. • As a sustainable eco-distillery, our client will provide back-ground on the surrounding area, flora and fauna as part of the tourism information disseminated to visitors to the distillery. The application clearly states that each tour would include a maximum of 12 people. • This assertion is rejected. The gum trees do have benefits for bees in summer. Our client will introduce new indigenous trees and phase out the gum trees. Our client have not had any complaints about alien vegetation from the neighbours. • All tours will be appointment only. There will be no "walk-ins". • Currently the supply of alien vegetation as a fuel source is sufficient to ensure the operation of the distillery. There are many suppliers of harvested wood from alien species in the Cape who for supply of alien wood. As the Elves are part of the hacking teams in the area, they would like to see how they

OBJECTOR	OBJECTION	RESPONSE
BABOONS 16	<ul style="list-style-type: none"> The waste grain will attract baboons 	<p>could benefit them by purchasing a chipper and removing some of the vegetation after hacks. This will not be our client's main supply, but more a community service.</p>
LAYOUT OF DISTILLERY 16	<ul style="list-style-type: none"> No bathrooms provided and the tasting room is too small to accommodate social distancing as required due to Covid 19, will not be able to be provided. Space is required for a small kitchen and storeroom for the snacks. A seating area is required if on site liquor license granted. 	<ul style="list-style-type: none"> All waste products will be stored and disposed of properly and in accordance with the Waste Management Plan. The layout of the micro-distillery as depicted in the Figure 11 in the motivation report, was clearly labelled "Conceptual Distillery Layout Plan". Contingent on the approval of the land use application, this plan will be refined prior to it being submitted for building plan approval (confined to the existing structure). Note that the number of visitors will be limited as discussed above. For as long as Covid-19 regulations are in place these will be complied with.
FINANCIAL VIABILITY 24, 25, 33, 55, 107, 160, 180	<ul style="list-style-type: none"> The financial viability of the proposal is questioned because flavoured gin & whiskey is not rare anymore and will only be profitable if scale is increased and/or more tourists visit than what was stated in the application. The stated intention of being a small-scale business is not in line with capital investment. The "real" intensions of the land owners is questioned. It is contended that the land owners has already invested more than R4.3 million to produce 1000 litres of whiskey and gin which could conceivably be produced in a garage or big kitchen without the 	<ul style="list-style-type: none"> Most gin sellers purchase bulk spirit from commercial distilleries and flavour with flavourants, colourants etc. The proposed micro – distillery is unique as it will one of the few that actually distil their own spirit. Locally produced whiskey is not commonly sold. As previously mentioned, due to size of the consent use area, the equipment, solar generated power, etc, the scale of the operation cannot be increased. The financial viability or not of the proposed distillery is not a valid ground for objection, as it does not relate to the use of the property. Financial decisions and responsibility of the proposed use, are the land owners concern.

OBJECTOR	OBJECTION	RESPONSE
<p>DEVALUATION OF PROPERTY 27, 33, 108, 140, 172, 164</p>	<p>need for all the infrastructure the land owners have built). It is contended that production will need to be increased to 38 000 litres per week (2 million litres per annum) to be viable.</p> <ul style="list-style-type: none"> Property values will decrease with the introduction of commercial activity and because the view of industrial type building with smoke and vapor emissions will reduce surrounding property values. 	<ul style="list-style-type: none"> The claim is rejected as the micro-distillery, will be accommodated in the existing barn structure (with a small addition). It is not the proposal to construct any new large scale industrial building with chimney stacks on the property. The converted barn will not be "an industrial building" nor will it be impacted on current views as it exists, the only extension is the new store room and lock up to store as indicated in the approved building plan depicting the addition to the barn contained in Annexure 5. Note that the height if the addition is about 6.5m
<p>NOISE POLLUTION 33, 82, 125, 128, 129, 156, 158</p>	<ul style="list-style-type: none"> The Distillery production could be noisy which will disturb both people and wildlife in the area. Noise pollution could result from the Distillery been used for a venue for parties, weddings or similar type activities. 	<ul style="list-style-type: none"> The production process is not a noisy one, and will be enclosed in the converted barn. The subject property will only be utilised for a residence for our client and the micro-distillery & farm store. Council's approval for events is required should the property be utilised for parties, weddings etc. currently no such approval is being sought.
<p>UNSPECIFIED OBJECTION 87</p>	<ul style="list-style-type: none"> No reason given for objection 	<ul style="list-style-type: none"> An objection with no reason(s) provided cannot be refuted.
<p>ADDITIONAL MANPOWER 111, 112, 115</p>	<ul style="list-style-type: none"> At full production and bottling of 15000 bottles of whisky will require more manpower than what is stated in the application. 	<ul style="list-style-type: none"> It is not clear on what basis the 15000 bottles is derived. This is a small scale boutique micro distillery and

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OBJECTOR	OBJECTION	RESPONSE
PROOF OF NOTIFICATION 120, 178	<ul style="list-style-type: none"> No proof provided that all property owners of the small holdings were sent Notice of the application. Notification of an application is a legal requirement. 	<p>details about the projected workforce was provided in Section 6.4.2 of the motivation report and that remains unchanged.</p> <ul style="list-style-type: none"> All the Interested and affected parties were notified of the application via e-mail and registered mail. Proof of compliance regarding the prescribed notification process was provided to the Municipality.
INCOMPATIBLE WITH ENVIRONMENTAL AND HERITAGE OVERLAY ZONING 25, 113, 129	<ul style="list-style-type: none"> It is contended that the Distillery is incompatible with these overlay zones. Can't discharge domestic effluent/grey water into the EMOZ. No land user within the EMOZ may utilise vegetation in a vlei, marsh or within the flood area of a watercourse in a manner that may cause the deterioration or damage to the natural agricultural resources. 	<ul style="list-style-type: none"> The impact of the proposal on the Coastal Protection zone was assessed in Section 7.4.2 of the motivation report, and in terms of the Buffer Protection Zone EMOZ in terms of this response. In terms of the WMP no waste is to be discharged into the area. The application does not entail the utilisation of "vegetation in a vlei, marsh or within the flood area of a watercourse in a manner that may cause the deterioration or damage to the natural agricultural resources".
PROPOSAL IS ELITIST 149	<ul style="list-style-type: none"> Proposal is elitist as it intends making expensive gain for a few rich people 	<ul style="list-style-type: none"> The socio-economic bracket that the product is directed at is irrelevant. The proposed use of the property diversifies the tourism offering in the Overstrand. As such it will make a contribution to the tourism and hospitality sectors of the Western Cape Economy. The tours of the micro-distillery will be open to all. Nonetheless, it does not make the land-use undesirable.
NOT IN ACCORDANCE WITH THE PROVINCIAL AND MUNICIPAL SPATIAL DEVELOPMENT FRAMEWORKS 127	<ul style="list-style-type: none"> SDF only promotes business use intensification within an existing node and to protect the reserve from urban development and therefore the 	<ul style="list-style-type: none"> This claim is rejected. Section 7 of the motivation report assessed the application in terms of applicable planning policies, including the Provincial Spatial

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OBJECTOR	OBJECTION	RESPONSE
<p>NOT MOTIVATED IN TERMS OF THE BY LAW 113</p> <ul style="list-style-type: none"> • It is contended that the motivation provided in terms of Section 66(1) of the By Law is incorrect or denied, with the exception of Section (l). • The application of the Development principles and Sect 42 of SPLUMA is very selective. • No assessment done on the cumulative impact of the proposal. 	<p>proposal not in compliance with these Planning Instruments.</p>	<p>Development Framework and the Overstrand Municipal Spatial Development Framework. Based on this assessment, it was concluded that the proposal is compliant and should be supported.</p> <ul style="list-style-type: none"> • This claim is rejected as no reasons were provided to support this claim. • A comprehensive motivation, which included its cumulative impact, for the proposal was provided in the motivation report. Section 11 provided general motivation for the application in terms of the municipal planning by-law, while Section 12 provided motivation in terms of the Development Principles contained in WCLUPA and SPLUMA. Section 13 provided motivation in terms of Section 42 of SPLUMA.

Annexure G

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR REMOVAL AND AMENDMENT OF RESTRICTIVE TITLE
DEED CONDITIONS, CONSENT USE & DEPARTURE: PORTION 141 (A
PORTION OF PORTION 133) OF THE FARM HANGKLIP NO. 559**

Water	:	No Service Available
Electricity	:	ESKOM to provide conditions
Sewer	:	No Service Available
Roadsand Traffic	:	No Service Available
Stormwater	:	No Service Available

Conditions:

1. that no water service from Overstrand Municipality is available and the developer will be responsible to obtain the necessary approval, licence and permit from the applicable authorities (water affairs, health, etc.) for the use of any water and the distraction thereof;
2. that the developer is responsible to provide potable water to the development that complies with SANS0241 standards and that relevant proof be submitted to the Manager: Water Infrastructure & Quality, Overstrand Municipality (Tel 021 313 8972);
3. that the developer complies to all the conditions set by Department Of Water Affairs;
4. that the developer arrange with ESKOM for the provision of electricity and that he complies with all conditions as may be set by ESKOM;
5. that waste water disposal be done in a safe and healthy manner and that plans thereof be submitted to the Municipality and DWA for approval prior to the land being put to the proposed use;
6. that no Municipal services will be available.

D.P. Hendriks
DENNIS HENDRIKS
 SENIOR MANAGER: ENGINEERING SERVICES

06/08/2021
 DATE

Annexure H 1/9

Office of the Director:
Infrastructure & Planning



Kantoor van die Direkteur:
Infrastruktuur & Beplanning

ENVIRONMENTAL MANAGEMENT SECTION

To the whom it may concern,

17 June 2021

Re: Overstrand Municipality Portion 141 (a portion of portion 133) of Farm Hangklip No. 559, Division Caledon: Application for Removal and Amendment of Restrictive Title Deed Conditions, Consent Use and Departure: Planning Partners (obo FREE LIFE TRUST)

1. Location and Zoning

- a) Portion 141 of Farm 559 is outside of the Overstrand Municipality Urban Edge.
- b) Zoning: Agriculture Zone 1: Agriculture
- c) Environmental Management Overlay Zones (EMOZ, 2020) classified within the property and relevance to the application. A Protected Area Buffer Zone and Coastal Protection Zone are located on the property.

The Protected Area Buffer Zone was not included in the application. The application must be amended to be accurate.

Below excerpts from the EMOZ indicate relevant sections to the application.

i) Protected Area Buffer Zone (PABZ)

The purpose of the PABZ is to protect the integrity of National, Provincial and Municipal Nature Reserves from negative external pressures/impacts while reducing pressure on core areas and to assist in preserving their value to the eco-cultural tourism economy of the Overstrand through alignment of appropriate land use and regulation.

Minimising negative impacts on the integrity of National, Provincial and Municipal Nature Reserves in the Overstrand:

6.5.1.1. In the light of the serious threat that Invasive Alien Species presents to the environment and the risks it poses to the municipality, its ratepayers and to present and future generations, the municipality will promulgate overarching Regulations in this regard for the entire Overstrand area.

6.5.1.2. The municipality may prioritise and facilitate areas of a Protected Area Buffer EMOZ for focussed, priority Invasive Alien vegetation control programmes where necessary.

6.5.1.3. The municipality may prioritise and facilitate areas for proactive and/or urgent Fire Control Management in collaboration with the landowners - where the fire risk to the natural environment as well as life and property are attaining extreme levels.

Limiting and/or prohibiting inappropriate land uses in the buffer zone of National, Provincial and/or Municipal Nature Reserves in the Overstrand:

6.5.2.1. A list of activities that are prohibited or that require written Council consent are set out in Schedules A and B.

6.5.2.2. In deserving cases, where there is no NEMA requirement for an Environmental Impact

HANGKLIP/KLEINMOND ADMINISTRATION

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Assessment ("ELA") process and Environmental Management Plan ("EMP"), the Municipality may request additional information and/or an EMP for approval by the Municipality prior to granting its written consent and/or approving building plans or any development.

6.5.2.3. The implementation of the EMP during the construction and decommissioning phases of the identified activities/uses is to be monitored and enforced by an Environmental Control Officer ("ECO") and to be audited annually during the operational phase.

6.5.2.4. Land use scheme and inappropriate land use of undeveloped properties in the buffer zone of National, Provincial and/or Municipal Nature Reserves to be investigated and where required additional constraints to be imposed on uses and inappropriate land use.

ii) Coastal Protection Zone

Purpose 1. Managing the integrity of coastal ecosystems, ecosystem services, coastal dynamic processes and biodiversity within the Coastal Reserves.

Schedules A and B of the EMOZ for the PABZ include:

Schedule A: Prohibited Activities:

- Agricultural practices within this EMOZ which may cause water logging and siltation.
- Planting or harbouring of declared alien invasive plant species on properties located within and adjacent to this EMOZ.
- Planting or harbouring of declared emerging weeds on properties within and adjacent to this EMOZ.
- Planting or harbouring of locally important emerging weed species within and adjacent to this EMOZ.
- The discharging of domestic effluent / grey water into all natural systems.

Schedule B: Activities only permitted by Council Consent:

- Removal or destruction of vegetation which is protected and/or of conservation concern.
- Excavation and destruction or removal of substrate (soil, substrate, rock, shellgrit, dune sediment, mineral deposits).
- Discharging of pool backwashing or untreated grey water or the channelling of storm water into open spaces without the necessary approval from the Municipality.

Schedule B Permit on Approval by Delegated Authority and/or receipt of Tarrif:

- Installation of conservancy tanks or biological treatment plants within 50 metres from the edge of a watercourse / wetland.

Schedule C. Council Authorisation Pending Consent Use Application/Lease Agreement/Applicable Tariffs as applicable:

- Buildings / Structures associated with: Taking of water, storing of water, impeding or diverting flow, stream flow reduction, altering the bed, banks, course characteristics, outflow structures or discharge pipes.

2. Natural Features on the Property

- a) Wetlands (watercourse): please refer to Appendix 1. for spatial representation of the wetlands on the property.

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a) Vegetation Types:

The National Environmental Management: Biodiversity Act, 10 of 2004 (NEMBA): National list of ecosystems that are threatened and in need of protection (2011) provides for listing threatened or protected ecosystems. Portion 141 of Farm 559 contains Critically Endangered Kogelberg Sandstone vegetation.

The proposed expansion of the existing stable is within the transformed area as specified in the application and the DEA DP correspondence referred to below.

3. The National Environmental Management Act (NEMA, 1998) Environmental Impact Assessment (EIA Regulations (2014 as amended)

The Department of Environmental Affairs and Development Planning (DEA DP) govern development in the Western Cape. Environmental Authorisation (EA) from DEA DP is required if activities listed in the NEMA Regulations published as Government Notices 324, 325, 326 and 327 in 2017 are proposed by the applicant.

Correspondence from the DEA DP dated 26 January 2018 (Reference 16/3/3/6/1/E2/31/1432/17) referred to an application for Environmental Authorisation, the following was noted:

- i) *The conversion of existing stables to whiskey distillery, the structure to be extended by approximately 50m².*
- ii) *The site is transformed and the area to be extended into currently contains a garden and lawn consisting of kikuyu grass.*
- iii) *The property is zoned as Agricultural and situated landward of the draft coastal management line.*
- iv) *An existing access road will be utilized. There is no intention to upgrade the road at this time.*
- v) *There are no watercourses within the proposed development site, however according to available resources, wetlands have been mapped to the south and north of the site.*
- vi) *The site is located outside of the core area of Kogelberg Biosphere Reserve.*
- vii) *The portion of the property proposed for development is categorized as an Ecological Support Area (ESA).*

The DEA DP 2018 correspondence went on to say:

"In light of the above, your attention is drawn to the listed activities in terms of the NEMA EIA Regulations, 2014 (as amended) as defined in GN No. 324, 325 and 327 of 7 April 2017. Please be advised that the proposed conversion of existing stables and extension thereof will not result in triggering any of the listed activities in terms of the NEMA EIA Regulations, 2014 (as amended), as the development footprint within 32m of identified wetlands does not fall within the core area of the Kogelberg Biosphere Reserve and is below the applicable threshold. Environmental Authorisation is therefore not required from this Department prior to the development thereof.

The above from the DEA DP has been included here due to the information submitted in the 2021 application that indicates that the expansion is below the applicable threshold however Figure 11. Conceptual Distillery Layout Plan indicates that the extension includes

- 131.4 m² Distillery and
- 19.6m² Boiler Room addition

The total development footprint is therefore 150.1m²

HANGKLIP/KLEINMOND ADMINISTRATION

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Kleinmond
7195

The NEMA EIA Regulation GNR No.327. Listing Notice 1. refer:

Activity 48. The expansion of—

- i) infrastructure or structures where the physical footprint is expanded by 100 square metres or more; or*
(ii) dams or weirs, where the dam or weir, including infrastructure and water surface area, is expanded by 100 square metres or more;

where such expansion occurs—

- a) within a watercourse;*
b) in front of a development setback; or
c) if no development setback exists, within 32 metres of a watercourse, measured from the edge of a watercourse;

Due to the increase in the proposed development footprint and proximity of less than 32 meters from the watercourse, the EMS request that a new application using the NEMA Applicability Checklist is submitted to the DEA DP for EA.

4. Application to Town Planning

a) Removal of Restrictive Title Deed Conditions:

It must be noted that the removal of Title Deed Restrictions does not surpass the National Environmental Management Act (NEMA, 1998) Environmental Impact Assessment (EIA) Regulations published as Government Notices 324, 325, 326 and 327 in 2017. If any activities related to the removal of Restrictive Title Deed clauses – for e.g. “ 6. No noxious trade or activity shall be carried on on the said land” The relevant authority must be notified, and permission applied for to undertake NEMA listed activities prior to commencement of such an activity.

b) Consent Use Application: to accommodate a distillery, tasting room and farm shop/stall
 The EMS conducted a site visit; the following information was given by the owner/applicants. Information from the site visit and the application submitted is commented on below:

i) Access Road use:

- a) The owners indicated that they foresee the maximum number of tastings per day will only be two, depending on the season (tourism peak) and how popular the tasting room becomes. A 12-seater minibus will transfer guests from for e.g. Cape Town Airport or central Fringale Bay to the tasting room.
 b) Production stock for e.g. malt and barely stock used in the production of the whiskey and gin for the Boutique Distillery will be transported by the owner's utility vehicle and a trailer.

EMS Comments:

As there will be no large/commercial vehicles delivering stock and only two tasting room tours anticipated, negligible increases in access road use are expected.

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 7195

High volumes of traffic on the access road may result in Air Quality (dust) complaints that must be addressed should they occur. The information provided by the applicant however indicates that there is a low-risk probability of dust disturbance due to the limited number of guests and the delivery of supplies for the distillery via the owner's vehicle on a weekly basis.

It is recommended that the approval for this application should include conditions that for e.g. should road traffic be seen to increase due to increased and/or valid complaints are received, measures will be put in place to mitigate.

ii) Fire Hazards and Listed Alien Invasive Species:

- a) The proposed distillery will be a closed-circuit system, there will be no vapour or emissions emitted that could constitute a fire hazard.
- b) The broiler-room will include a hot water heater to produce hot water and not pressurized steam. Wood chips – from alien invasive species - will be utilized to heat the broiler. An automated fire sprinkler system from the double volume ceiling will be used.
- c) A dam on the property was constructed (without DEA DP EA) on the property within the wetland will can be used to provide water for fire extinguishing should the need arise. The dam was confirmed as a useful fire defense mechanism by the Overstrand Fire Department who were present at the site visit.
The owner indicated that the relevant Authorities are aware of the unlawful artificial dam and they are seeking to legalise the dam via the section 24G of the NEMA EIA process.
- d) The transformed garden acts as a defendable space in the event of a fire. This was also confirmed by the OM Fire Department on site.
- e) Large Eucalyptus trees of various species are located on the property. The owners indicated that they are propagating and growing indigenous species that, once large enough, will be used to replace the gum trees. The owners mentioned that the trees could be considered as Heritage due to their age/size.

EMS comments conditions of application approval:

- a) The National Environmental Management Act: Air Quality Act (2004): *Declaration of a small broiler as a controlled emitter and establishment of emission standards* (2013) defines a broiler as defined as: "a combustion appliance designed to heat water".
A small broiler is defined as: "any broiler with a design capacity equal to 10MW but less than 50MW net heat input per unit, based on the lower calorific use.
Broilers, depending on the MW capacity and the other specifications indicated within the regulations must be registered with the Overstrand Municipality designated Air Quality Control Officer, Tamzyn Zweig (tzweig@overstrand.gov.za).
The small broiler regulations are available here: <https://www.gov.za/documents/national-environmental-management-act-declaration-small-boiler-controlled-emitter-and>
- b) The applicant must provide evidence that the section 24 G NEMA process for the legalization of the dam is underway.
- c) Eucalyptus species are classified as a Category 1b Alien Invasive Species by the National Environmental Management Biodiversity Act: Alien Invasive Species List, 2016:
 - a) *Category 1b within-*

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- i) Riparian areas;
- ii) A Protected Area declared in terms of the Protected Areas Act; or;
- iii) Within a Listed Ecosystem or an ecosystem identified FOR conservation in terms of a Bioregional Plan or Biodiversity Management Plan published under the Act.
- b) Not listed within Nama-Karoo, Succulent Karoo and Desert biomes, excluding within any area mentioned in (a) above.
- c) Category 1b in Fynbos, Grassland, Savanna, Albany Thicket, Forest and Indian Ocean Coastal Belt biomes
 - i) Category 2 for plantations, woodlots, bee-forage areas, wind-rows and the lining of avenues.
 - ii) Not listed within cultivated land that is at least 50 meters away from untransformed land, but excluding within are (a) above.
 - iii) Not listed within 50m of the main house of a farm but excluding in (a) above
 - iv) Not listed in urban areas for trees with a diameter of more than 400mm at 1000m of height at the time of publishing this Notice, but excluding (a) above.

The Listed Ecosystem referred to above at a) (iii) above is the Critically Endangered Kogelberg Sandstone as indicated in 2.a. of this document.

As per the above, the gumtrees on the property therefore do not have a "Heritage" status.

The condition of approval of this application should therefore include, as per National Legislation and the Overstrand 2020 EMOZ regulations (see 1.), a commitment from the applicant to remove the AIS species over a period of time. An Alien Vegetation Management Plan should be attached to the application.

- d) The property must comply with fire regulations at a National, Regional and Municipal level before the commencement of commercial micro distillery activities.
- iii) Sewage and Liquid waste into the soak away system. The owners indicated that the current soak-away septic tank will used to collect wastewater produced by the Reverse Osmosis Filter used in the distillery process. The application indicates that this wastewater does not contain organic waste but is high in dissolved minerals. The owners and the written application indicated that should the septic tank require more frequent emptying the service will be contracted out by the owner.

EMS comments conditions of application approval:

- a) Due to the location of the soak-away system away from property access points, is not clear how the soak-away system will be accessed by a sewage truck to remove excess wastewater if the need arises. Clarity from the applicant is requested on this point.
- b) Should the number of visitors meet the expectations of the proposal, there will be an increase in use of the bathroom facilities that will increase sewage production.
- c) Due to the proximity of the wetlands on the property, it is requested that a scaled conservancy tank is installed with off-site suction point is installed. The EMOZ requires that the installation of conservancy tanks be further than 50m of a watercourse. An amended plan to the Overstrand

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7/9

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Building Control Department must be submitted to indicate the location of tank and suction point.

- d) It must be determined through correspondence between the applicant and the Overstrand Sewage Services (Operational Management) whether the liquid waste resulting from the operation will be accepted into the Municipal Waste Water Treatment Plant.
- iv) Waste Management Plan: A Waste Management Plan (WMP) was submitted with the application. The WMP should be updated and resubmitted to include the conservancy tank installation as per iii).
- v) Fynbos Harvesting: The owners described that the distillery would make use of aromatic fynbos species to add a botanical flavouring to the gin and whiskey produced. The owners indicated that the some fynbos species will be planted on the property and fynbos already occurring on the property will be harvested for this purpose.

EMS comments conditions of application approval:

There is no information in the application regarding the harvesting or utilization of fynbos species. It is therefore unclear what species will be used – or the conservation status of the fynbos species – will be.

It can be construed that there will be financial gain from the harvest of the fynbos i.e. the fynbos within the alcohol will be sold, and in terms of section 62 of the Western Cape Nature Conservation Ordinance (19 of 1974) (1), *no person shall without a permit be in possession of, sell, buy, donate, receive as a donation, pick or import into, export from or transport in or through the Western Cape any endangered flora. The provisions of subsection (1) shall not be construed so as to preclude the possession without a permit by an owner of land, of any endangered flora growing in a natural state on such land.*

Prohibition on picking of certain flora Section 63. (1) states that no person shall (c) pick any protected or indigenous unprotected flora on land of which he is not the owner, without the permission of the owner of such land or of any person authorised by such owner to grant such permission.

It is unclear whether a permit will be required from Cape Nature for this proposed activity, it is requested that the applicant contact the relevant authority and include in this application the proposed activities with regard to fynbos harvesting, the amount of harvesting required for the proposed activity and either reasons for not requiring a permit (i.e. the lawfulness of the activity without a permit) or the assurance that the permit process will be undertaken if proposed application is granted.

The EMS reserves the right to additional comments on this application as more information becomes available.



Kind regards,

HANGKLIP/KLEINMOND ADMINISTRATION

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7195

8/9

8

Tamzyn Zweig
Environmental Officer
Environmental Management Section
Directorate: Infrastructure & Planning
Overstrand Municipality
33 5th Avenue Kleinmond, 7195
T: +27 (0) 28 271 8420 Ext: 8420
C: +27(0) 83 286 4999 E: tzweig@overstrand.gov.za

HANGKLIP/KLEINMOND ADMINISTRATION

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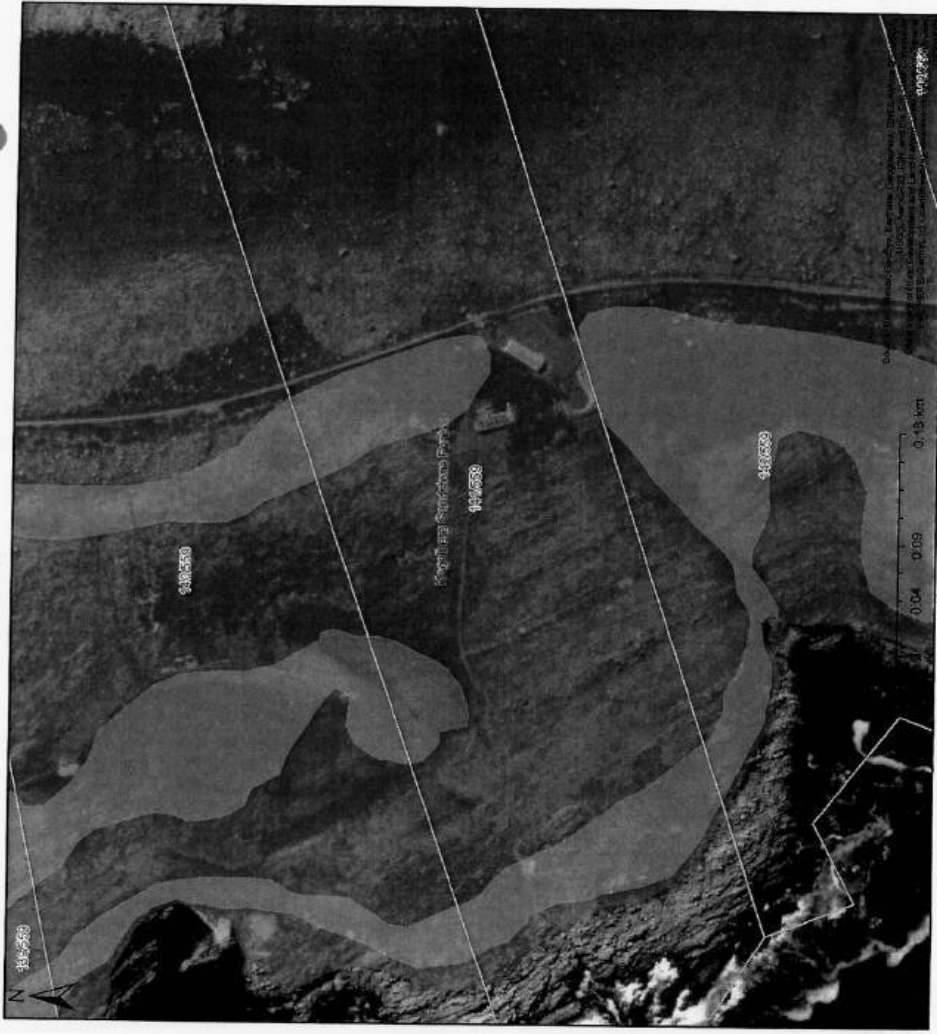
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7195

Vegetation and Wetland 141/559

Legend

- Farm Portions
- Wetlands (NWMS)
- Depression wetland
- Seep wetland
- VEGMAP 2018**
- FFs 11 Kogelberg
- Sandstone Fynbos



Scale: 1:4 514
 Date created: June 4, 2021

Compiled with CapeFarmMapper



**Western Cape
Government**
Agriculture

File reference:	141/559 KHANG
Date:	29 April 2021
	LI



INTERNAL MEMORANDUM

From	:	Town Planning Department
Town Planner	:	Hanneen van der Stoep

TO:

<u>Area Manager</u>	<u>Building Department</u>	District Health	<u>Electrical Department</u>
<u>Environmental Officer</u>	<u>Fire Department</u>	<u>Infrastructure and Planning</u>	Local Heritage Committee
<u>Operational Services</u>	<u>Tourism</u>	<u>Ward Councillor</u>	<u>Waste Management</u>

Applicant	PLANNING PARTNERS (obo FREE LIFE TRUST)
Property Details	PORTION 141 (A PORTION OF PORTION 133) OF THE FARM HANGKLIP NO. 559, DIVISION CALEDON
Application Description	APPLICATION FOR REMOVAL AND AMENDMENT OF RESTRICTIVE TITLE DEED CONDITIONS, CONSENT USE AND DEPARTURE

ATTACHMENTS :

1.	Notice	Should the information be insufficient for you to make an informative comment, please list any additional documentation that you would require to make informed comments.
2.	Locality Plan	
3.	Motivation	

YOUR DEPARTMENT'S COMMENTS:

The proposed management of the waste streams listed in the annexure 11 under item 5 in the document are acceptable as proposed except for item 5.3 for which further authorization will be required as listed below.

The Breede River Catchment Management will have to be consulted for an opinion regarding item 5.3 Liquid waste management and the irrigation such to land to land. They will need to say if this is acceptable and if so the applicant will probably need to apply for an irrigation water use license.

Signature:		Date:	04 August 2021
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Please provide your comments (with specific reference to any conditions of approval that should be imposed) in the space provided above or in a separate Memo **by not later than the date stipulated below**. If you require an extension of time for submission of comments, kindly request this in writing. Should no comments be received, it will be assumed that you have no objection to the proposal and where appropriate, the Mayoral Committee will be informed accordingly.

- Building Control Department to confirm that all structures on the property/ies are in accordance with the approved building plans.

COMMENTS REQUIRED BY: 4 June 2021

Annexure J

**L Gillion**

From: Alana Duffell-Canham <aduffell-canham@capenature.co.za>
Sent: Wednesday, 01 September 2021 13:49
To: L Gillion
Subject: RE: REMINDER : KHANG 141_559 (Removal, Amendment, Consent, Departure)

Dear Loretta

Thank you for providing CapeNature with an opportunity to comment again on this application.

As stated in our comments dated 12 September 2018, the application to operate a micro distillery involves use of an existing building (old stables) that will be renovated for purpose, located within a transformed area on the property. The remaining natural vegetation on the property (Critically Endangered Kogelberg Sandstone Fynbos), wetlands and bird nesting habitat will not be impacted by the renovation of the building for a distillery.

Our concerns pertaining to waste disposal, effluent management and produce to be used in the distillery have been adequately addressed in the application. We therefore do not object to the application.

Please consider this email as formal communication from CapeNature.

Kind regards,
Alana

Alana Duffell-Canham
Conservation Intelligence Manager – Landscape Central

**CapeNature**

tel +27 21 866 8000 | fax +27 21 866 1523 | cell +27 082 727 2691
 email aduffell-canham@capenature.co.za | fax2email +27 86 529 3475
 physical Assegaaibosch Nature Reserve Jonkershoek Road Stellenbosch
www.capenature.co.za

FILE NO:	PTN 141/559
	longclip
SCAN NO:	PTN 141
COLLABORATOR NO:	1579083

Alana Duffell-Canham
Landscape Conservation Intelligence Manager | Conservation Intelligence
Biodiversity Capabilities
t: 021 866 8029

**CapeNature**

02 SEP 2021



Annexure K 1/2

Department of Environmental Affairs and Development Planning
D'mitri Mathews
 Development Management
D'mitri.Mathews@westerncape.gov.za | Tel: 021 483 8350

REFERENCE: 16/3/3/6/E2/27/1130/21
DATE: 22/10/2021

The Municipal Manager
 Overstrand Municipality
 P. O. Box 20
HERMANUS,
 7200

Attention: Ms. I. Isaacs

Tel.: (028) 313 8900

Email: loriaanisaacs@overstrand.gov.za

Dear Madam

RE: APPLICABILITY OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) ("NEMA") ENVIRONMENTAL IMPACT ASSESSMENT ("EIA") REGULATIONS, 2014 (AS AMENDED), WITH RESPECT TO THE PROPOSED APPLICATION FOR REMOVAL AND AMENDMENT OF RESTRICTIVE TITLE DEED CONDITIONS, CONSENT AND DEPARTURE ON PORTION 141 (A PORTION OF PORTION 133) OF THE FARM HANGKLIP NO. 559, OVERSTRAND (A DIVISION OF CALEDON)

1. The Land-use Application dated 29 April 2021, as received by this Department on the same day, the Department's correspondence dated 19 May 2021 and the electronic correspondences dated 3 August 2021 and 20 October 2021, refer.
2. Following the review of the above-mentioned correspondence, this Department draws your attention to the following:
 - 2.1 The proposal application for removal and amendment of restrictive title deed conditions, consent and departure is to establish a micro-distillery and farm shop/stall that will produce small batches of handcrafted whiskey and gin, in handcrafted copper stills. The micro-brewery will be housed within the unused stables on the property. The existing stables have a development footprint of approximately 330m², however, the stables will be expanded by an additional 150m² to accommodate the micro-brewery and farm shop/stall.
3. Your attention is therefore drawn to the listed activities in terms of the NEMA EIA Regulations 2014 (as amended) as defined in Listing Notices ("LN") 1, 2 and 3 of 7 April 2017. Be advised that, based on the information provided, the proposed development on the property, **does not** constitute any listed activities as defined in terms of the NEMA EIA Regulations 2014 (as amended). Environmental Authorisation is therefore not required prior to the proposed development.
4. The above-mentioned is based on the following:
 - 4.1 The expanded section of the expanded building that falls within the 32m of the watercourse will have a development footprint of approximately 0,08m².

22 OCT 2021

www.westerncape.gov.za
 Department of Environmental Affairs and Development Planning

5. Written authorisation is therefore required from the competent authority prior to the undertaking of the said activities. You are hereby advised that only those activities applied for will be considered for authorisation. The onus is on the applicant to ensure that all the applicable listed activities are included in the application.
6. The Application Form, as well as other relevant forms and guidelines, are available from this Department's website:
<https://www.westerncape.gov.za/eadp/>
7. **Please note the Section 24G application relates to the development of a dam, which has no direct link to the extension of the stables to accommodate the micro-brewery. The proposed micro-brewery and the dam are two separate aspects and must therefore be treated as such. The micro-brewery must therefore not be linked to the Section 24G application.**
8. Please note that the applicant must comply with any other statutory requirements that may be applicable to the undertaking of the activity.
9. Kindly quote the abovementioned reference number in any future correspondence concerning the proposed development.
10. This Department reserves the right to revise or withdraw its comments and request further information based on any information received.

Yours faithfully

Marbe Digitally signed by
Marbe Coetzee
Date: 2021.10.22
11:19:00 +0200
pp **Coetzee**

**HEAD OF COMPONENT
ENVIRONMENTAL IMPACT MANAGEMENT SERVICES: REGION 1
DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING**

Cc: (1) Mr. J. West (Green Africa Group)
(2) S. Roussouw (Overstrand Municipality)

Email: johan@greenafricagroup.com
Email: srossouw@overstrand.gov.za



Annexure L1/2



**Western Cape
Government**
Environmental Affairs and
Development Planning

**DIRECTORATE: DEVELOPMENT MANAGEMENT
(REGION 2)**

Kobus Munro @westerncape.gov.za
Tel: +27 21 483 3544 Fax: +27 21 483 3633
1 Dorp Street, Cape Town, 8000
www.westerncape.gov.za/eadp

REFERENCE: 15/3/2/12/BO3

TP- A Theart
(Huld Stoep)

Overstrand Municipality
PO Box 20
HERMANUS
7200

FOR ATTENTION: DIRECTOR INFRASTRUCTURE & PLANNING

REQUEST FOR COMMENT – APPLICATION FOR REMOVAL AND AMENDMENT OF RESTRICTIVE TITLE DEED CONDITIONS, CONSENT USE AND DEPARTURE ON PORTION 141 (A PORTION OF PORTION 133) OF THE FARM HANGKLIP NO. 559, CALEDON DIVISION

1. Your request for comment, dated 29 April 2020, has reference.
2. The application under consideration is for the removal and amendment of several restrictive Title Deed conditions, the departure to relax the street building line from 30m to 23,2m, a consent use for an Agricultural Industry to accommodate a whiskey and gin micro-distillery, tasting room and farm shop/stall on the property and consent to permit "commercial activity" and "construction or placement of any permanent object, building, shelter, pathway or structure", as required by the Environmental Overlay Zone Regulations.
3. The subject property measures 22ha in extent and is zoned Agricultural Zone 1.
4. The properties between Pringle Bay and Rooi-Els are zoned either Undetermined or Rural Zone 2: Conservation Usage and the subject property is the only smallholding adjacent to the sea zoned for Agricultural Zone. As such, an Agricultural Industry is permitted as a consent use and is defined in the 2020 Zoning Scheme By-law as "an enterprise for the processing of agricultural related products on or close to the land unit where these agricultural products, whether land or marine based, are grown, harvested and raised ...". Although a distillery is cited as an example of an

FILE NO: Ptn 1411559 ✓
Hangklip
SCAN NO:
WCGOV
COLLABORATOR NO: 1543590

Page 1 of 2

TP 27 MAY 2021

agricultural industry, the use is contingent upon where the ingredients to be used in the process are grown.

5. As per the motivation, the ingredients comprise yeast, water and barley grain, the latter of which is grown in Caledon. The exercise of discretion on whether the products are sufficiently "close to the land unit" where these products are grown consequently lies with the Municipality as the competent authority of the Scheme.
6. The applicant expresses the opinion that the Title Deed (T8920/2005) contains a number of restrictive conditions under Condition C, which lists 13 "limitations and requirements" pertaining to the property. Very few of said "limitations", however, preclude the establishment of the proposed micro-distillery and farm shop/stall from the premises and the application serve rather to 'clean up' the Title Deeds. Given the fact that Condition C, however, constitutes a personal servitude in favour of Hangklip Beach Estates Limited for its sole benefit and consent for the removal was obtained, the proposed removal and amendment can be supported.
7. In terms of the Western Cape Land Use Planning Guidelines – Rural Areas (March 2019), activities or land uses of appropriate scale and form could be accommodated within the rural environment to facilitate diversification and "value adding", provided the proposal is justifiable, environmentally sensitive and in harmony with the character of the surrounding landscape. Given the sensitive nature of the property and its location relative to the Coastal Protection Environmental Management Overlay Zone (EMOZ) and Terrestrial CBA, careful consideration will have to be given to mitigate issues relating to security, traffic impact, pollution and fire hazards, amongst others, should the application be approved.
8. This Directorate has no in principle objection to the application noted in paragraph 1.

Kobus Munro Digitally signed by Kobus Munro
Date: 2021.05.26 12:57:36 +02'00'
DIRECTOR: DEVELOPMENT MANAGEMENT - REGION 2



Western Cape
Government

Annexure M

TRANSPORT & PUBLIC WORKS: ROADS

Chief Directorate: Road Planning

Email: grace.swanepoel@westerncape.gov.za

Tel: +27 21 483 4669

Room 335, 9 Dorp Street, Cape Town, 8001

PO Box 2603, Cape Town, 8000

REFERENCE: 16/9/6/1-21/154 (Job 26174)
ENQUIRIES: Ms GD Swanepoel
DATE: 18 May 2021

TP-A Theart
(H vld stoep)



The Municipal Manager
Overstrand Municipality
PO Box 20
HERMANUS
7200

Attention: H van der Stoep

Dear Madam

PORTION 141 OF FARM 559 PRINGLE BAY: PROPOSED REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS, CONSENT USE AND DEPARTURE

1. Your letter 141/559 KHANG dated 29 April 2021 refers.
2. The subject property is located 2km south of Rooi Els and takes access off a municipal street.
3. This application is for the following:
 - 3.1. The removal of restrictive title deed conditions in order to establish an agricultural related industry;
 - 3.2. Consent Use in order to accommodate an agricultural related industry (distillery, tasting room, farm shop) and
 - 3.3. Departure to relax the street building line from 30m to 23.24m.
4. As access is off a municipal street, this Branch is not directly affected by this application.
5. Accordingly, this Branch offers no objection to the application in terms of the Land Use Planning Act, No. 3 of 2014.

Yours Sincerely

SW CARSTENS
For DEPUTY DIRECTOR-GENERAL: ROADS

FILE NO: PEN 141 559 v
Hangklip
SCAN NO:
PTN 141
COLLABORATOR NO:
1543922



Western Cape
Government



TP. D. Incaat
(H. J. Stoep)

Annexure N

Department of Agriculture
Cor van der Walt
Land Use Manager
Land Use Management
Email: Corvdw@elsenburg.com
tel: +27 21 808 5099

OUR REFERENCE : 20/9/2/4/2/873
YOUR REFERENCE : 141/559 KHANG
ENQUIRIES : Cor van der Walt

Overstrand Municipality
PO Box 20
HERMANUS
7200

Att: Ms. H van der Stoep

FILE NO:	PN 141 559
SCAN :	Khangbip Khangbip
COLLABORATOR NO:	1608465

**APPLICATION FOR REMOVAL AND AMENDMENT OF RESTRICTIVE TITLE DEED CONDITIONS,
CONSENT USE AND DEPARTURE: DIVISION CALEDON
PORTION 141 OF THE FARM NO 559**

Your application of 29 April 2021 has reference.

The Western Cape Department of Agriculture; Land Use Management has no objection provided that the scale be restricted to the current proposal.

Please note:

- Kindly quote the above-mentioned reference number in any future correspondence in respect of the application.
- The Department reserves the right to revise initial comments and request further information based on the information received.

Yours sincerely

Mr. CJ van der Walt

LANDUSE MANAGER: LANDUSE MANAGEMENT
2021-11-15

26 Nov 2021

Annexure 0 1/2



BREED-GOURITZ
CATCHMENT MANAGEMENT AGENCY

TP - A Theert
(Hvd Stoep)

Cnr Mountain Mill & East Lake Road, Worcester 6850, Private Bag X3055 Worcester 6849

Enquiries: Vhengani Ligudu

Tel: +27 23 346 8000

Fax: +27 23 347 2012

E-mail: vligudu@bgcma.co.za

REFERENCE NO: 4/10/1/G40B/Farm 559/141, Hangklip
Date: 15 June 2021

The Municipal Manager
Overstrand Municipality
P. O. Box 20
Hermanus
7200

FILE NO: Ptn 141/559
Hangklip
SCAN NO: 17
COLLABORATOR NO: 1550738

Attention: Ms H van der Stoep

RE: PORTION 141 (A PORTION OF PORTION 133) OF THE FARM HANGKLIP NO. 559, DIVISION CALEDON: APPLICATION FOR REMOVAL AND AMENDMENT OF RESTRICTIVE TITLE DEED CONDITIONS, CONSENT USE AND DEPARTURE: PLANNING PARTNERS (obo FREE LIFE TRUST)

With reference to the above-mentioned document received by this office on the 28/05/2021 requesting comments.

This office has reviewed the report and has the following comments:

1. All relevant sections and regulations of the National Water Act, 1998 (Act 36 of 1998) regarding water use must be adhered.
2. This office provided comments on the proposed activity in two cases (comment dated 17/09/2018 and 11/04/2019), both times the applicant was informed that they need authorisation in order to utilize water resources. The registration database (WARMS) indicates that the property has no registered water use.
3. Please note that no additional use of surface/groundwater and/or storage of water is permitted, unless the applicant has formally obtained a license in terms of Section 41 of the National Water Act (Act 36 of 1998). And/or formal authorization in terms of General Authorizations issued under Section 39 (Government Notice 538 dated 02 September 2016), and/or if it is authorized under Schedule 1 of the National Water Act, 1998 (Act 36 of 1998). And/or if it is defined and declared as an existing lawful water use in terms of Section 32 & 33 of the National Water Act, 1998 (Act 36 of 1998).
4. Based on the information available (using Cape Farm Mapper), there is a wetland in the property. please note that all activities must be outside the regulated area.

Regulated area of a watercourse for section 21(c) or (i) of the Act water uses means:

TP 12 JUL 2021

2/2

(a) The outer edge of the 1 in 100 year flood line and /or delineated riparian habitat, whichever is the greatest distance, measured from the middle of the watercourse of a river,

spring, natural channel, lake or dam;

(b) In the absence of a determined 1 in 100 year flood line or riparian area the area within 100m from the edge of a watercourse where the edge of the watercourse is the first identifiable annual bank fill flood bench (subject to compliance to section 144 of the Act); or

(c) A 500 m radius from the delineated boundary (extent) of any wetland or pan.

5. Any activity within the 1:100 year floodline or within 100 metres of a watercourse (river, spring, natural channel, a lake or dam) or within a 500 m radius from the delineated boundary (extent) of any wetland or pan triggers a water use activity in terms of Section 21 (c) & (f) of the National Water Act, 1998 (Act 36 of 1998).

Water for domestic use

- Water provided for domestic use must comply with the SANS 241:2015 guidelines for drinking water.

Disposal of sewage

- The disposal of sewage must at all times comply with the requirements of Sections 22 and 40 of the National Water Act of 1998, (Act 36 of 1998).

This office reserves the right to amend and revise its comments as well as to request any further information.

The onus remains on the registered property owner to confirm adherence to any relevant legislation concerning the activities that might trigger and/or need authorization.

Please do not hesitate to contact the above official should there be any queries.

Yours faithfully

Liquuduwc

MR JAN VAN STADEN
CHIEF EXECUTIVE OFFICER (Acting)

Annexure D 1/17

Pringle Rock Distillery
Waste Management Plan

Micro Whiskey Liquor Manufacturing Facility



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**Western Cape
Government**
Environmental Affairs and
Development Planning

BETTER TOGETHER.



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1. PURPOSE

A Waste Management Plan (WMP) plays a key role in achieving sustainable waste management. The purpose of this plan is to ensure that effective procedures are implemented for the handling, storage, transportation, and disposal of waste that is generated from the activities on site. The plan prescribes measures for the collection, temporary storage and safe disposal of the waste streams associated with the project and includes provisions for the recovery, re-use and recycling of waste.

This WMP has been compiled as part of the project Environmental Management Programme (EMPr) and includes waste stream information available at the time of compilation. Construction practices and operations must be measured and analysed to determine the efficacy of the plan and whether further revision of the plan is required. This plan should be updated if further detail regarding waste quantities and categorisation becomes available during the construction and/or operational stages.

1.1. INTRODUCTION

This Integrated Waste Management Plan has been formulated on behalf of *Pringle Rock Distillery* to address the challenge of waste management in a small-scale distillery. The Plan is born out of the requirements of the National Waste Management Strategy and forms the first action plan in terms of this strategy. The Plan takes note of the importance of local authority waste management planning. This document underlines the following principles of the National Waste Management Strategy:

- The prevention of waste generation
- The recovery of waste of which the generation cannot be prevented
- The safe disposal of waste that cannot be recovered

The Plan will address all areas of waste management – from waste prevention and minimisation (waste avoidance), to its collection, treatment, recovery, and final disposal. It will not only address the practicalities of waste management, but also the issues of public education and changing concepts, as these are vital to a successful management system. The cost of and data of waste management will also be explored. The Plan is guided by national and provincial legislation and new municipal by-laws will be drafted to enforce the recommendations of the Plan.



Figure 1: Site location within the Overstrand Municipality.

1.2. GENERAL DESCRIPTION

Pringle Rock Distillery is situated on a coastal farm between Rooi-Els and Pringle Bay in the Overberg region of the Western Cape in South Africa. The farm and surrounds are part of the UNESCO Kogelberg Biosphere Reserve and a UNESCO World Heritage Site. It is accessed by the R44, which connects it to the N2 and falls under Ward 10 of the Overstrand Municipality.

Birders love this unique strip between Rooi-Els and Pringle Bay for the endemic Cape rockjumper, rock thrush and other unusual birds, and residents even claim to have seen the odd leopard on their roads on a moonlit night. On the north bank of the Rooi-Els River, a few kilometres from the site, is the Rooi-Els Cave where Stone Age relics have been uncovered.

1.3 OVERSTRAND MUNICIPALITY AND ITS WARDS

The municipal area of Overstrand covers a surface of almost 1708 square kilometres. The area has a permanent population of 90 000. The municipality has its head office in Hermanus, but municipal services are delivered on a decentralised basis from offices in Gansbaai, Stanford, Hermanus and Kleinmond. The area is divided into three administrations: Hangklip-Kleinmond, Greater Hermanus and Gansbaai/Stanford.

The area is demarcated into thirteen wards, each with a directly elected councillor. These councillors are assisted by a ward committee of ten members. Ward committee members are elected democratically. Ward committees play an important role in the drafting and reviewing of the Integrated Development Plan and the identification of budget needs. *Pringle Rock Distillery* is situated within Ward 10 of the Overstrand Municipality.

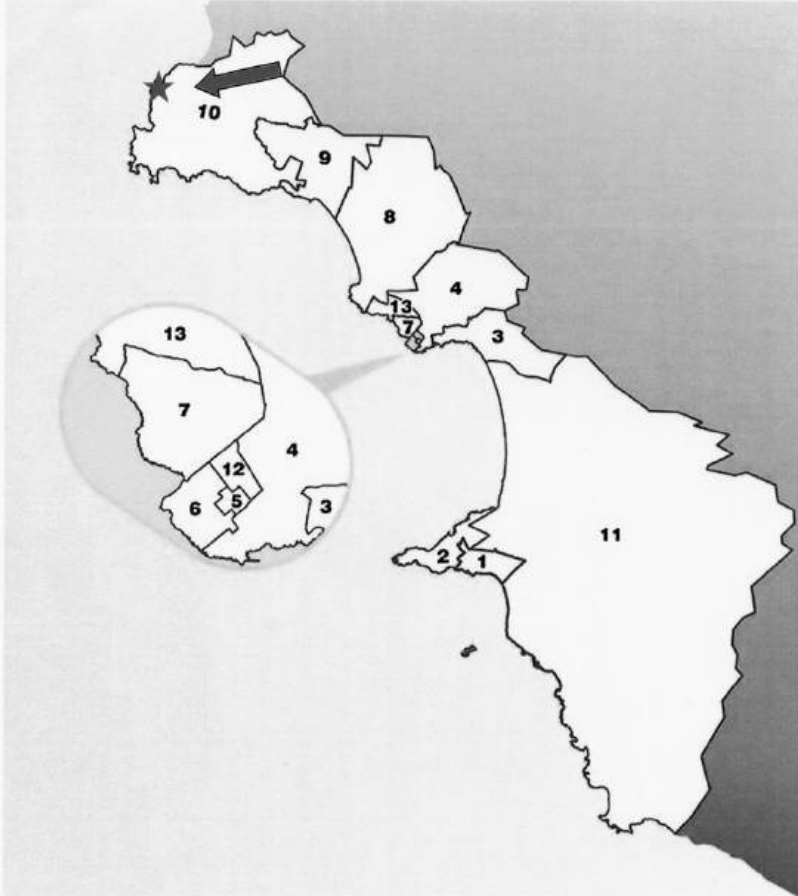


Figure 2: Pringle Rock Distillery's site location within Ward 10 of the Overstrand Municipality.

The Overstrand Municipality urges residents like *Pringle Rock Distillery* to refrain from illegal dumping on commonages and open erven in the Overstrand.

Please see the below facility where domestic waste is accepted at no charge to the public. Note, small quantities of building rubble (bakkie builders) 0 to 1 ton, general and garden refuse as well as

industrial waste can also be disposed of here. However, a disposal fee may apply, depending on the volume and type of waste. Builder's rubble of more than one ton can be dropped off at Karwyderskraal landfill.

For convenience, the Betty's Bay Drop-off Station is open Monday – Saturday 08:00 – 16:00.

2. RELEVANT WASTE ASPECTS OF THE SITE

Waste generated on site originates from various sources including:

- Concrete waste generated from foundations
- Contaminated water, soil and vegetation due to accidental hydrocarbon spills
- Hydrocarbon waste from vehicle, equipment and machinery parts (oil cans, filters, rags etc), and servicing
- Recyclable waste in the form of paper, cardboard, glass, metal offcuts, wood/wood pallets and plastic
- Organic waste from food waste and alien vegetation removal
- Sewage from toilets
- Inert waste from excess rock and soil from site clearance and trenching works

3. LEGISLATIVE REQUIREMENTS

Waste in South Africa is currently governed by means of a number of pieces of legislation, including:

- National Environmental Management: Waste Act (NEMWA), 2008 (Act 59 of 2008);
- National Environmental Management: Waste Amendment Act, 2014 (Act 26 of 2014);
- The South African Constitution (Act 108 of 1996);
- Hazardous Substances Act (Act 5 of 1973);
- Health Act (Act 63 of 1977);
- Environment Conservation Act (Act 73 of 1989);
- Occupational Health and Safety Act (Act 85 of 1993);
- National Water Act (Act 36 of 1998);

- The National Environmental Management Act (Act 107 of 1998);
- Municipal Structures Act (Act 117 of 1998);
- Municipal Systems Act (Act 32 of 2000);
- Mineral and Petroleum Resources Development Act (Act 28 of 2002);
- Air Quality Act (Act 39 of 2004).

Storage of waste must be undertaken in accordance with the National Norms and Standards for the Storage of Waste published in GN926.

4. WASTE MANAGEMENT PRINCIPLES

An integrated approach to waste management on site is needed. Such an approach is illustrated in the figure below.

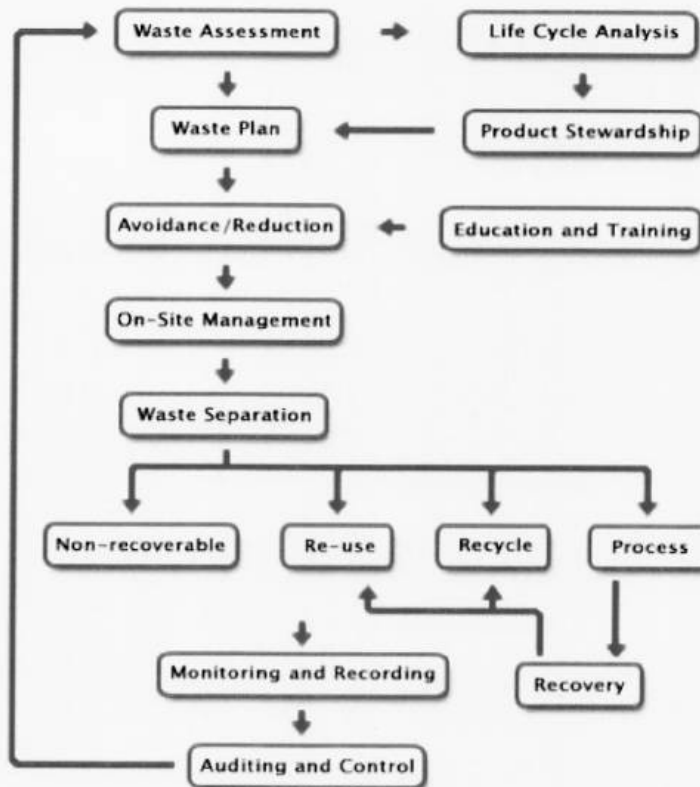


Figure 3: The integrated waste management approach to waste.

Reducing volumes of waste is a priority.

- If reduction is not feasible, the maximum amount of waste is to be recycled.
- Waste that cannot be recycled is to be disposed of in the most environmentally responsible manner possible.

5. WASTE TYPES AT THE DISTILLERY

5.1. SOLID WASTE

This consists of grain husks and fibre, rich in flavour, vitamins and other nutrients and suitable for human or animal consumption. This by-product has commercial value but a relatively short shelf life (i.e. 2-3 days). It is in a semi-dry state (about 20% moisture) and easily collected in bins for transport. This will be 300kg per spirit run.

Arrangements will be made to dispose of this waste as follows:

- Distillery to deliver solid waste to local piggeries, chicken or sheep farmers for use as animal feed.
- Distillery to deliver waste to small bakeries/home bakeries for producing health rusks.
- Above arrangements will be finalized in such a manner as to maximize the income derived from the solid waste.

5.2. PACKAGING WASTE

During the normal course of business, packaging material from received goods will be discarded or returned to suppliers. The non-returnable packaging waste consists of small amounts of plastic bags and cardboard boxes. These will be separated before disposal and arrangements made with street collectors for re-cycling. Not more than 20 kg of plastic, cardboard boxes and other packaging waste will be produced per week.

5.3. LIQUID WASTE

The liquid waste consists of three components: dead yeast, water (more than 80%) and grain sediment. It is very high in nutrients (especially in the Vitamin B-group) making it especially suitable as supplement feed for animals. It can be used as animal fodder or needs to be further processed for human consumption. The relatively small quantities of greywater produced (i.e. 1000 litres per week) will be held in a separate holding tank for irrigation purposes.

5.4. DISTILLED CONDENSATE WASTE

The following waste products are produced during distilling:

- Condensed Highly Volatile Alcohols
- Small amounts (1,5L per spirit run) of distilled condensate waste is produced and is rich in methanol and ethanol with less than 10% water. This product is an excellent cleaning solvent to be used directly in the distillery during cleaning and for equipment sterilization purposes.

5.5. LOW VOLATILITY ORGANIC COMPOUNDS

Limited amounts of this waste are produced weekly (i.e.10 Litre) and added to the next batch.

5.6. WASTEWATER

Wastewater is from the following activities:

5.6.1. Reverse Osmosis Filtering of Water

About 8% of water used for the dilution and blending of spirits, is wastewater dumped by the reverse osmosis water filter. This water does not contain any organic waste and is normally only rich in dissolved minerals from the holding tank water supply. This small amount (i.e. less than 100 Litre per week) will be disposed of in the normal septic tank sewage line.

5.6.2. Cleaning Water

This is water used to clean the equipment and floors of the distillery and about 200 Litre per week will be used and disposed of in the normal septic tank sewage line.

5.6.3. Other Wastewater

Toilets, urinals and wash basin water will be disposed of in the normal course of business in the farm's septic tanks.



Figure 4: Pringle Rock Distillery support the UN 2030 Agenda for Sustainable Development

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APPENDIX A
Site Checklist

Site Checklist		
<h1>PRINGLE ROCK DISTILLERY</h1>		
Project Details		
Project Name:		
Site Address:		
Project Type:	<input type="checkbox"/> New Construction	<input type="checkbox"/> Renovation
	<input type="checkbox"/> Other (Specify):	
Project Size (m ²):		
Project Start:		Project Finish:
Contact Details (Waste Management Champion)		
Contact Name:		
Company Name:		
Phone:		
Email:		
The Purpose of Our Waste Management Plan		
<ul style="list-style-type: none"> ✓ To encourage sustainable use of materials ✓ To reduce waste and disposal costs ✓ To be more efficient and cost-effective with materials ✓ Improved workplace and public safety ✓ Reduced legal and financial liability ✓ Improved community trust and relations 		
Our Waste Management Hierarchy		
Our waste management practices are prioritized in the following order: <ul style="list-style-type: none"> ✓ Reduction ✓ Re-use ✓ Recycling ✓ Recovery (use as fuel source) ✓ Residual Disposal (Clean fill/Landfill/Hazardous Waste) 		
Our SWMP Targets: (enter as applicable)		
Waste Measure	Target	Actual

Project waste <u>by weight (kg)</u> less than:	(kg)	(kg)
Project waste <u>by volume (m³)</u> less than:	(m ³)	(m ³)
Project waste <u>per m² of floor area</u> less than:	(kg)	(kg)
	(m ²)	(m ²)
Project Recycling Rate by Volume (%):		
Other:		

Estimated Types and Amounts of Waste Generated (enter approximations as applicable)				
Type of Waste Material	Estimated Volume (m ³)	% Volume	Estimated Weight (kg)	% Weight
Plasterboard				
Timber – Treated or Engineered				
Timber - Untreated				
Packaging				
Insulation				
Metals				
Concrete & Masonry				
Hazardous				
Other				
TOTAL				
Notes:				

APPENDIX B

Waste Types and Minimization Actions

Waste Types and Minimization Actions		
Waste Source	Actions to Minimize Waste	Tick as applicable
Design	Designers and customers encouraged to use standard product dimensions (e.g. 600 or 1200mm increments, standard door and window sizes and prefabricated products).	
	Prefabricated products used as much as possible to reduce onsite handling, reworking and offcuts.	
	Untreated timber specified in all applications where this is allowed, to encourage future recycling and lower environmental impact.	
Material Selection	Detailed plans and instructions provided to estimators, workers and contractors to improve accuracy of material takeoffs and avoid reworking.	
	Materials are selected based on affordability, durability, low maintenance and low environmental impact (including being recyclable or including recycled content).	
Material Estimates	Waste allowances for material quantities reviewed and minimized.	
	Credits requested from suppliers for unused products in good condition.	
Delivery & Storage	Deliveries scheduled on a 'just in time' basis where practical to avoid onsite storage and damage.	
	Products susceptible to onsite damage to be stored securely and covered where necessary.	
Unauthorized Dumping	Skips on site only when absolutely necessary.	
	Waste bins kept away from public view and access wherever possible.	
	Lockable skip bins used on site.	
General Waste	Recycling sign prominently displayed on site using recycling symbol and stating 'We are recycling on this site. NO UNAUTHORISED DUMPING' or similar.	
	Incentives in place for workers and subcontractors to achieve SABS standards.	
	Excess materials stored for re-use on future projects.	
	Valuable or useful excess materials such as paint, floor coverings, fixtures and fittings neatly stored for the homeowner's future use.	
	Excess re-usable product can be sold on Gumtree or OXL.	
	Excess re-usable materials can be given away to others, donated to non-profit organizations, such as Sir Lowry's Pass Creative Development NPC .	
	A dedicated rubbish bin or bag is provided for workers' lunch wrappers, food scraps etc. to avoid skip contamination and a domestic recycling bin for bottles, cans, newspapers, magazines etc.	
Waste Management Knowledge	Waste is compacted, flat stacked as much as possible to reduce volume in waste skips.	
	Waste materials sorted onsite for possible re-use and recycling using a fenced off designated waste storage area. This avoids a skip on site until necessary. Suggested re-use and recycling piles in the order they normally occur are concrete & masonry, steel, timber products, plastics, insulation, plasterboard, paint tins and cardboard.	
Waste Management Knowledge	Site waste management plan distributed to all workers and subcontractors as part of tender document, contracts and site induction prior to commencing work onsite.	

	Progress towards SWMP targets communicated to relevant site visitors, workers and subcontractors.	
Waste Disposal Services	Only preferred waste collection and recycling operators to be used for project waste disposal services (See preferred waste operators attached)	
Plasterboard	Plasterboard waste must be sorted, covered or stored in a sheltered place such as the garage until collection.	
	<i>Onsite recycling</i> - For onsite disposal use clean unpainted standard plasterboard only (excluding wet area board and bracing board which may contain wax or fiberglass additives). Pulverize to pieces smaller than 2cm diameter and place below topsoil to accelerate the breakdown of the product. Spread evenly and apply at a rate of up to 5kg per square meter (standard sheet is approx. 20kg). Avoid wet areas as prolonged anaerobic conditions can cause possible sulfide gas formation. Check compliance with the Overstrand Municipality .	
	<i>Waste deferral</i> - Clean offcuts can be placed within internal wall spaces, providing the opportunity to recycle them at the end of the home's useful life and also some noise dampening qualities. Offcuts should be cut down or scored and folded 'concertina' style up to four sheets maximum to allow for future wiring. Care must be taken to select wall cavities without insulation, wiring, plumbing or HVAC ducts such as wardrobes, hot water cupboards, stairwells or garages. Place pieces securely to avoid rattling and consider the sequence of lining rooms to ensure vacant walls are available as each room is completed.	
Timber - Untreated	Sorted onsite and re-used where possible. Sorted offsite and recycled where possible.	
Timber - Treated or Engineered	Sorted onsite and re-used where possible.	
Concrete & Masonry	Small quantities of inert concrete & masonry waste to be used on site for landscaping, backfill, under walkways or driveways. A hardfill skip is to be used so concrete & masonry can be recycled.	
Packaging	Suppliers asked to limit packaging. Suppliers to unpack materials and take back as much packaging as possible for recycling.	
	Where domestic recycling operates in the area, cardboard is stacked at the municipal dump site ready for collection or dropped off at local recycling depots.	
Metals	If quantities sufficient, metal waste is to be sorted on site and sold to a local scrap metal operation. Skip company to collect mixed waste skip and sort any metal offsite for recycling.	
Insulation	Excess insulation to be carefully placed in the ceiling space, especially at perimeters or any vacant wall cavities or gaps. Larger polystyrene sheets to be used under concrete floors and driveways or as a protective lining behind retaining walls or underground walls. Installers are to remove all surplus insulation for re-use and/or recycling.	
Hazardous	Paints, stains, solvents, adhesives, sealants, treatments etc. are to be collected for re-use on further projects Excess paint and stain can be recycled. Contact supplier for options or use the Rose Foundation.	
	Water runoff from sediment, unset concrete etc. should be diverted from waterways and stormwater drains and allowed to settle onsite (if necessary, use channels or collection ponds, hay bales, filter fabrics etc. to help filter and settle any runoff).	
	Hazardous substances such as liquid paints, stains, timber treatments, and solvents contained carefully onsite and disposed of correctly. Paint contractors to provide proof of proper waste disposal.	

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	Benign paints, stains, caulks and solvents used where possible to minimize hazardous wastes.	
	Hazardous waste disposal operators listed on this SWMP.	

APPENDIX C

Example of a site waste minimisation plan for construction or alterations with plans and drawings attached.

Type of waste generated	Estimate Volume (m ³) or Weight (t) of Reuse and specify method of onsite reuse	Estimate volume (m ³) or Weight (t) of Recyclables and specify contractor and recycling outlet to be used	Estimate Volume (m ³) or Weight (t) disposed and specify landfill to be used
Excavation material	Keep and re-use ___ tonnes of topsoil for landscaping. Store on site. Use behind retaining walls.	NIL	___ tonnes to ___ landfill site by ___ waste contractor.
Timber	Re-use as formwork and studwork. Chip remainder for use in landscaping.	Reminder to stockpile at ___ transfer station by ___ waste contractor.	NIL
Concrete	Existing driveway to remain during construction. Use ___ tonnes for fill behind retaining walls.	On completion ___ tonnes to ___ crushing and recycling company.	NIL
Bricks/pavers	Clean and re-use lime mortar brick for footings. Broken bricks for internal walls. Use for fill behind retaining walls.	Concrete mortar bricks to ___ crushing and recycling company.	NIL
Tiles	Broken tiles for fill. Re-use, where possible, when refurbishing building.	Remainder to ___ building supply company.	NIL
Metal (specify)	NIL	To ___ metal recycler.	NIL
Glass	NIL expected	NIL expected	NIL expected
Packaging (used pallets, pallet wrap)	Pallets returned to supplier	NIL	NIL
Garden organics (Green waste)	Separated. ___ tonnes chipped and stored onsite for re-use as landscaping.	___ tonnes to ___ Landscape supplies for composting/re-use.	Stumps and large trunks separated and to ___ landfill by ___ waste contractor.
Containers (cans, plastic, glass)	NIL	Minimal to ___ recycling company.	NIL
Paper/cardboard	NIL	Minimal to ___ recycling company.	NIL

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Residual waste	NIL	NIL	NIL
Plasterboard	Break-up and use _____ KGs for landscaping.	_____ KGs to _____ Landscape supplier.	NIL
Hazardous/special waste e.g. asbestos (specify)	NIL	NIL	NIL