

GA Environment

▪ *Our ref* PBM.ljvv.2/M003/20

▪ *Your ref*

Attention: Kirthi Peramaul

▪ *Date* 18 January 2021

Email Address: kirthip@gaenvironment.com

Dear Sirs

DRAFT SCOPING REPORT FOR THE PROPOSED MINING OF QUARRY 6B ASSOCIATED WITH THE UPGRADE OF NATIONAL ROAD R573 (MOLOTO ROAD), GAUTENG PROVINCE

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 6B.
2. We represent First Land Development Limited, the owner of the study area, being the Remainder of the Farm Doornpoort No. 295 JR.
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 21 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?
 - 3.2. On pages 22 and 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 (GDARD) Conservation Plan data, the south and south eastern portion of the study area is associated with a CBA and the central and the north eastern area is associated with 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 in the EIA 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.

Director : PB Murray BA (Hons) LLB

3rd Floor Office Suites, 54 On Bath
Corner Tyrwhitt Avenue
Rosebank, 2196
PO Box 522338
Saxonwold, 2132

Murray Inc
Reg No. 2020/083797/21

tel : 082 493 5129
email : peter@murrayinc.co.za

- 3.3. Will a major hazard installation licence be required for the storage of on-site diesel?
- 3.4. On page 45 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.
- 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.
- 3.6. On page 51 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. The location of this proposed quarry is such that it intrudes upon available land which our client has for future residential development. If 6B were to be developed as a quarry it would have a serious impact on and sterilise vast tracts of available land in the immediate and further proximity. If quarry 6B were to be operated as such it would increase exponentially the claim which our client will have against SANRAL. The quarry would not be economically viable and in fact the proposal to operate the quarry conflicts with the clear provisions of the Spatial Planning and Land Use Management Act. Our client objects strongly to this proposed development.
- 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 have to be a subdivision of 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?
- 3.8. We refer to the diagrammatic presentation of the environmental process set out on pages 58 to 60 of the report. 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 the legal issues to give effect to the sale. None of these important legal aspects have been dealt with in the draft scoping report.

4. Please acknowledge receipt hereof.

Yours faithfully

P B MURRAY*

MURRAY ATTORNEYS INC

[*NOT SIGNED, ELECTRONICALLY SENT]