



GA Environment

Murray INC Attorneys (on behalf of First Land Development Limited)

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By email: peter@murrayinc.co.za

23rd February 2021

Dear Mr PB Murray

RE: THE PROPOSED MINING OF QUARRY 6A ASSOCIATED WITH THE UPGRADE OF NATIONAL ROAD R573 (MOLOTO ROAD), GAUTENG PROVINCE

GA Environment (Pty) Ltd acknowledges receipt of the comments provided on the 19th of January 2021. We thank you for your valuable comments and your participation in the above-mentioned project. Your comments/questions provided have been noted and GA Environment would like to respond as follows:

Comment 1

We refer to the draft scoping report ("the DSR") that you prepared for South African National Roads Agency SOC Limited dated 18 November 2020 relative to the quarry which you designate as Quarry 6A.

Response 1

GA Environment acknowledges reference made to the Draft Scoping report that was issued out for stakeholder review and comment.

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Company Secretary: Mrs. K Hinrichsen (BSc, LLB). **Company Reg no:** 2013/000961/07.

* Independent non-executive

**Non-executive

QMF-EV-MK-023-REV10-09/03/2020

Comment 2

We represent First Land Development Limited, the owner of the study area, being the Remainder of the Farm Doornpoort No. 295 JR.

Response 2

GA acknowledges that First Land Development will be represented by Murray INC Attorneys.

Comment 3.1

3. Our client has instructed us that, having perused the DSR, our client has the following comments and submissions relative to same:

3.1. The comment in made on page 22 of the DSR that an Air Emission Licence is not required as it is anticipated that dust that will be released will be managed through the National Dust Control Regulations (2013). Given that the burning of diesel will be an important component of the crushing of unprocessed bedrock, does this statement hold true?

Response 3.1

Based on the information provided, An Air Emission Licence (AEL) is not required as the anticipated dust that will be released will be managed through the National Dust Control Regulations (2013). The principles provided in Section 32 and 34 of the Act will be included into the EMPr during the EIA phase, in order to manage and minimise dust and noise related activities generated during the construction and operational phase of the project.

It is further acknowledged that depending on the volumes of diesel that may be required during the construction phase of the project, diesel tanks may require an Air Emission Licence be obtained before installations. According to the Air Quality Act "All permanent immobile tanks liquid storage facilities at a single site with a combined storage capacity of greater than 1000m³" require an Air Emission Licence. It is unlikely that the development will install tanks above the listed activity thresholds 1000m³ thus no Basic Assessment or Scoping/EIA will be triggered. Should this be required an AEL will be lodged with the relevant Competent Authority.

Comment 3.2

On page 23 of the DSR you refer to the Gauteng Conservation C-Plan and you make the following comments in respect of the C-Plan: "According to the Gauteng Department of Agriculture and Rural Development (G.DARD) Conservation Plan data, the central portion of the study area is associated with a Critical Biodiversity Area (CBA), and a portion of the study area along the northern boundary is indicated to fall within an ESA. A Terrestrial Ecological Assessment will be undertaken during the EIA phase of the project. The findings of the study as well as the specialist recommendations will be provided to the EIA in the report." Please provide us, on behalf of our client, with a copy of the draft Terrestrial Ecological Assessment as soon as same is available as our client might have comments on the draft report which should be incorporated before same is made available for general circulation.

Response 3.2

The Terrestrial Ecological Assessment will be made available for comment during the EIA phase of the project. The EIA phase is undertaken subsequent to the Scoping Phase and once acceptance of the Final Scoping Report has been received from the DMRE. The Terms of Reference for the proposed study has been included in the Draft Scoping Report (DSR).

Comment 3.3

Will a major hazard installation licence be required for the storage of on-site diesel?

Response 3.3

In terms of the Occupational Health and Safety Act (85 of 1993), Major Hazard Installation Regulations (GNR 692, 30 July 2001), any use or ancillary activity that involves the storage or keeping of hazardous substances that may result in an installation being declared a major hazardous installation in terms of occupational health and safety law is not permitted, unless a risk management and prevention plan has been submitted by the owner, and the City has given approval thereto. It cannot be confirmed within the Environmental scope work if diesel storage will be undertaken on site and if such constitutes a Major Hazardous Installation.

However, such will be further assessed in the EIR phase of the project and conditions regarding the appointment of a Health and Safety Specialists and adherence to the conditions of the City of Tshwane Fire Brigade Service bylaws will be addressed in the EMPr during the EIA phase.

Comment 3.4

On page 44 of the DSR the statement is made that a Heritage Impact Assessment will be undertaken during the EIA phase of the project. Please provide us, on behalf of our client, with a copy of the draft Heritage Impact Assessment Report as our client might have comments in respect of same prior to the general circulation of the report.

Response 3.4

The Heritage Impact Assessment will be made available for comment during the EIA phase of the project. The EIA phase is undertaken subsequent to the Scoping Phase and once acceptance of the Final Scoping Report has been received by the DMRE. The Terms of Reference for the proposed study has been included in the DSR.

Comment 3.5

Will any of the applicants' specialist consultants require access to the site during the EIA phase? If so, arrangements need to be made with our client.

Response 3.5

The comment is acknowledged by GA Environment. Prior arrangements will be made through the landowner.

Comment 3.6

On page 49 of the DSR you identify potential impacts that have been identified in the Scoping Phase. Please add to this list the social urban impact which encompasses the fact that land which would have been used for residential and mixed used township development will no longer be available for same.

Response 3.6

The potential loss of urban development areas has been included under Table 10 and 11 and will be assessed during the EIA phase.

Comment 3.7

In your list of the legislation which is applicable to the proposed project, you do not mention the Subdivision of Agricultural Land Act No. 70 of 1970. As the proposed activity will take place on part of an existing farm portion, there will either have to be a subdivision or the granting of a long lease over the study area. Please can you advise whether SANRAL is exempt from obtaining Act 70 of 70 approval or is this a further approval which will have to be obtained by SANRAL?

Response 3.7

The Agricultural Land Act No. 70 of 1970 should not be applicable. The property will be subdivided with SANRAL's acquisition of the applicable areas and rezoned where necessary.

Comment 3.8

We refer to the diagrammatic presentation of the environmental process set out on pages 60 and 61 of the DSR. What is missing from this process flowchart is the timing and nature of the agreements to be concluded between the landowner (our client) and SANRAL. SANRAL should, as soon as possible, consult with our client regarding negotiations aimed at acquiring the land on which the quarry activities will take place. The land sale agreement to be concluded between our client as seller and SANRAL as purchaser (if same can ultimately be concluded) will contain clauses dealing with the agreement between the seller and purchaser regarding various important legal aspects that have not been dealt with in the DSR.

Response 3.8

It is important to note that a land acquisition process can only commence once the Environmental approvals have been obtained. The land acquisition process is undertaken by SANRAL's property service provider.

Although the land acquisition process would ideally have been in the advanced stages while finalising the Environmental approvals, SANRAL requires confirmation that the proposed material source is viable from an environmental perspective before they conclude the land acquisition. It follows that in most cases SANRAL will first conclude the Environmental process before they conclude the Land Acquisition process, as the Environmental process will determine if the land to be acquired is viable.

The environmental approvals for the quarries are obtained by SANRAL in SANRAL's name and approval thereof is:

1) subject to SANRAL acquiring the land'; and

2) by no means a "license" for another party to proceed with the establishment of their own quarry on the property without their own environmental approval.

It should also be noted that SANRAL is currently in the process of transitioning between Property Service Providers and thus cannot yet indicate when a newly appointed land valuer will be instructed to start with the negotiation process towards acquiring the applicable areas of the property.

Once a new Property Service Provider has been appointed, an appropriate meeting will be arranged as per the normal land acquisition procedures.

Comment 4

Please acknowledge receipt hereof.

Response 4

The comments provided was acknowledged on the 20th of January 2021.

Please do not hesitate to contact us if you have any queries with regards to this letter.

Yours faithfully



Kirithi Peramaul

Senior Environmental Assessment Practitioner: GA Environment (Pty) Ltd

