

**APPLICATION FOR A WASTE MANAGEMENT LICENSE AND ENVIRONMENTAL AUTHORISATION TO DECOMMISSION THE EVERITE ASBESTOS SITE, ERF 18354, BRACKENFELL**

**DFFE WML APPLICATION REFERENCE NUMBER: 12/9/11/L220615145611/9/N/Everite Asbests WDS Decommissioning**

**DEA&DP EA APPLICATION REFERENCE NUMBER: 16/3/3/1/A5/11/2033/22**

<b>COMMENTS ON PRE-APPLICATION DRAFT BAR 27 JANUARY 2022 – 25 FEBRUARY 2022</b>				
<b>No.</b>	<b>Name:</b>	<b>Comment:</b>	<b>Respondent:</b>	<b>Response:</b>
1.	Deon Serfontein Goeie Hoop Onderdele 26 January 2022	<b>Email comment:</b>  We need the plots urgently for development.	<b>CHAND</b>	Your support for the project is noted.
2.	Phila Nkosinkulu Senior Professional Officer: Facilities Management and PMO – Recreation and Parks Department Community Services and Health 28 January 2022	<b>NOTIFICATION OF A PUBLIC PARTICIPATION PROCESS (PPP) &amp; THE AVAILABILITY OF A POST-APPLICATION DRAFT BAR FOR PUBLIC REVIEW &amp; COMMENT AS PART OF THE BASIC ASSESSMENT PROCESS FOR A WASTE MANAGEMENT LICENSE TO DECOMMISSION THE EVERITE ASBESTOS SITE, ERF 18354</b>  The Recreation and Parks Department has no objection to the decommissioning of the site nor the proposed development subject to the following comment: <ol style="list-style-type: none"> <li>It is not clear what the intended zoning will be for the storm water pond area, however it is coloured in green in the site development plan, and this may mean the zoning is open space. The correct zoning would be open space 3 (private open space).</li> </ol> Yours faithfully Phila Nkosinkulu for DIRECTOR: RECREATION & PARK	<b>CHAND</b>	Noted that the Department has no objection to the proposal.  <ol style="list-style-type: none"> <li>The zoning of the storm water pond would be Open Space 3 (Private Open Space).</li> </ol>
3.	Daryl Hendricks Unitrans Supply Chain Solutions (PTY) LTD 28 January 2022	Hi Claudette  I just received a document around your proposal for the erf next door to us. If you can please keep me in the loop on how things are going. Thanks  Regards.	<b>CHAND</b>	You have been registered as an Interested & Affected Party and will receive all future notifications on the proposal.
4.	Charl Visser Charl Engineering Adjacent Landowner	We have no objection with the development of Erf 18354	<b>CHAND</b>	Noted.

	8 February 2022			
5.	Paul Henry African Land Cruisers 09 February 2022	We are interested and affected parties as our buildings back onto the site. We intend monitoring the process, especially the removal of hazardous material and will not hesitate to contact the relevant authorities should any protocols be breached. Ensure that our interest is noted.	CHAND	Your interest is noted, and you have been registered as an Interested & Affected Party on the project database.
6.	Yolanda Snyman FJ Trust Snyman 4x4 (Adjacent landowner) 15 February 2022	Matter handed over to our attorney. Deon Perold of Deon Perold & Associates Inc, Ascot Chambers Block H, Greenford Office Estate, Punters Way, Kenilworth, Cape Town, Tel: 021 671 0815, Cell: 083 450 4551	CHAND	Noted.
7.	Rebecca Robin Assur City of Cape Town: Environmental and Heritage Management Branch - Environmental Management Spatial Planning and Environment Directorate 23 February 2022	Dear Madam  <b>ERF 18354, 28 TAURUS ROAD, EVERITE INDUSTRIA, BRACKENFELL: DRAFT BASIC ASSESSMENT REPORT FOR THE APPLICATION FOR A WASTE MANAGEMENT LICENSE (WML) TO DECOMMISSION THE EVERITE ASBESTOS SITE</b>  Your correspondence dated 26 January 2022, and the accompanying Draft Amendment Report, dated 24 January 2022, as compiled by <i>Chand Environmental Consultants</i> , refers.  The following technical comment is provided by relevant City of Cape Town Departments based on the information provided in the Draft Basic Assessment Report:  1. <b>SPATIAL PLANNING AND ENVIRONMENT: Development Management</b> 1.1 The site is zoned for General industry 1 (G11) purposes and may only be utilised for such purposes in future due to the historic use of the site for the disposal of asbestos.  1.2 There are currently no land-use management applications in terms of the Municipal Planning By-Law that have been discussed or submitted to the Development Management Department for consideration. The Development Management	CHAND	1.1. Noted. This is the intended use.  1.2. Noted. The zoning is already in place. The land is zoned industrial.

		<p>Department will provide detailed comment during said land-use management application phase.</p> <p><b>2. SAFETY AND SECURITY: DISASTER MANAGEMENT CENTRE</b></p> <p>2.1 Should the proposal for decommissioning be adopted, it is recommended that an emergency plan be drafted with an accompanying risk assessment and be submitted together with building plan submissions and made available for implementation for all phases of the decommissioning process.</p> <p><b>3. TRANSPORT: TRAFFIC IMPACT ASSESSMENT AND DEVELOPMENT CONTROL</b></p> <p>3.1 The transport impact assessment and development control has no comment, at this stage, on the Draft BAR and Traffic Impact Assessment (appendix J6). detailed comments will be provided during the applicable land-use application phase.</p> <p><b>4. COMMUNITY SERVICES AND HEALTH: City Health – Specialised Health Services – Environmental Health</b></p> <p>4.1 A pollution management plan must be submitted for cases of emergency. No pollution of air, surface water, ground water or storm water may take place as a result of any activity on-site.</p> <p>4.2 As a measure to prevent complaints resulting from any activity on these premises, the applicant must ensure that adequate steps are implemented to prevent the prevalence and/or incidence of health nuisances as defined by the City of Cape Town Environmental Health By-Law (P.N. 13333 of 2003).</p> <div data-bbox="647 1131 1305 1370" style="border: 1px solid black; padding: 5px;"> <p><i>"health nuisance" means any activity, condition, premises or thing which, on account of effluent, vapours, chemical effluvia, odours, noise, vibration, radiation, refuse, waste products, dirt, chemical or biochemical material, microbial infection, vermin, vegetation, overcrowding, lack of proper general hygiene, ventilation, lighting, design, situation or on account of any other cause or practice whatsoever, is or are in the opinion of the Director: City Health or a duly authorised council employee potentially injurious or dangerous to health or which is or are offensive, including, without affecting the generality of the foregoing, any facility for the storage, distribution or handling of water that is likely to be used by man for domestic purposes or consumption, including such water itself, which is contaminated or polluted;</i></p> </div>		<p>2.1 Noted. An Emergency Plan and Risk Assessment will accompany the building plan submission. This requirement has also been included in the EMPr.</p> <p>3.1 Noted with thanks.</p> <p>4.1 The EMPr provides for pollution control in detail during the construction phase.</p> <p>4.2 Risks to human health have been considered in the asbestos report (Appendix J7) in terms of the likelihood of human exposure to asbestos. Furthermore, measures to limit exposure risk of asbestos to humans have been included in the EMPr. The EMPr requires that all of the mitigation measures outlined in the Asbestos Regulations of 2001 as well as the Occupational Health and Safety Act must be strictly adhered to.</p>
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		<ul style="list-style-type: none"> <li>• The type of rodent barrier to implemented along the entire perimeter of the site must be specified.</li>   <li>• The methods to be used to contain contaminated run-off during construction must be specified.</li> </ul> <p>4.5 The following legislation, which pertains to Environmental Health must be complied with and must be included in the Draft BAR:</p> <ul style="list-style-type: none"> <li>• Western Cape Noise Control Regulations P.N 200 of 2013 as promulgated under the Environmental Conservation Act, 1989.</li> <li>• National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008)</li> <li>• National Environmental Management: Air Quality Act, 2004 (Act No. 39 of 2004)</li> <li>• The City of Cape Town Environmental Health By-Law P.N. 13333 of 2003.</li> <li>• The National Health Act, 2003 (Act 61 of 2003).</li> <li>• National Water Act, 1998 (Act 26 of 1998).</li> <li>• Occupational Health and Safety Act, 1993 (Act No. 85 of 1993): Asbestos Regulations, 2001.</li> </ul> <p><b>5. COMMUNITY SERVICES AND HEALTH: City Health – Specialised Health Services – Specialised Environmental Health Services – Air Quality Management Unit</b></p>		<p>Employment and Labour (DoEL). The EMPr also requires that a decontamination unit must be established on site.</p> <ul style="list-style-type: none"> <li>• This is specified and illustrated (refer to Figure 5) in the BAR. The barrier would entail the excavation of 1 m deep trench that would be lined with a HDPE geomembrane and backfilled with a cement stabilised material (Walters, 2020). The geomembrane would continue across the top of the trench and be place 100 mm up against the property boundary (Walters, 2020).</li>   <li>• Measures for controlling contaminated run-off during construction have been included in the EMPr including recommendations made by the freshwater specialist (Belcher, 2012).</li> </ul> <p>4.5 All legislation has been included and considered in the Draft BAR and EMPr.</p>
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		<p><u>Decommissioning and Construction Phase</u></p> <p>5.1 The following is noted in the Environmental Management Programme (EMPr), which the Air Quality Management Unit supports: <i>An approved inspection authority, in compliance with the asbestos abatement regulations 2020, must draw up an asbestos plan.</i> This said plan must indicate how the asbestos contaminated site activities must be carried out. This plan must be submitted to the local department of Employment and Labour (DoEL). The asbestos contaminated site must be managed by an AAIA (Asbestos approved Inspection authority- OHMS) and all site activities during the site excavations up to final capping and a registered asbestos contractor must carry out foundations works being completed.</p> <p>5.2 The applicant/responsible person must adhere to the proposed mitigation measures provided in the Environmental Management Programme (EMPr) under environmental specification for the decommissioning and construction phase, under the following headings:</p> <ul style="list-style-type: none"> <li>a) <i>Soil, Stormwater and Ground Water Pollution Management and Erosion Control – “Spills and spill control”.</i></li> <li>b) <i>Hazardous Substances (including asbestos and cement) Management – “Hazardous substances handling, use and storage; Spill Clean-up Material; Working with cement and concrete; Asbestos Handling”.</i></li> <li>c) <i>Dust management – “Prevention of dust nuisance”.</i></li> <li>d) <i>Incident Management – “Prevention of fires; Accidental Leaks and Spillages”.</i></li> </ul>		<p>5.1 Support for the required asbestos plan is noted.</p> <p>5.2 Noted and agreed. This requirement is included in the EMPr and is a recommended condition of the environmental authorisation (if granted)</p>
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		<p>5.3 No dust nuisance is to be created during site preparation and construction phases of the proposed development and provision must be made for the implementation of sufficient dust mitigation measures. Therefore, the activities conducted on site must comply with the provisions provided in Section 26 of the City of Cape Town Air Quality Management By-law 2016, dated 17 August 2016, which states the following:</p> <div style="border: 1px solid black; padding: 5px;"> <p><b>Dust Emissions:</b></p> <p>1) Any person who conducts any activity or omits to conduct any activity which causes or permits dust emissions into the atmosphere that may be harmful to public health and wellbeing or is likely to cause a nuisance to persons residing or present in the vicinity of such land, activity or premises shall adopt the best practical environmental option to the satisfaction of the authorised official, to prevent and abate dust emissions.</p> <p>2) An authorised official may require any person suspected of causing a dust nuisance to submit a dust management plan within the time period specified in the written notice.</p> <p>3) The dust management plan contemplated in subsection (2) must:</p> <p>(a) identify all possible sources of dust within the affected site;</p> <p>(b) detail the best practicable measures to be undertaken to mitigate dust emissions;</p> <p>(c) detail an implementation schedule;</p> <p>(d) identify the person responsible for implementation of the measures;</p> <p>(e) incorporate a dust fall monitoring plan; and</p> <p>(f) establish a register for recording all complaints received by the persons regarding dustfall, and for recording follow up actions and responses to the complaints.</p> <p>4) The authorised official may require additional measures to be detailed in the dust management plan.</p> <p>5) The dust management plan must be implemented within a time period specified by the authorised official in a written notice.</p> <p>6) Failure to comply with the provisions of this section constitutes an offence."</p> </div> <p>5.4 In this regard, the conditions stipulated in the National Dust Control Regulations (GN. 36974), dated 1 November 2013, must be adhered to at all times during the development process.</p> <p>5.5 Should it be deemed necessary by the Air Quality Management Unit, a detailed site-specific dust management plan may be requested, which will be required for submission to the Head: Specialised Environmental Health Services.</p>		<p>5.3 Dust management and control measures have been included in the EMPr.</p> <p>5.4 The need to comply with the by-law has been included in the EMPr.</p> <p>5.5 The need to comply with the Dust Control Regulations have been included in the EMPr.</p>
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5.6 Monitoring methodology (should this be included in the Dust Management Plan): The method to be used for measuring dust fall rate and the guideline for locating sampling points shall be ASTM D1739: 1970, or equivalent method approved by any internationally recognised body.

5.7 The standard for the acceptable dust fall rate is set out in Table 1 for residential and non-residential areas.

**Note:** - with regards to conditions 5.5, 5.7 and 5.8 it is to be noted the National Dust Control Regulations are currently undergoing review and amendments. Once promulgated the applicable methodology and standards to be complied with will need to be adhered to at all times.

Restriction Areas	Dust fall rate (D) (mg/m <sup>2</sup> /day, 30-days average)	Permitted frequency of exceeding dust fall rate
Residential area	D < 600	Two within a year, not sequential months.
Non-residential area	600 < D < 1200	Two within a year, not sequential months.

Operational Phase

5.8 It is for the applicant to note that authorisation for the installation of standby generators are no longer required in terms of the City of Cape Air Quality Management By-Law 2016.

5.9 The Air Quality Management Unit supports the following measures provided in the EMPr under Environmental Management Requirements, which the applicant/responsible person must adhere to:

(a) Emissions

- The POA is to check each new tenant's business activities against the requirements of the National Environmental Management: Air Quality Act (Act No. 39 of 2004) and the

5.6 Noted.

5.7 Noted.

5.8 Noted.

5.9 Noted and included in the EMPr.

		<p>associated activities, which would require permits.</p> <ul style="list-style-type: none"> <li>• Should a particular tenant and their associated business activity require a permit/ Air Emission License (AEL), the necessary processes should be carried out to ensure approval.</li> <li>• It must be noted that, for all industries requiring AELs, annual reporting on the National Atmospheric Emissions Inventory System (NAEIS) is required. The City of Cape Town City Health: Air Quality Department can be contact for more information in this regard.</li> </ul> <p>5.10In addition, should the applicant or any business tenant or business owner wish to install any fuelburning equipment, authorisation in terms of Chapter V, Section 11 of the Air Quality Management By-law, 2016 must be obtained prior to the installation of any such fuel burning equipment. To this effect, building plan submission and an application to install fuel-burning equipment is required prior to the installation of any such fuel-burning equipment. Kindly contact the relevant official, Mr Lumko Vazi, at e-mail: <a href="mailto:Lumko.Vazi@capetown.gov.za">Lumko.Vazi@capetown.gov.za</a> or telephone: 021 590 5200 for further enquiries.</p> <p><u>General</u></p> <p>5.11The Air Quality Management Unit supports the following: Ambient air quality monitoring for airborne asbestos has been undertaken (and continues to be undertaken on site), with the findings thereof detailed in the Asbestos Report (refer to Appendix J7 of the BAR by OHMS, 2021). No airborne asbestos has been detected and so no further air quality impact assessment is required. However, monitoring for airborne asbestos will continue until closure of the site.</p> <p>5.12It is noted in the EMPr, under the Legislative Framework the City of Cape Town Air Pollution Control By-law is quoted as reference. Kindly be advised that the mentioned By-law has been</p>		<p>5.10Noted.</p> <p>5.11Noted.</p> <p>5.12Noted, this has been corrected.</p>
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		<p>repealed and replaced with the City of Cape Town Air Quality Management by-law, 2016 (Promulgated in Provincial Gazette No.7662, Dated 17 August 2016), as amended therefore, the by-law must be corrected.</p> <p><b>6. WATER AND WASTE: Solid Waste Management</b></p> <p>6.1 The following questions must be addressed:</p> <p>6.1.1 Has consideration been given to possible settlement of the site in future, due to natural densification and or due to the proposed activities and additional loading of buildings etc. on the site?</p> <p>6.1.2 If asbestos containing material is excavated during the proposed development, what is the plan with said material, i.e. where will it be transported?</p> <p>6.1.3 Will the existing patch of Cape Flats Sand Fynbos survive at the Bracken Nature Reserve (which itself is a rehabilitated landfill site)?</p>		<p>6.1.1 The site will be developed as a light industrial park following capping and occupied by businesses. There will thus be no opportunity for settlement. The site will be fenced, and the necessary security measures implemented.</p> <p>6.1.2 The storage, handling and disposal of hazardous waste is covered by the EMPr (refer to Appendix M). Any asbestos contaminated material removed (including vegetative material), must be disposed of as asbestos waste at a certified waste disposal site for asbestos (Vissershok) and in accordance with the asbestos abatement regulations, the NEMA and the Un transport of hazardous goods or UN orange book.</p> <p>6.1.3 While a search and rescue will be undertaken, it is only required that <i>L. explanatus</i> be relocated to the Bracken Nature Reserve as recommended by a botanist. The EMPr requires that a Method Statement be compiled in consultation with a botanical specialist, to aid in the success of the exercise. It is also required that the immediate re-establishment of plants</p>
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		<p>8.1 An asbestos management report titled, "Asbestos Assessment For Chand Environmental Consultants: Everite Site, Brackenfell, Cape Town" (the asbestos report), dated 19 October 2020, as compiled by Occupational Health and Monitoring Services (OHMS) made the following recommendations and stated the following, which may impact on the proposed light industrial park with regards to the asbestos on the site:</p> <p>8.1.1 Disturbance on the site should be kept to a minimum.</p> <p>8.1.2 A decontamination unit will have to be established on site if any site activities take place. Only authorised persons may enter the site under asbestos control conditions.</p> <p>8.1.3 The site has a risk assessment rating of RR17 and this is the highest band possible and relates to material that is deemed a severe risk to health.</p> <p>8.1.4 The details of the long-term control measures will be work - shopped with the project team and further described in the basic assessment (i.e. the Report).</p> <p>8.2 The report states, "it was agreed that the land should be 'capped' to prevent mole activity from exposing the buried asbestos waste" and it is not clear from the report if an asbestos specialist has also agreed to the capping.</p> <p>8.3 The asbestos report recommended that there should be continuous weekly air monitoring for asbestos on the site and that this has been undertaken with the most recent results that are included in Appendix T. This is incorrect as the appendices do not contain an Appendix T. Appendix T must be included in the report for reference.</p>		<p>8.1 Agreed. All recommendations have been included in the BAR and EMPr.</p> <p>8.2 While not stated outrightly, this is implicit in the report and the recommendations made by the specialists regarding mitigating control measures to be put into place during the decommission/construction phase which entails capping. There has been extensive engagement with the asbestos specialist throughout the BA process.</p> <p>8.3 This has been corrected. Refer to Appendix S for the latest monitoring results.</p>
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		<p>8.4 The asbestos report requested the disturbance of the site to be kept to a minimum. However surely the capping and definitely the construction of infrastructure and buildings on this property will disturb the site. This apparent contradiction must be clarified.</p> <p>8.5 It is the view of the Catchment, Stormwater and River Management Branch that a suitably qualified</p>	<p>8.4 The current capping of the site is being compromised by mole-activity, and as such permanent capping is proposed. To limit disturbance from excavation, material would be imported to cover the site and compaction implemented to realise the required levels. For the majority of the site, the earthworks would not entail any excavation works or digging into the existing surface areas on the site. In sections where excavation is required, this would be limited in terms of depth and extent. The Capping Strategy (refer to Appendix B1) elaborates in detail on the varying degrees of excavation across the site and how this would be implemented. The EMPr furthermore contains measures for executing the works in a way that disturbs as little asbestos at any one time and includes measures such as clearing of the vegetation for specific areas of works at a time such that the entire site does not remain clear all in one go, use of an asbestos-certified contractor, limiting access during the site, monitoring for airborne asbestos, external monitoring and reporting against conditions of approval throughout construction, etc. Refer to the EMPr in Appendix M of the BAR for more detail in this regard. The site will also be managed by an AAIA (Asbestos approved Inspection authority) and all site activities during the site excavations up to final capping and foundations works being completed will be carried out by a registered asbestos contractor.</p> <p>8.5 OHMS are asbestos specialists and are accredited to carry out asbestos assessments according to the Asbestos</p>
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		<p>asbestos specialist must compile an asbestos report similar to the report compiled by <i>Occupational Health and Monitoring Services</i>. The revised asbestos report must detail <i>inter alia</i> the following:</p> <ul style="list-style-type: none"> <li>• How the proposed capping and construction of the proposed light industrial development will affect the surrounding area; and</li> <li>• How the capping and construction will be carried out to prevent any health risks associated with asbestos.</li> </ul>		<p>Regulations, 2001 and Occupational Health &amp; Safety Act, Act 85 of 1993). They are an Approved Inspection Authority (refer to Accreditation included in their report) and have been monitoring the site since August 2020. Monitoring is ongoing.</p> <ul style="list-style-type: none"> <li>• This is addressed by the BAR which assesses the socio-economic, health and environmental impacts of the proposed decommissioning/capping of the site in detail.</li> <li>• A detailed Capping Strategy (refer to Appendix B1) has been prepared which aims to limit disturbance to the site through limiting excavation by importing material to cover the site and implementing compaction to realise the required levels. For the majority of the site, the earthworks would not entail any excavation works or digging into the existing surface areas on the site. In sections where excavation is required, this would be limited in terms of depth and extent. The Capping elaborates in detail on the varying degrees of excavation across the site and how this would be implemented. Asbestos control measures have been included in the EMPr (refer to Appendix M of the BAR). This includes the need for an Asbestos Plan be compiled and submitted to the Dept. of Employment and Labour, as recommended by the asbestos specialist. This plan will detail how the asbestos contaminated site activities must be carried out to prevent any health risks in compliance with the Asbestos Abatement Regulations 2020. Furthermore, all site activities during the site excavations up to final capping and foundations works being</li> </ul>
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		<p>8.6 The following policies and by-law relating to stormwater management must be included in the EMPr (Appendix M) and under Section 14 <i>Legislative Framework</i>:</p> <ul style="list-style-type: none"> <li>• Management of Urban Stormwater Impacts Policy, approved by Council: 27 May 2009.</li> <li>• Floodplain and River Corridor Management Policy, approved by council: 27 May 2009.</li> <li>• By-Law Relating to Stormwater Management, approved by Council: 30 August 2005.</li> </ul> <p>8.7 Due to the erf size (109 240 m<sup>2</sup>), this application triggers the Management of <i>Urban Stormwater Impacts Policy</i>, as such a stormwater management plan (SWMP) must be submitted as part of this EIA application.</p> <p>8.8 The stormwater management plan must comply with the City of Cape Town's stormwater policies and by-law, noted here below:</p> <ul style="list-style-type: none"> <li>• Management of Urban Stormwater Impacts Policy, approved by Council: 27 May 2009.</li> <li>• Floodplain and River Corridor Management Policy, approved by council: 27 May 2009.</li> <li>• By-Law Relating to Stormwater Management, approved by Council: 30 August 2005.</li> </ul> <p>8.9 The appointed design engineer must liaise with the Catchment, Stormwater and River Management Branch prior to producing the draft SWMP in order to establish the principles of the stormwater management plan.</p>		<p>completed will be carried out by a registered asbestos contractor.</p> <p>8.6 The policies and by-law have been added as requested.</p> <p>8.7 A SWMP has been completed and the contents thereof outlined in the BAR. It has since come to the EAP's attention that the SWMP was not included as an Appendix to the Draft BAR when it was distributed for public comment. This error has been corrected (refer to Appendix J8 of the BAR) and the SWMP is hereby submitted to the branch for comment.</p> <p>8.8 The SWMP complies with these policies.</p> <p>8.9 A draft SWMP has already been completed and has since been submitted to the Catchment, Stormwater and River Management Branch along with the post-application Draft BAR.</p>
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		<p>8.10 The owner/developer must consider where hazardous materials are stored on site (during the construction and operational phases) and that the secondary containment area (bund areas) must be able to accommodate 110% of the hazardous materials contained therein, in the event of a spillage or incident.</p> <p>8.11 In addition, if any of the steps required above will require further authorisation from any other organ of state, such authorisation(s) must be obtained and be brought to the Catchment, Stormwater and River Management Branch's attention (i.e. Water Use License, Environmental Authorisation, General Authorisation or renewal/ amendment, etc.).</p> <p><b>9. SPATIAL PLANNING AND ENVIRONMENT: Environmental Management Department – Environmental and Heritage Management</b></p> <p><u>Draft BAR</u></p> <p>9.1 The contact details of the Head: Environmental and Heritage Management Branch (on page 23) must be updated accordingly. All future documentation and correspondence must be sent to <i>Mr Morné Theron (Acting Head: Environmental and Heritage Management Branch – Northern District)</i> via email: <a href="mailto:morne.theron@capetown.gov.za">morne.theron@capetown.gov.za</a>.</p> <p>9.2 The following is stated under the heading <i>Stormwater Pond</i> (page 36): “A vegetated buffer (i.e. a green area) would be provided around the pond and would be capped as per the “Green Areas” described above.” The proposed width of the buffer area must be stipulated under this section.</p> <p><u>Appendix D: Landscape Plan (Drawing No.: 21530-LP-001-RevB; dated 17 May 2021) as compiled by Viridian Consulting Landscape Architects</u></p>		<p>8.10 Noted. This requirement is included in the EMPr.</p> <p>8.11 Noted. Not other authorisations are required at this stage.</p> <p>9.1 Noted and updated.</p> <p>9.2 The section has been updated accordingly. The width of the buffer area will be 15m as recommended by the freshwater specialist (Belcher, 2020).</p>
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		<p>9.3 It must be clarified whether additional trees can be introduced in the areas marked A and B despite the historic asbestos presence? If affirmative, the additional trees must be illustrated on the landscape plan.</p> <p>9.4 From the Botanical Impact Assessment (page 13), it is observed that the subject site supports mature existing <i>Eucalyptus</i> sp. trees. The landscape plan does not indicate the existence/location of the trees or their intended removal. This information must be illustrate/annotate on the landscape plan.</p> <p><u>Appendix J1: Botanical Impact Assessment (dated June 2012) as compiled by Ross C. Turner</u></p> <p>9.5 The Botanical Impact Assessment was based on a site visit conducted on 8th April 2012. The autumn April period is not the ideal flowering season (i.e. spring – August/September). The results of the assessment therefore may not be a true reflection of the vegetation on-site. The presence of important geophytic and ephemeral plant species could have been easily missed. The opinion is furthermore held that the assessment is outdated as it was compiled nearly 10 years ago.</p> <p>9.6 In light of the above an updated botanical scan, conducted in the correct season, is warranted in order to verify the 2012 botanical findings.</p> <p><u>Appendix J2: Freshwater Assessment (dated June 2012) as compiled by Toni Belcher</u></p> <p>9.7 The Environmental Management Department concurs with the conclusions and recommendations of the Freshwater Assessment, dated June 2012. It is recommended that the retention of the stormwater pond and the 15 m recommended buffer be made a condition of approval in the environmental authorisation.</p>	<p>9.3 This was investigated by the landscape architects when the landscape plan was compiled. However due to the capping there will only be a 200 mm thick layer of topsoil which is not sufficient for tree planting.</p> <p>9.4 Note that the site was re-surveyed in May 2022. The botanist has confirmed that the Eucalyptus trees were removed during alien clearing undertaken after the initial survey. Refer to the botanical report included in Appendix J1 of the BAR.</p> <p>9.5 In response to this comment, the site was re-surveyed in May 2022 by the botanist who updated his findings (Refer to Appendix J1 of the BAR for the full report). The botanist advised that a non-Spring survey is considered acceptable as there weren't any threatened bulb species recorded during the 2012 survey or during the latest survey (Ross Turner, <i>pers. comms</i> 25/04/2022).</p> <p>9.6 Refer to above response.</p> <p>9.7 Noted. The retention of the stormwater pond and the buffer has been recommended by the EAP as a condition of approval.</p>
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		<p><u>Appendix K: Site Photographs</u></p> <p>9.8 The site photographs must be dated.</p> <p><u>Appendix M: Draft Environmental Management Programme (dated January 2022), compiled with Chand Environmental Consultants</u></p> <p>9.9 The following point must be included under Section 10.2: Roles and Responsibilities (page 41) of the EMPr:</p> <ul style="list-style-type: none"> <li>• <i>The proof of appointment of the ECO is to be submitted to the Head: Environment and Heritage Management Branch – Northern District, prior to construction commencing on site.</i></li> </ul> <p>9.10The following point must be included under Section 11.5 Monthly Monitoring Reports (page 47):</p> <ul style="list-style-type: none"> <li>• <i>The monthly ECO Audit Reports must be forwarded to the Environmental and Heritage Management Branch – Northern District for record purposes.</i></li> </ul> <p>9.11The method and materials to be used for the establishment of no-go areas (page 72) must be specified.</p> <p><b>CONCLUSION</b></p> <p>The comments raised in this letter must be addressed and included in the revised Draft Basic Assessment Report.</p>  <p><b>Morné Theron</b>  <b>Acting Head: Environmental and Heritage Management Branch – Northern District</b>  <b>Environmental Management Department</b></p>		<p>9.8 Noted. The site photographs have been dated.</p> <p>9.9 The requirement has been added to the EMPr.</p> <p>9.10The requirement has been added to the EMPr.</p> <p>9.11The EMPr states that a fence must be erected. A No-go area map has been included for further clarity.</p>
8.	<b>Deon Perold &amp; Associates Incorporated</b> <b>Attorney for Snyman 4x4</b> <b>25 February 2022</b>	<p>Dear Madam</p> <p><b><u>RE: DFFE EA APPLICATION REFERENCE NUMBER 14/12/16/3/3/1/2473.</u></b></p>	CHAND	

		<p>We confirm that we act for and on behalf of the trustees of the YFJ Trust, owners of Erf 14574, 29 Gemini Street, Everite Industria, Brackenfell.</p> <p><b><u>PURPOSE OF THIS CORRESPONDENCE</u></b></p> <p>1. The purpose of this correspondence is to lodge an objection to the notice submitted by Chand Environmental Consultants on behalf of Duro Brick (Pty) Ltd for the decommissioning of the asbestos site located on Erf 18354, Gemini Street, Everite Industria, Brackenfell and future developments.</p> <p>2. The objection can be summarised under two headings, being:</p> <p>2.1 Location – Access to the development;</p> <p>2.2 Health concerns.</p> <p><b><u>LOCATION</u></b></p> <p>3. Our client is the trustees of the YFJ Trust and operates the business of Snyman 4x4 situated at 29 Gemini Street, Brackenfell.</p> <p>4. The business of Snyman 4x4 is that of a motor vehicle workshop conducting mechanical repairs, service and restoration on all types of motor vehicles. The business also rebuilds, restores and modifies Toyota Land cruisers.</p> <p>5. Due to the nature of the business, there is always a large amount of motor vehicles on the premises which are required to be parked and moved on a regular basis, accordingly easy access to the road is required for this purpose. A business of this nature cannot be carried out on a busy road.</p> <p>6. The area is an industrial area and the location to operate the business was chosen by our client specifically because of the fact that although there is traffic flow past the entrance of the building, the service road off Gemini street is a quiet road and it is very convenient for the collection and delivery of motor vehicles as well as for vehicles to be arranged as and when required in the workshop.</p> <p>7. There is only one entrance proposed for the development and this is the service road just off Gemini Road. Our client currently utilises this service road for parking of vehicles and for collection and delivery since</p>		<p>1. The objection is noted.</p> <p>2. Noted</p> <p>3. Noted.</p> <p>4. Noted.</p> <p>5. Noted.</p> <p>6. Noted.</p> <p>7. Noted.</p>
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		<p>this is not possible in Gemini Road due to traffic congestion. This service road contributes to the effectiveness of our client's business.</p> <p>8. The proposed development is a large-scale development, and it is not practical to have one entrance to the development. All traffic entering the development will be required to pass Snyman 4x4 on the service road and enter the development. During the development phase trucks and large construction vehicles will be constantly entering and leaving the development. Once construction is complete and trading commences traffic proceeding past our client's premises will be significantly increased. We are also advised that one of the proposed businesses operating out of the new development will have large 18-wheel trucks driving to and from its business. The road is too narrow, and this will cause further complications for our client's business.</p> <p>9. The development will create enormous traffic congestion which will create an impossible environment for our client's business to operate.</p> <p><b><u>HEALTH CONCERNS</u></b></p> <p>10. Asbestos is strictly regulated since exposure is toxic and has been directly and scientifically linked to a number of lung and respiratory health conditions.</p> <p>11. It has been reported that the danger resulting from asbestos exposure is inhalation since the fibres cling to the respiratory system, including the lining of the lungs and the cavity tissue. The fibres then become lodged in</p>		<p>8. A Traffic Impact Assessment has been completed for the proposed development (refer to Appendix J6 of the BAR). It is anticipated that the development will generate approximately 346 trips during the a.m. peak hour and p.m. peak hours. Based on the capacity analyses, all the study intersections will operate at acceptable capacity levels. Traffic issues at the site entrance are not anticipated. It is only recommended by the traffic engineers that at the Okavango Road/Old Paarl Road intersection, that an additional right-turn lane be provided westbound along Old Paarl Road and the northern approach should be widened to provide a new northbound acceleration lane along Okavango Road for the eastbound left-turn slip. Traffic during the construction phase will be controlled by the EMPr which contains multiple control measures related to site access, access routes and traffic management.</p> <p>9. See above. Traffic congestion is not anticipated as assessed by traffic engineers.</p> <p>10. Noted and agreed.</p> <p>11. Noted.</p>
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		<p>the internal tissue of the lung and are not easily expelled or broken down by the body.</p> <p>12. Our client has been made aware that asbestos is a risk to health only when the fibres are dispersed in the air and inhaled into the lungs. When asbestos is contained within another material and fibres are not disturbed, the risk to health is minimal. However, any work or process that disturbs the fabric of the asbestos-containing material and those releases fibres, such as drilling, cutting, high pressure cleaning, demolishing or even natural deterioration and weathering of the asbestos material, introduces a serious threat to human health. Any development of the site will require a disturbance of the asbestos waste contained in the platforms. There is no completely safe type of asbestos and no safe level of exposure.</p> <p>13. The development of the site will not only cause an enormous amount of dust, but the dust will consist of particles of asbestos. Chapter VII of the Air Quality Management By-Law, 2010 sets out the regulations relating to dust emissions as follows:</p> <p>“22 Any person who :  Conducts any activity; or  Causes or permits dust emissions to occur</p>		<p>12. The EMPr contains measures for executing the works in a way that disturbs as little asbestos at any one time and includes measures such as clearing of the vegetation for specific areas of works at a time such that the entire site does not remain clear all in one go, use of an asbestos-certified contractor, limiting access during the site, monitoring for airborne asbestos, external monitoring and reporting against conditions of approval throughout construction, etc. Refer to the EMPr in Appendix M of the BAR for more detail in this regard. The site will also be managed by an AAIA (Asbestos approved Inspection authority) and all site activities during the site excavations up to final capping and foundations works being completed will be carried out by a registered asbestos contractor. An Asbestos Plan will be drawn up and must indicate how the asbestos contaminated site activities must be carried out to prevent any health risks in compliance with the Asbestos Abatement Regulations 2020. This plan will be submitted to the local department of Employment and Labour (DoEL).</p> <p>13. See previous response. Dust control measures have also been included in the EMPr and will be strictly implemented during construction.</p>
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		<p><i>Shall adopt the best practical environmental option to the satisfaction of the authorised person to prevent and abate dust emissions into the atmosphere that may be harmful to public health and wellbeing or is likely to cause a nuisance to persons residing or present in the vicinity of such land, activity or premises."</i></p> <p>14. Section 44 refers to Exemptions</p> <p>"44(1) Any person may in writing, apply for exemption from the application of a provision of this by-law to the council.  (2) An application in terms of subsection 1 must be accompanied by substantive reasons."</p> <p>15. It is clear that the dust emissions will be harmful to public health and the wellbeing of not only the employees and customers of the businesses operating within the industrial area but also to the neighbouring residents.</p> <p>16. Our client has not been placed in possession of any proposal to prevent or abate dust and asbestos emissions during the planned development of the area, nor has he been made aware of any application in terms of subsection 2 for an exemption of this bylaw.</p> <p>17. It appears that the Applicant now intends following through on a process agreed upon in and during 2010 to cap the asbestos site to ensure no future exposure after development. I respectfully submit that in order to ensure the public health that this should have been attended to in 2010.</p>		<p>14. Noted.</p> <p>15. The release of air-borne asbestos will be prevented through the implementation of a carefully planned Capping Strategy and an Asbestos Plan which will outline how site activities must be carried given the risks involved.</p> <p>16. Refer to the Capping Strategy included in Appendix B1, the Asbestos Report completed by OHMS (Refer to Appendix J7) and the EMPr included as Appendix M which includes specifications for Asbestos Control.</p> <p>17. It is unclear which agreement the commentator is referring to. The environmental assessment (BAR) concluded that the proposed decommissioning would result in a healthier environment as human health risks would be lower through the permanent capping of the asbestos on the site as this would eliminate pathways for asbestos to reach people on- and off-site. Note that removal of asbestos and excavation into the asbestos would be avoided as far as possible as the proposed capping would entail importing of material and</p>
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		<p>18. From previous notifications submitted that there are two platforms containing asbestos waste. The Applicant confirmed that there is mole activity which is undermining the soil covering the asbestos and resulting in the waste being pushed to the surface.</p> <p>19. It is clear that the current arrangement relating to the asbestos waste is not sufficient and will constitute a significant danger to public health in the near future and could quite possibly be an immediate danger to individuals currently in the vicinity of the platforms. I accordingly submit that the waste areas should be capped as a matter of urgency, as determined in the 2010 geotechnical investigation, regardless of whether approval is granted for the development or not.</p> <p>20. Section 24(b) of the Constitution of the Republic of South Africa affords all persons the right to a healthy environment. This right belonging to all individuals in the nearby business parks and residential area will be infringed by the proposed development. With the strong winds typically experienced in the Cape area, it is uncertain how far the danger to the public health will stretch.</p> <p>21. Legislation has been in force for many years to regulate the disposal of this waste, for example in terms of the Environmental Conservation Act 73 of 1989 (now repealed) any person who wished to establish, provide</p>		<p>covering the surface of the site. Removal of the vegetative cover on site might however expose some asbestos waste however the overall significance of this impact has been assessed as Low (-) with the implementation of the recommended mitigation measures</p> <p>which would be managed through the EMP which in turn will be monitored by an Environmental Control Officer (ECO). An ECO will be permanently based on the site for monitoring purposes during the initial vegetation removal and capping phase of the development.</p> <p>18. Both platforms will be permanently capped, and mole activity will be stopped through the development of the site and the installation of rodent barriers along the perimeter.</p> <p>19. This is acknowledged by the Applicant, hence the proposal to permanently cap the site. The capping of the site requires a Waste Management Licence and Environmental Authorisation which is the subject of this application. Capping cannot take place without approval from the relevant Competent Authority.</p> <p>20. The BAR acknowledges this right and as such recommends extensive management and monitoring measures to prevent any health impacts to surrounding communities (refer to the EMPr included in Appendix M).</p> <p>21. Any asbestos contaminated waste will be disposed of at a licenced hazardous waste facility (Vissershok) by a licensed service provider, and the handling of such waste will be controlled by the</p>
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		<p>or operate a disposal site had to apply to the Minister for a permit to do so.</p> <p>22. The Asbestos Regulations to the Occupational Health and Safety Act 85 of 1993 provides that no work is allowed to take place on asbestos or asbestos containing material before a written work plan has been devised and precautionary measures have been taken. The regulations also prohibit any person from carrying out work that will put any person at risk from asbestos exposure.</p> <p><b><u>CONCLUSION</u></b></p> <p>23. An approval of the planning application will negatively affect our client's business and in all likelihood the income generated from the business will be significantly reduced due to the business' inaccessibility. The enormous impact of the traffic passing our client's business into the new development cannot be ignored.</p> <p>24. Our client if of the respectful opinion that the Applicant has not adequately addressed the possibility of the serious health implications of its development. Not only does it pose a risk to businesses in the immediate vicinity but the entire industrial area and the residential development, which is situated in close proximity to the land will be seriously and permanently affected.</p> <p>Yours faithfully Deon Perold lucille@dplaw.co.za</p>		<p>EMPr. The applicant does not need a permit for disposing of such waste.</p> <p>22. Agreed. In line with this legislation, an Asbestos Plan will be compiled by an Asbestos approved Inspection authority, as recommended by asbestos specialist and as included in the EMPr. The EMPr requires that all of the mitigation measures outlined in the Asbestos Regulations of 2001 as well as the Occupational Health and Safety Act must be strictly adhered to. The EAP has furthermore recommended that the mitigation measures outlined in the relevant legislation should form part of the conditions of environmental authorization (should the development be authorised)..</p> <p>23. It is not envisaged that the development will prevent access to the commentator's business, as per the findings of the Traffic Impact Assessment.</p> <p>24. This is addressed extensively in the BAR, EMPr, Capping Strategy and Asbestos Report as outlined in this response. Health risks were assessed to have a Low significance with the implementation of required mitigation measures.</p>
9.	Johan Lourens 28 February 2022	<p><b>Email comment:</b></p> <p>Good day Claudette.</p>	<b>CHAND</b>	You have been added to the Interested & Affected Party database for the project and will

		<p>Our telephone conversation this morning refers: As I told you I received a copy of the letter that came from my tenant. The document was not addressed to me but to Dear sir. The document was supposed to be addressed to me as I have a direct interest as my property is next to the exposed asbestos.</p> <p>My main concern is the following:</p> <p>a) The green belt on the Pisces Street side is too narrow as there is an incline of about 3 meters where the asbestos is covered with soil. Disturbing the raised area by building or levelling the area will cause the asbestos to become airborne.</p> <p>b) In your document it is stated that the soil will be slightly disturbed. How much is slightly. Disturbing the ground with the knowledge of the health risk issue is totally negligent.</p>		<p>receive all future communication on the application directly.</p> <p>a) To limit excavation, material would be imported to cover the site and compaction implemented to realise the required levels. For the majority of the site, the earthworks would not entail any excavation works or digging into the existing surface areas on the site. In sections where excavation is required, this would be limited in terms of depth and extent. The Capping Strategy (refer to Appendix B1 of the BAR) elaborates in detail on the varying degrees of excavation across the site and how this would be implemented.</p> <p>b) See above response. The health risk has been assessed and will be controlled through an EMPr (refer to Appendix M of the BAR) and an Asbestos Plan to be submitted to and approved by the Dept. of Employment and Labour. This plan will detail how the asbestos contaminated site activities must be carried out to prevent any health risks in compliance with the Asbestos Abatement Regulations 2020. The asbestos contaminated site must be managed by an asbestos approved inspection authority. Furthermore, all site activities during the site excavations up to final capping and foundations works being completed will be carried out by a registered asbestos contractor, managed and monitored by an Environmental Control Officer (ECO)</p>
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		<p>c) Is there a holding fund that will cover cost and claims in case of medical issues due to airborne asbestos.</p> <p>Please add me to your second session as we have discussed</p> <p>Thanking you</p> <p>Johan Lourens 082 4155170 <a href="mailto:lourensjp@gmail.com">lourensjp@gmail.com</a> Address: 4 Sibelius Street, Protea Heights, Brackenfell 7560</p>		<p>c) Asbestos control measures as per the above responses will be undertaken and monitored to manage the risk of air-borne asbestos.</p>
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