



DEPARTMENTAL REFERENCES:

16/3/3/6/4/1/A7/21/3029/21 (Development Management)

19/2/5/3/A7/21/WL0008/21 (Waste Management)

19/3/2/4/A7/21/DDF005/21 (Pollution and Chemicals Management)

DATE: 1 March 2021

The Board of Directors
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PER E-MAIL

Dear Madam

COMMENT ON THE DRAFT MAINTENANCE MANAGEMENT PLAN FOR THE PROPOSED RESTORATION AND MAINTENANCE OF THE BLUE STONE QUARRY ("BSQ") WALL AND THE REINSTATEMENT OF THE LIMESTONE PATHWAY ALONG THE TOP OF THE BSQ WALL, ROBBERN ISLAND

The e-mail notification of 28 January 2021 providing a Background Information Document and a request for comment on the Draft Maintenance Management Plan ("MMP") refers.

Please find consolidated comments from various directorates within the Department on the Draft MMP dated January 2021 that was attached to the e-mail notification, but also available for download from the website of the environmental assessment practitioner ("EAP").



1. Directorate: Development Management (Region 1) – Ms Naadiya Wookey (Naadiya.Wookey@westerncape.gov.za; Tel: (021) 483 2742):
 - 1.1. The Draft MMP does not include all the associated activities that will be undertaken as part of the proposed project and must be updated to include the following associated activities, i.e.:
 - 1.1.1. Indicate the location of proposed batching plant; and
 - 1.1.2. Address the clearance of vegetation for the establishment of a site/construction camp.
 - 1.2. According to the Department of Agriculture's Cape Farm Mapper, the area identified for the proposed maintenance activities is mapped as an Ecological Support Area containing Cape Flats Dune Strandveld, which has an endangered ecosystem status. Should the proposed project result in the clearance of indigenous vegetation of more than 1ha or more than 300m² of indigenous vegetation within a critically endangered or endangered ecosystem, additional listed activities not identified in the MMP will be triggered and must be applied for. These activities are Activity 27 of Listing Notice 1 and Activity 12 of Listing Notice 3 of the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA") Environmental Impact Assessment ("EIA") Regulations, 2014 (as amended), respectively.
 - 1.3. Please note that where the clearance of indigenous vegetation trigger any of the listed activities indicated in paragraph 1.2. above, a Basic Assessment process must be followed. The clearance of indigenous vegetation for the establishment of a site/construction camp would not meet the exclusionary clause of clearance of indigenous vegetation for maintenance purposes undertaken in accordance with a (vegetation) MMP.
 - 1.4. The recommendations made in the Avifaunal Assessment (compiled by Arnwilt Enviro Watch dated August 2014) and reiterated in the Alternative Construction Options Assessment (compiled by WSP Environmental (Pty) Ltd dated September 2014) indicates that *"The avifaunal specialist has recommended that the batching plant must be installed in close proximity to the harbour and not in proximity to the BSQ site under any circumstances. This is so as not to create unnecessary 'pollution' (visual noise, dust or any disturbance to birdlife) created by a plant such as this."* The recommendations made by the specialist must be considered as part of the alternatives for the MMP.
 - 1.5. The EAP is reminded that the mitigation hierarchy must be implemented and that potential impacts must be avoided as far as possible.
 - 1.6. One of the mitigation measures for rehabilitation maintenance provided on page 44 of the Draft MMP includes that *"All areas under rehabilitation are to be treated as no-go areas using danger tape and steel droppers/fencing and cornered off, to prevent vehicular, pedestrian and livestock access."* The applicability and suitability of this proposed mitigation measures in context of the proposed site and ecological sensitive receptors (endangered and near threatened avifauna) must be considered in the MMP.

2. Directorate: Waste Management – Mr Muneeb Baderoon (Muneeb.Baderoon@westerncape.gov.za; Tel: (021) 483 2965):
 - 2.1. Please note that Category A15 of Schedule 3 of the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008) ("NEM: WA") classifies certain types of construction waste as hazardous waste. Such waste must therefore be stored in hazardous waste containers for its eventual disposal or treatment at a hazardous waste management facility (i.e. it may not be disposed of with non-hazardous construction waste). Proof of waste disposal certificates must be made available to the competent authorities upon request.
 - 2.2. Spills must be cleaned up immediately to the satisfaction of the environmental control officer ("ECO") and the spill, together with the polluted soil, must be disposed of at an appropriate hazardous waste disposal facility.
 - 2.3. Any vegetation removed for the establishment of the site/construction camp may be taken to a green/garden waste chipping facility for composting, or be disposed of at an appropriately licenced facility, but may not be disposed of into the ocean.
 - 2.4. The MMP must be easily accessible to the persons responsible for managing the proposed maintenance activities and adherence to the proposed migration measures and recommendations must be strictly monitored.
 - 2.5. Please note that general requirements for the storage of waste as prescribed in section 21 of the NEM: WA, 2008 must be adhered to.
3. Directorate: Pollution and Chemicals Management – Ms Shehaam Brinkhuis (Shehaam.Brinkhuis@westerncape.gov.za; Tel: (021) 483 8309):
 - 3.1. It is recommended that during periods of restoration or maintenance work that the ECO inspections are undertaken more frequently, as opposed to monthly inspections (as indicated on page 19 of the MMP). Depending on the nature of the maintenance work required, it may potentially have a high impact on the receiving environment but be of a short duration and be completed within this (one month) period. It is recommended that the ECO inspection frequency be tailored to the type and duration of the restoration and maintenance work proposed. As a minimum, it is suggested that ECO inspections be undertaken fortnightly during periods of work, most notably the initial, more significant restoration work.
 - 3.2. Section 1.7, page 29 refers to the potential use of dampening for dust suppression purposes. The use of potable water for dust suppression purposes is not supported and should be avoided. Where water is to be used, this should be of a suitable quality so as not to cause any severe/repeated pollution to soil or water resources.

- 3.3. It is recommended that section 1.12 of the MMP be amended to include the following requirements:
 - 3.3.1. All machinery and vehicles should be checked daily for oil and fuel leaks. If any machinery or vehicles are found to have an oil or fuel leak, they must not be used until the leaks have been rectified; and
 - 3.3.2. Sanitation facilities must be regularly serviced to reduce the risk of leaks.
- 3.4. It is recommended that both section 1.12 and the Emergency Response Plan (section 9, page 40) of the Draft MMP relating to spillage of diesel or hazardous substances, include the stipulation of adherence to section 30 of the NEMA, pertaining to the control of incidents. In the event of a significant spill or leak of hazardous substances used during the proposed activities (e.g. petrol, diesel, etc.), such an incident(s) must be reported to the relevant authorities, including this Directorate, in accordance with section 30 of the NEMA, 1998.
4. Kindly quote the abovementioned reference numbers in any future communication in respect of this correspondence. Please direct any enquiries to the official/s indicated in this correspondence should you require any clarity on any of the comments provided.
5. The Department reserves the right to revise or withdraw its comments and request further information based on new information received.

Yours faithfully

pp **HEAD OF DEPARTMENT**
DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING