

## APPENDIX C: PUBLIC PARTICIPATION MATERIALS

**APPENDIX C1 – STAKEHOLDER NOTIFICATION LETTER**

# NOTICE OF APPLICATION FOR A PROSPECTING RIGHT AND ENVIRONMENTAL AUTHORISATION

## ORION EXPLORATION No. 5 (PTY) LTD, EXPLORATION PROSPECTING, COPPERTON, SIYATHEMBA LOCAL MUNICIPALITY, NORTHERN CAPE

30 November 2018

NC30/5/1/1/2/12258PR

Dear Interested or Affected Party

### Notification and Project Summary

Notification is hereby given in terms of the National Environmental Management Act 107 of 1998 and the Mineral and Petroleum Resources Development Act 28 of 2002 of the application for a Prospecting Right and Environmental Authorisation (EA) for prospecting activities in the vicinity of the historical Prieska Copper Mine (PCM).

Orion Exploration No.5 intends to undertake prospecting activities for a variety of minerals on the farms, Klipgatspan, Humansrus, Kaffirs Kolk and Hoekplaas.

Prospecting activities will be undertaken through non-invasive (review of historical activities, geophysical survey, geophysical mapping, analysis of drill samples, feasibility study) and invasive (core drilling and trenching) techniques.

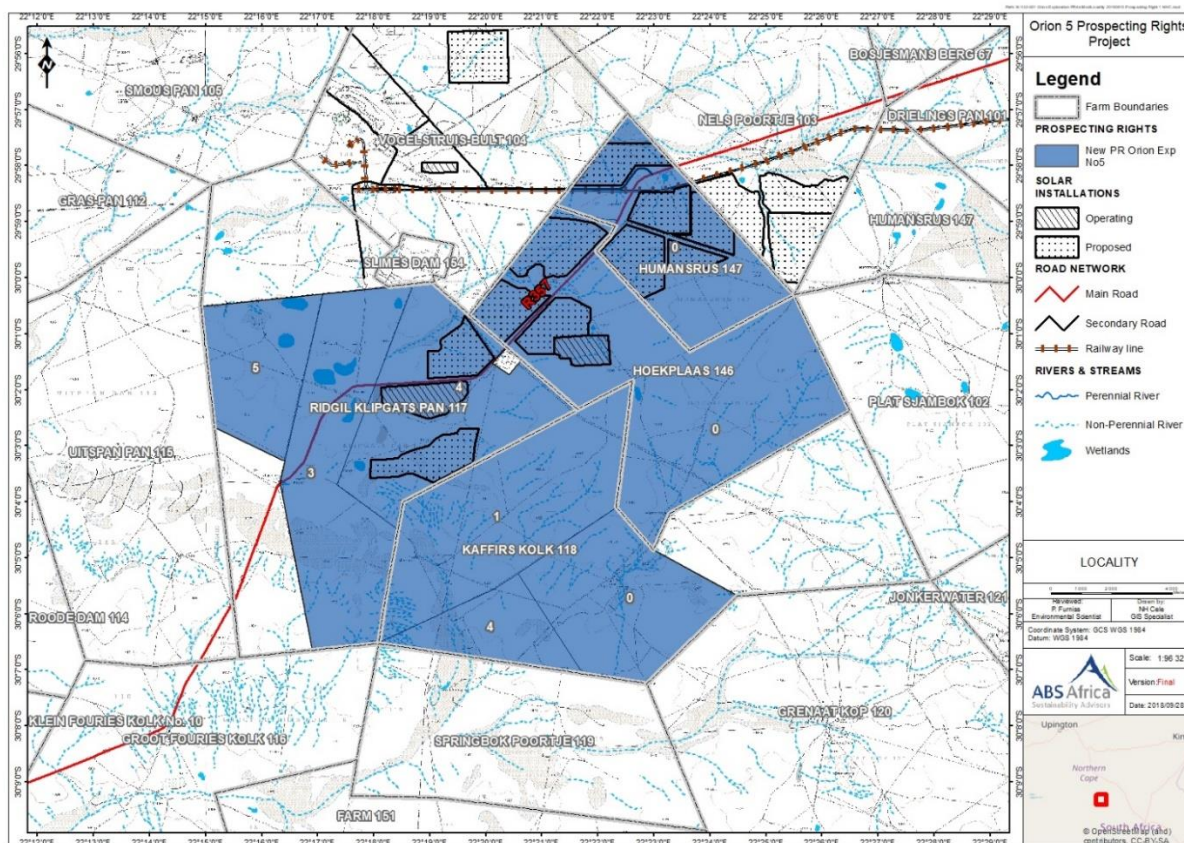


Figure 1: Location of the Prospecting Boundary

The prospecting right concerns listed activities identified in Listing Notice 1 of the EIA Regulations, 2014 (as amended). Accordingly, a Basic Assessment (BA) Process must be applied to the application for EA.

ABS Africa has been appointed as the Environmental Assessment Practitioner, responsible for undertaking the required BA Process. The Draft BAR has been completed and is available for a 30-day commenting period and may be accessed as follows:

- ➔ By download: <http://www.abs-africa.com/project-documents/>
- ➔ By e-mail: [prieskapp@abs-africa.com](mailto:prieskapp@abs-africa.com)
- ➔ Hard copies are available for review at the following venues:
  - Orion Minerals Site Office, Copperton
  - Prieska Municipal Library, Stewart Street, Prieska
  - Orion Minerals Office, Loots Boulevard, Prieska

Comments on the Draft BAR are to be submitted to ABS Africa by **22 January 2019**.

Please note: As per the EIA Regulations, 2014 (as amended) there will be an exclusion period from 15 December 2018 to 5 January 2019 for the public participation process. The comment period and availability of the hard copies of the Draft BAR will thus be from 30 November 2018 to 14 December 2018 and from 7 January 2019 to 22 January 2019.

Comments received will be captured into an Issues and Response Report which will be included in the Final BAR to be submitted to the Department of Mineral Resources. Registered Interested and Affected Parties will be notified of the availability of the Final BAR.

Should you have any queries with respect to this letter, please contact the undersigned.

We welcome your ongoing participation.

Kind Regards

Ms. Chané Pretorius

ABS Africa (Pty) Ltd

**Tel:** +27 21 403 6570

**e-mail:** [prieskapp@abs-africa.com](mailto:prieskapp@abs-africa.com)

**Postal address:** PO Box to 14003, Vorna Valley, 1686

**Encl:**

Registration and Comment Sheet

## REGISTRATION AND COMMENT SHEET

Should you wish to be registered as an Interested and Affected Party (I&AP) for the Project, please complete your details in the form below and return to [prieskapp@abs-africa.com](mailto:prieskapp@abs-africa.com).

Registration as an I&AP will ensure that you will receive further notifications on the status of the applications and that you will be informed of the availability of the Basic Assessment Report for your review and comment.

Please also make use of the form to note any initial queries or comments you may have regarding the applications.

Would you like to be registered as an Interested and Affected Party (I&AP) for the Project			<b>Yes</b>	<b>No</b>
I would like to receive further information regarding the Project via:	<b>Email</b>	<b>Post</b>	<b>Fax</b>	

<b>Name &amp; Surname</b>			
<b>Organisation</b>			
<b>Telephone Number</b>		<b>Fax</b>	
<b>Cell phone Number</b>		<b>Email</b>	
<b>Postal Address</b>			
<b>Comments:</b>			
<b>Please register the following I&amp;APs for the Process:</b>			

# KENNISGEWING RAKENDE DIE AANSOEK OM 'N PROSPEKTEERREG EN OMGEWINGSMAGTIGING

## ORION EXPLORATION NO. 5 (EDMS) BPK, PROSPEKTERING, COPPERTON, SIYATHEMBA

### PLAASLIKE MUNISIPALITEIT, NOORD KAAP

30 November 2018

NC30/5/1/1/2/12258PR

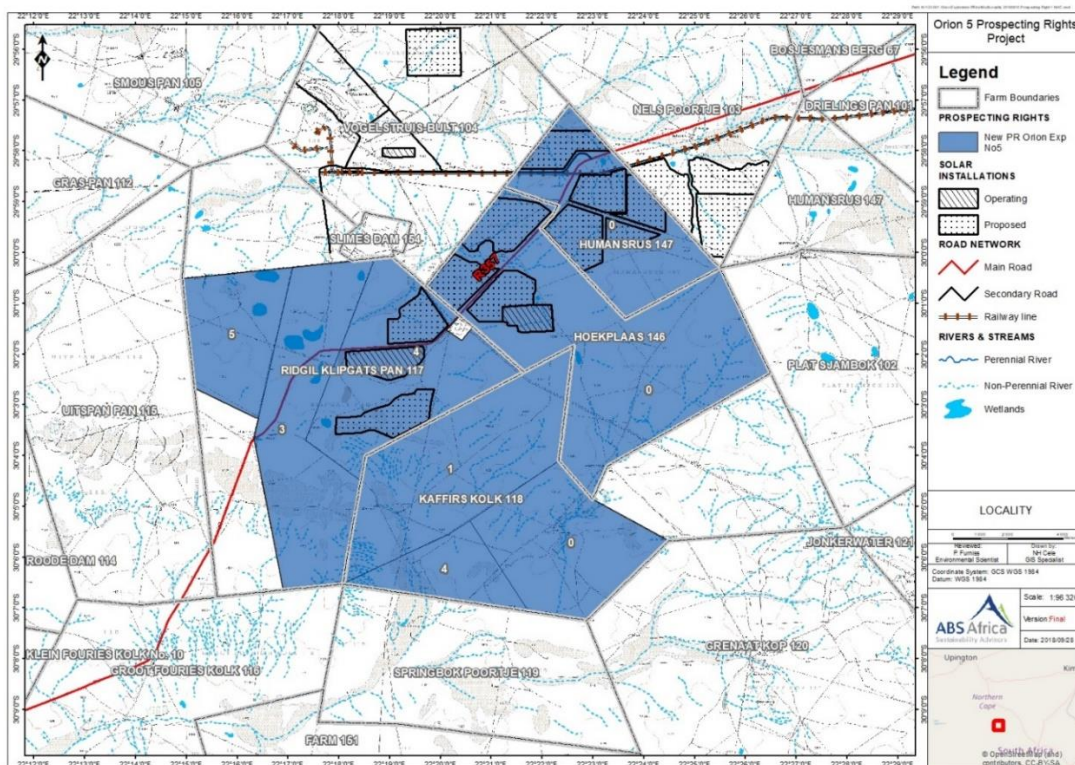
Geagte Belanghebbende en Geaffekteerde Party

### Kennisgewing en Projek Beskrywing

Kennis word hiermee gegee ingevolge die Nasionale Omgewingsbestuur Wet (NOBW), (Wet 107 van 1998), die Wet op die Ontwikkeling van Minerale en Petroleum Hulpbronne (OMPW), (Wet No. 28 van 2002), van die aansoek om 'n Prospekteerreg en Omgewingsmagtiging vir prospekteeraktiwiteite in die omgewing van die historiese Prieska Koper Myn(PCM).

Orion Exploration No. 5 beoog om prospekteeraktiwiteite vir 'n verskeidenheid minerale op die plase, Klipgatspan, Humansrus, Kaffers Kolk en Hoekplaas te onderneem.

Prospekteeraktiwiteite sal onderneem word deur nie-indringende (oorsig van historiese aktiwiteite, geofisiese opname, geofisiese kartering, analise van boormonsters, uitvoerbaarheidstudie) en indringende (kernboor en slottuitgrawings) tegnieke.



**Figuur 1: Ligging van die Prospekteerreg Aansoek Area**

Die voorgestelde ontwikkeling het betrekking tot gelyste aktiwiteite wat geïdentifiseer is in Noteringskennisgewing 1 van die Omgewings Impak Bepallings-regulasies, 2014. Gevolglik moet 'n Basiese Assessering (BA) -proses op die aansoek vir n Omgewingsmagtiging onderneem word.

ABS Africa (Pty) Ltd (ABS Africa) is aangestel as onafhanklike omgewingsbepalingspraktisyn om die BA-proses te onderneem. Die Konsep BA verslag is voltooi en is beskikbaar vir 'n kommentaarperiode van 30 dae en kan soos volg bereik word:

- ➔ Deur af te laai via die internet: <http://www.abs-africa.com/project-documents/>
- ➔ Via e-pos: [prieskapp@abs-africa.com](mailto:prieskapp@abs-africa.com)
- ➔ Kopieë van die dokument kan ook by die volgende plekke besigtig word:
  - Orion Minerals Werf Kantore, Copperton
  - Prieska Munisipale Biblioteek, Stewart Straat, Prieska
  - Orion Minerals Kantore, Loots Boulevard, Prieska

Insette en kommentaar rakende die voorlopige Omvangsbepalingsverslag moet ABS Africa asb. bereik voor of op **22 Januarie 2019**.

Let wel: Soos per die OIS-regulasies, 2014 (soos gewysig) sal daar 'n uitsluitings periode wees vanaf 15 Desember 2018 tot 5 Januarie 2019 vir die publieke deelname proses. Die harde kopieë van die Konsep BA verlag sal dus van 30 November 2018 tot 14 Desember 2018 en vanaf 7 Januarie 2019 tot 22 Januarie 2019 vir kommentaar beskikbaar wees.

Indien verdere inligting verlang word aangaande die inhoud van hierdie brief, kan die onderstaande persoon gekontak word.

Ons sien uit na U voortgesette deelname in die publieke deelname proses.

Die Uwe

Me. Chané Pretorius

**Tel:** +27 21 403 6570

**e-pos:** [prieskapp@abs-africa.com](mailto:prieskapp@abs-africa.com)

**Pos adres:** PO Box to 14003, Vorna Valley, 1686

**Ingesluit:**

Registrasie en Kommentaar Blad

## REGISTRASIE EN KOMMENTAAR BLAD

Indien u wil registreer as 'n Belanghebbende en Geaffekteerde Party (BGP) vir die projek, voltooi asb. die aangehegde vorm en stuur die voltooide vorm terug aan [prieskapp@abs-africa.com](mailto:prieskapp@abs-africa.com).

Registrasie as 'n BGP sal verseker dat u in die toekoms verwittig sal word van die status van die aansoek asook die beskikbaarheid van Basiese Impakbepalingverslag.

Die vorm kan ook gebruik word om voorlopige kommentaar of opmerkings te maak rakende die aansoek.

Wil u geregistreer word as 'n BGP vir die projek			<b>Ja</b>	<b>Nee</b>
Ek wil verdere inligting ontvang rakende die Projek via:		<b>E-Pos</b>	<b>Pos</b>	<b>Fax</b>

<b>Naam &amp; Van</b>			
<b>Organisasie</b>			
<b>Telefoon No.</b>		<b>Fax</b>	
<b>Sellulêre Telefoon No.</b>		<b>E-Pos</b>	
<b>Pos Adres</b>			
<b>Opmerkings</b>			
<b>Registreer asb. die volgende persoon as 'n BGP vir die projek:</b>			



**APPENDIX C2 - ADVERT**



## GESELLIG SAAM

BELLIE MOSTERT, Linda du Toit en Aletta Louw was drie van die gaste wat baie gesellig saam gekulier het by *Calvinia Gee Om se ete* Saterdag 24 November 2018. Linda het seker ook nuut aangesluit by die geleedere wat genooi is na die ete.

## VIERDE INDUSTRIËLE REVOLUSIE

# Bandebedryf sal méér werk skep

KAAPSTAD – Werkers in die vervaardiging industrie

neig om die Vierde Industriële Revolusie te sien as net nog 'n spyker in die doodskis van 'n reeds verswakte industrie, verklaar Ryan Crawford, IT bestuurder van Bridgestone Suid-Afrika.

Maar hy sê daar is 'n ander sy van die saak ook.

Wêreldwye syfers toon dat vervaardiging vasgevang is in 'n bouse kringloop. Produktiwiteit styg steeds wat daarop neerkom dat minder mense nodig is om meer goedere goedkoper te vervaardig.

Terselfdertyd is die vraag na die goedere verby 'n sekere punt onbuigsam sodat vir elke 1% wat die prys afneem, die aanvraag net met 0,7% styg.

Dit is relevant in 'n land soos Suid-Afrika met 'n groot en groeiende bevolking en hoe werkloosheid.

Maar hoewel die verhouding van die werkers in vervaardiging minder word, is dit nog steeds die moeite werd om die soort werk te hê.

Geen ander werk het 'n hoër vermenigvuldigings effek nie. Elke rand wat in vervaardiging belê word bevorder groei in sake wat diens lewer aan vervaardigers.

Bykomend daartoe sal die vierde industriële revolusie na verwagting robotte, kunsmatige intelligensie laat toeneem, en verder die vervaardiger se potensiaal om groot hoeveelhede werkgeleentheid te skep verminder.

Maar die saak moet weer bekijk word. Soos alle waarhede is dit waar maar ook net deels waar. Dit is so dat as die vierde revolusie ontwikkel soos verwag word sal meer mense se werk deur masjiene oorgeneem word.

Of liever meer take sal deur masjiene oorgeneem word, want ons is nog baie ver van die dag waar enige masjiene in staat sal wees om die menslike vermoë om te redeneer en op persoonlike vlak te reageer oor te neem.

Masjiene in die vervaardiging sektor kan nie komplekse take soos die ontwerp, toets, produksie, versprei en diens van bande oorneem nie, om maar een voorbeeld te noem.

## 4DE REWOLUSIE

RYAN CRAWFORD, inligtings tegnologie bestuurder van Bridgestone Suid-Afrika moedig almal aan om betyds voorbereidings te tref vir die 4de industriële revolusie sodat werkers met die nodige vaardighede toegesien kan wees.

## JAPIE KYK NA 'N EGTE BOEREHELD

# Bok van Blerk se Koos de la Rey

Geagte Leser,

Dit is verstaanbaar as vroeëre helde deur die huidige geslag vergeet word. Daar is egter enkele uitsonderings. Een van hulle is genl. Koos de la Rey. Sy bekendheid by die huidige geslag is onder andere te danke aan die liedjie "De la Rey" soos gesing deur Bok van Blerk.

De la Rey was 'n uitstekende militêre strateeg en het gedurende die Anglo-Boereoorlog 'n groot rol gespeel in veral die westelike deel van die destydse Transvaal. Hy het innoverende strategieë begin wat selfs later in die eerste wêreldoorlog toegepas is. Na die oorlog is De la Rey nie net vereer deur sy eie mense nie, maar is hy ook soos 'n held in Europa en Brittanje vereer.

Dit was logies dat hy hom na die oorlog met die politiek sou bemoei en het hy hom aangesluit by die party wat gelei is deur Louis Botha. Na die totstandkoming van die Unie van Suid-Afrika in 1910 word De la Rey 'n lid van die senaat.

Die Unie was deel van die Britse invloedssfeer. Met die uitbreek van die eerste wêreldoorlog het sommige Afrikaners gevoel hulle wil nie deel wees van die oorlog nie. Om boonop aan die kant van Brittanje te veg was vir hulle te veel gevra. Daar was ander wat hiervan verskil het. Hulle het geglo dat hulle verplig was om deel te neem, omdat hulle met die totstandkoming van die Unie onderneem het om wanneer dit nodig sou wees, militêre steun aan Brittanje sou verleen. Vir hulle was hul woord hul eer en het hulle geglo dat dit die regte besluit is

om aan die oorlog deel te neem. Hierdie verskil in benadering het tot ernstige verskille in Afrikanerlede geleidelik. Emosies het hoog geloop. Albei kante het op De la Rey se steun staat gemaak. Vir hom was dit 'n dilemma.

Hy was goed bevriend met twee oud-kollegas n.l. genl. Louis Botha en Jan Smuts wat ten gunste van deelname aan die oorlog was. Hy was lojaal teenoor hulle. Die ander kant onder leiding van genl. Beyers, Kemp en Manie Maritz het ook op sy steun staat gemaak. De la Rey was intlik 'n pasifis ten spyte van sy deelname aan die oorlog. Hy was bekommerd oor die breuk in Afrikanerlede en wou bloedvergieting voorkom.

Met emosies wat al hoër opgevul het, het De la Rey besluit om teenwoordig te wees by vergaderings wat deur Beyers, Kemp en andere in die noorde gereël is. Hy het per trein (wat in daardie tyd die algemene vervoermiddel was) vanaf Kaapstad na Pretoria vertrek om by die vergaderings teenwoordig te wees. Volgende week sal 'n opvolg brief die volgende paar dae se gebeure beskryf.

Groete, Japie.



## JUNIOR KOOR

LAERSKOOL CALVINIA se Junior koor nadat hul opgetree het by die saalbyeenkoms. Hul het ook Donderdag 25 Oktober 2018 by die prysuitdeling van die Grondslag-fase van die skool opgetree.



## KENNISGEWING RAKENDE DIE AANSOEK OM 'N PROSPEKTEERREG EN OMGEWINGSMAGTIGING

Orion Exploration No. 5 (Edms) Bpk, Prospektering, Copperton, Siyathemba  
Plaaslike Munisipaliteit, Noord Kaap  
NC30/5/1/1/2/12258PR

### Kennisgewing en Projek Beskrywing

Kennis word hiermee gegee ingevolge die Nasionale Omgewingsbestuur Wet (NOBW), (Wet 107 van 1998), die Wet op die Ontwikkeling van Minerale en Petroleum Hulpbronne (OMPW), (Wet No. 28 van 2002), van die aansoek om 'n Prospekteringsreg en Omgewingsmagtiging vir prospekteraktiwiteite in die omgewing van die historiese Prieska Koper Myn (PCM).

The applikant doen aansoek vir prospekterregte op die volgende plase:

Farm Name	Farm Number	Portion
Klippgats Pan	117	5
Kaffirs Kolk	118	1
Kaffirs Kolk	118	4
Klippgats Pan	117	4
Hoekplaas	146	RE
Kaffirs Kolk	118	RE
Humansrus	147	RE
Klippgats Pan	117	3

Prospekteraktiwiteite sal onderneem word deur nie-indringende (oorsig van historiese aktiwiteite; geofisiese opname, geofisiese kartering, analise van boommonsters, uitvoerbaarheidstudie) en indringende (kernboor en sloottuitgrawings) tegnieke.

### Basiese Impakbepalings Proses

Die voorgestelde aktiwiteite het betrekking op gelyste aktiwiteite wat geïdentifiseer is in Noteringskennisgewing 1 van die OIB-regulasies, 2014. Gevolglik moet 'n Basiese Impakbepalings Proses op die aansoek vir omgewingsmagtiging toegepas word. ABS Africa (Pty) Ltd (ABS Africa) is aangestel as onafhanklike omgewingsbepalingspraktisyn om die Basiese Impakbepalings Proses te onderneem

Die Konsep BA verslag is voltooi en is beskikbaar vir 'n kommentaarperiode van 30 dae en kan soos volg bereik word:

- Deur af te laai via die internet: <http://www.abs-africa.com/project-documents/>
- Via e-pos: [prieskapp@abs-africa.com](mailto:prieskapp@abs-africa.com)
- Kopieë van die dokument kan ook by die volgende plekke besigtig word:
  - o Orion Minerals Werf Kantoor, Copperton
  - o Prieska Munisipale Biblioteek, Stewart Straat, Prieska
  - o Orion Minerals Kantore, Loots Boulevard, Prieska

Let wel: Soos per die OIB-regulasies, 2014 (soos gewysig) sal daar 'n uitsluitings periode wees vanaf 15 Desember 2018 tot 5 Januarie 2019 vir die publieke deelname proses. Die harde kopieë van die Konsep BA verslag sal dus van 30 November 2018 tot 14 Desember 2018 en vanaf 7 Januarie 2019 tot 22 Januarie 2019 vir kommentaar beskikbaar wees.

Om te registreer as 'n Belangstellende en Geëffekteerde Partye (B&GP'e) of om verdere inligting te bekom, kontak asb. die onderstaande onafhanklike omgewingsbepalingspraktisyn:

Ms. Chané Pretorius  
ABS Africa (Pty) Ltd  
Tel: +27 21 403 6570  
Posbus 14003, Vorna Valley, 1686  
E-pos: [prieskapp@abs-africa.com](mailto:prieskapp@abs-africa.com)

**ABS Africa**  
Sustainability Advisors

## APPENDIX C3 – SITE NOTICE



Entrance to PCM and Orion Site office



On the boundary fence at the intersection of the road to Copperton and the R357



At the intersection of the road to Copperton, Marydale

## **APPENDIX C4 – SUMMARY OF ISSUES RAISED BY I&APS**

INTERESTED AND AFFECTED PARTIES LIST THE NAMES OF PERSONS CONSULTED IN THIS COLUMN; AND MARK WITH AN X WHERE THOSE WHO MUST BE CONSULTED WERE IN FACT CONSULTED	DATE COMMENTS RECEIVED	ISSUES RAISED	EAPS RESPONSE TO THE ISSUES RAISED
AFFECTED PARTIES			
Landowner/s (Owners of land included in the Prospecting Rights Area Boundary)  C.S Human RE Portion of Humansrus 147	X   Comment received via email and attached comment sheet on 3 December 2018	<u>Original Comment Received:</u>  1. Ons het reeds n sonkrag- kontrak met Atlantis op Humansrus. 2. As u prospekterregte uitoefen, sou ons opsiegeid kry en wat is die bedrag?	1. Die voornemende sonkragfasiliteite op Humansrus is geïdentifiseer en die impak van die voorgestelde prospekteraktiwiteite op hierdie fasiliteite is in die verlag oorweeg.  2. Vergoedingsonderhandelinge vorm nie deel van die basiese assesseringsproses nie. Hierdie aansoek is vir 'n kleinskaalse, tydelike en lae-impakprospekteraktiwiteit. Die prospekteenwerkprogram word binne 2 jaar voltooi. Voordat prospektering begin, sal 'n toegangs protokol en vergoedingsooreenkoms onderteken word tussen die aplikant en relevante partye.

		<p><b>Translated by ABS Africa:</b></p> <ol style="list-style-type: none"> <li>1. We already have a solar contract with Atlantis on Humansrus.</li> <li>2. If you exercise the prospecting right, would we get compensation and to what amount?</li> </ol>	<ol style="list-style-type: none"> <li>1. The prospective solar PV facilities on Humansrus were identified and the impacts of the proposed prospecting activities on these facilities have been considered in the BAR.</li> <li>2. Compensation negotiations do not form part of the basic assessment process. This application is for a small-scale, temporary and low-impact prospecting activity.. Prior to prospecting commencing, an access protocol and compensation agreement will be signed between the applicant and relevant parties.</li> </ol>
<p>G.J. Rudolph Portion 3 of Klipgatspan 117</p>	<p>Comment received via email and attached letter dated 9 November 2018</p>	<ol style="list-style-type: none"> <li>1. The entrance gate to any of the fields must be locked by means of a dual lock and chain system, one lock supplied by the owner and one by the company doing the prospecting. This is to ensure entrance by either party when so required.</li> <li>2. It is of critical importance for mutual communication before any helicopter scanning starts to communicate and co-ordinate any activities. This is to ensure that there are no disturbances when the sheep are in the mating season period or when the ewes are busy lambing.</li> </ol>	<p>Prior to prospecting commencing, an access protocol and compensation agreement will be signed between the applicant and relevant parties. It is recommended that this requirement be included within the access and compensation agreement.</p>
<p>G.J. Rudolph Portion 3 of Klipgatspan 117</p>	<p>Comment received via email and attached letter dated 9 November 2018</p>		<p>Please refer to the response to comment 1.</p>



G.J.Rudolph Portion 3 of Klipgatspan 117		Comment received via email and attached letter dated 9 November 2018	3. No water supply facilities are available for any drilling or any other operations.	Specific water supplies have not been identified at this stage as it will depend on the location of the invasive prospecting activities, which will only be determined after the non-invasive prospecting activities are complete.  If necessary, water will be obtained from the Alkantpan Pipeline in Copperton and transported to drilling site locations.
G.J.Rudolph Portion 3 of Klipgatspan 117		Comment received via email and attached letter dated 9 November 2018	4. Use existing two track pathways to get access to the site as far as practical possible. The Karoo field is a very sensitive ecology and takes years to re-establish itself. We can show you in each field where the paths are.	Please refer to the response to comment 1.
G.J.Rudolph Portion 3 of Klipgatspan 117		Comment received via email and attached letter dated 9 November 2018	5. Any damage to any infrastructure will be for the account of the prospecting party.	Please refer to the response to comment 1.
G.J.Rudolph Portion 3 of Klipgatspan 117		Comment received via email and attached letter dated 9 November 2018	6. It is of critical importance that Mr Coenie Vijoen is at all times aware of what you intend to do and when. Since prior planning especially as described in point 2 above. You need to communicate in advance otherwise you may be disappointed when you think you can do the job and may be affected by point 2 as mentioned above.	Please refer to the response to comment 1.

	9 November 2018		
<b>Occupiers of the Site (Parties using land within the Prospecting Rights Area Boundary)</b>	<b>X</b>	<p>Via email on 22 January</p>	<p>The prospective solar PV facilities on Humansrus were identified and the impacts of the proposed prospecting activities on these facilities have been considered in the BAR.</p> <p>The current application is for prospecting only. Impacts of any mining, should this proceed, will have to be assessed as part of the mining right application and scoping and environmental impact reporting process required at that time.</p> <p>The current application is for a small-scale, temporary and low-impact prospecting activity. It is possible that the prospecting will be complete and any disturbance rehabilitated before construction of the prospective and future planned solar PV facilities on Humansrus commences.</p> <p>Diamond-core drilling does not generate any dust during the drilling process. It is specifically for this reason that this drilling technology is being proposed.</p> <p>Further, mitigation measures for controlling dust from access tracks and site preparation activities</p>
<p>Sonia Miszczak Atlantic Renewable Energy Partners</p>	<p>Atlantic Renewable Energy Partners (Pty) Ltd ("AEP") is developing four solar PV facilities on the farm Humansrus 147 – these are already shown in Figure 1: Location of the Prospecting Boundary.</p> <p>AEP objects to any prospecting activities and subsequent mining activities over the entire farm Humansrus 147. The proposed solar projects are at an advanced stage of development; each project has a valid Environmental Authorisation and it is the intention of the Developer to see these to commercial fruition. AEP holds a valid land option agreement and it is our intention to develop additional projects over the remaining space on farm Humansrus 147.</p> <p>Invasive prospecting near the solar PV energy facilities could have a detrimental impact on the proposed facilities if the invasive prospecting creates dust, which would impact the efficiency and yield of the solar panels. Additionally, trenching in or near operational facilities could pose a risk to the facility. The potential for vibrations could also be detrimental to the integrity</p>	<p>Atlantic Renewable Energy Partners (Pty) Ltd ("AEP") is developing four solar PV facilities on the farm Humansrus 147 – these are already shown in Figure 1: Location of the Prospecting Boundary.</p> <p>AEP objects to any prospecting activities and subsequent mining activities over the entire farm Humansrus 147. The proposed solar projects are at an advanced stage of development; each project has a valid Environmental Authorisation and it is the intention of the Developer to see these to commercial fruition. AEP holds a valid land option agreement and it is our intention to develop additional projects over the remaining space on farm Humansrus 147.</p> <p>Invasive prospecting near the solar PV energy facilities could have a detrimental impact on the proposed facilities if the invasive prospecting creates dust, which would impact the efficiency and yield of the solar panels. Additionally, trenching in or near operational facilities could pose a risk to the facility. The potential for vibrations could also be detrimental to the integrity</p>	<p>The prospective solar PV facilities on Humansrus were identified and the impacts of the proposed prospecting activities on these facilities have been considered in the BAR.</p> <p>The current application is for a small-scale, temporary and low-impact prospecting activity. It is possible that the prospecting will be complete and any disturbance rehabilitated before construction of the prospective and future planned solar PV facilities on Humansrus commences.</p> <p>Diamond-core drilling does not generate any dust during the drilling process. It is specifically for this reason that this drilling technology is being proposed.</p> <p>Further, mitigation measures for controlling dust from access tracks and site preparation activities</p>

<p>Nicholas Smith Attorneys on behalf of Mulilo Prieska PV (RF) (Pty) Ltd; Mulilo Renewable Energy Solar PV Prieska (RF) (Pty) Ltd and Mulilo Sonnedix Prieska PV (RF) (Pty) Ltd</p>			<p>of the solar panels and nearby substation/s that will be partially owned and operated by Eskom.</p>	<p>have been proposed in the EMPr. The potential impact of dust has thus been dealt with extensively in the BAR. No vibration impact to has been identified as diamond-core drilling is a non- vibration impact activity.</p>
<p>Nicholas Smith Attorneys on behalf of Mulilo Prieska PV (RF) (Pty) Ltd; Mulilo Renewable Energy Solar PV Prieska (RF) (Pty) Ltd and Mulilo Sonnedix Prieska PV (RF) (Pty) Ltd</p>	<p>Comment received via email and attached letter dated 22 January 2019</p>	<p>1. We have been instructed by Mulilo Prieska PV (RF) (Pty) Ltd; Mulilo Renewable Energy Solar PV Prieska (RF) (Pty) Ltd and Mulilo Sonnedix Prieska PV (RF) (Pty) Ltd to assist with the review of a Draft Basic Assessment Report (DBAR) and its associated annexures, including the EMPr, and to provide comments thereon. The DBAR has been prepared by ABS Africa (Pty) Ltd on behalf of Orion Exploration No. 5 (Pty) Ltd (Orion) in respect of an application for environmental authorisation in terms of the National Environmental Management Act, Act 107 of 1998 (NEMA), read with the Environmental Impact Assessment (EIA) Regulations for prospecting activities proposed to be undertaken by Orion on the farms:</p> <ol style="list-style-type: none"> <li>1.1. Portion 5 of Farm 117, Klipgatspan;</li> <li>1.2. Portion 1 of Farm 118, Kaffirs Kolk;</li> <li>1.3. Portion 4 of Farm 118, Kaffirs Kolk;</li> <li>1.4. Portion 4 of Farm 117, Klipgatspan;</li> <li>1.5. Remainder of Farm 146, Hoekplaas;</li> <li>1.6. Remainder of Farm 118, Kaffirs Kolk;</li> <li>1.7. Remainder of Farm 147, Hermansrus; and</li> <li>1.8. Portion 3 of Farm 117, Klipgatspan (collectively "the subject -properties herein).</li> </ol>	<p>Noted.</p>	
<p>Nicholas Smith Attorneys on behalf of Mulilo Prieska PV</p>	<p>Comment received via</p>	<p>2. Our clients were notified of the application to which these comments relate by correspondence received from ABS Africa</p>	<p>The first stakeholder notification letter was distributed on 30 November 2018 and a</p>	

(RF) (Pty) Ltd; Mullilo Renewable Energy Solar PV Prieska (RF) (Pty) Ltd and Mullilo Sonnedix Prieska PV (RF) (Pty) Ltd		email and attached letter dated 22 January 2019	on 30 November 2018. The aforementioned correspondence advises that comments on the DBAR must be submitted to ABS Africa on or before 22 January 2019, being the 30-day commenting period prescribed by regulation 2. These comments are accordingly submitted within this timeframe."	reminder notification was sent on 7 January 2019.
Nicholas Smith Attorneys on behalf of Mullilo Prieska PV (RF) (Pty) Ltd; Mullilo Renewable Energy Solar PV Prieska (RF) (Pty) Ltd and Mullilo Sonnedix Prieska PV (RF) (Pty) Ltd		Comment received via email and attached letter dated 22 January 2019	3. It is our view that the DBAR in its current form contains several material deficiencies, and most fundamentally:	Having considered the comments submitted against the requirements of the legislation, we do not find any material deficiencies in the BAR.
Nicholas Smith Attorneys on behalf of Mullilo Prieska PV (RF) (Pty) Ltd; Mullilo Renewable Energy Solar PV Prieska (RF) (Pty) Ltd and Mullilo Sonnedix Prieska PV (RF) (Pty) Ltd		Comment received via email and attached letter dated 22 January 2019	3.1. It does not satisfy the minimum legal requirements for a basic assessment report	The BAR complies with the minimum legal requirements, including the requirement for the BAR to be submitted in the format prescribed by the competent authority.
Nicholas Smith Attorneys on behalf of Mullilo Prieska PV (RF) (Pty) Ltd; Mullilo Renewable Energy Solar PV Prieska (RF) (Pty) Ltd and Mullilo Sonnedix Prieska PV (RF) (Pty) Ltd		Comment received via email and attached letter dated 22 January 2019	3.2 Has failed to adequately consider all feasible and reasonable alternatives	Feasible and reasonable alternatives have been considered adequately to the extent possible for the type of activity proposed. The range of alternatives which can be practicably considered for a prospecting activity is restricted by factors like geology and availability of mineral rights.  Additional information is provided below in response to the specific comments on this aspect.

<p>Nicholas Smith Attorneys on behalf of Mullilo Prieska PV (RF) (Pty) Ltd; Mullilo Renewable Energy Solar PV Prieska (RF) (Pty) Ltd and Mullilo Sonnedix Prieska PV (RF) (Pty) Ltd</p>	<p>Comment received via email and attached letter dated 22 January 2019</p>	<p>3.3 Has failed to adequately assess all relevant impacts</p>	<p>All relevant impacts associated with the proposed prospecting activity have been adequately assessed in the BAR.  Additional information is provided below in response to the specific comments on this aspect.</p>
<p>Nicholas Smith Attorneys on behalf of Mullilo Prieska PV (RF) (Pty) Ltd; Mullilo Renewable Energy Solar PV Prieska (RF) (Pty) Ltd and Mullilo Sonnedix Prieska PV (RF) (Pty) Ltd</p>	<p>Comment received via email and attached letter dated 22 January 2019</p>	<p>3.4 Has failed to provide sufficient information for interested and affected parties ("I&amp;APs") (Including Mullilo) to meaningfully comment on the application.</p>	<p>Sufficient information for the purpose of the prospecting right application has been provided to I&amp;APs.  Additional information is provided below in response to the specific comments on this aspect.</p>
<p>Nicholas Smith Attorneys on behalf of Mullilo Prieska PV (RF) (Pty) Ltd; Mullilo Renewable Energy Solar PV Prieska (RF) (Pty) Ltd and Mullilo Sonnedix Prieska PV (RF) (Pty) Ltd</p>	<p>Comment received via email and attached letter dated 22 January 2019</p>	<p>4. Fundamentally, the DBAR fails to adequately consider the impact of the proposed prospecting activities on Mullilo's approved but as-yet undeveloped solar PV facilities on Farm 117, Klipgatspan and Farm 146, Hoekplaas, as well as the approved and operational PV facilities on the adjacent Farm 104, Vogelstruisbuult. In this regard, we attach as Annexure "A", a locality map depicting the aforementioned PV facilities.</p>	<p>The impact of the proposed prospecting activities on current and proposed land uses has been considered adequately. This includes the approved and operational PV facilities which are specifically indicated in Appendix B of the BAR.</p>
<p>Nicholas Smith Attorneys on behalf of Mullilo Prieska PV (RF) (Pty) Ltd; Mullilo Renewable Energy Solar PV Prieska (RF) (Pty) Ltd and</p>	<p>Comment received via email and attached letter dated</p>	<p>5. A full description of the extent and nature of Mullilo's operational activities on the subject-properties and adjacent farms 104, Vogelstruisbuult follows below:</p>	<p>These operational Mullilo activities were identified in the BAR. Please refer to the maps in Appendix B.</p>

Mulilo Sonnedix Prieska PV (RF) (Pty) Ltd	22 January 2019		
Nicholas Smith Attorneys on behalf of Mulilo Prieska PV (RF) (Pty) Ltd; Mulilo Renewable Energy Solar PV Prieska (RF) (Pty) Ltd and Mulilo Sonnedix Prieska PV (RF) (Pty) Ltd	Comment received via email and attached letter dated 22 January 2019	5.1. Mulilo Renewable Energy Solar PV Prieska (RF) (Pty) Ltd operates a 20MW solar PV facility on the Remaining Extent of Portion 1 of Farm 104, Vogelstruisbult;	
Nicholas Smith Attorneys on behalf of Mulilo Prieska PV (RF) (Pty) Ltd; Mulilo Renewable Energy Solar PV Prieska (RF) (Pty) Ltd and Mulilo Sonnedix Prieska PV (RF) (Pty) Ltd	Comment received via email and attached letter dated 22 January 2019	5.2. Mulilo Sonnedix Prieska PV (RF) (Pty) Ltd operates a 75MW solar PV facility on Farm 3Hoekplaas 146;	
Nicholas Smith Attorneys on behalf of Mulilo Prieska PV (RF) (Pty) Ltd; Mulilo Renewable Energy Solar PV Prieska (RF) (Pty) Ltd and Mulilo Sonnedix Prieska PV (RF) (Pty) Ltd	Comment received via email and attached letter dated 22 January 2019	5.3. Mulilo Prieska PV (RF) (Pty) Ltd operates a 75MW solar PV facility on Remainder Portion 4 of Farm 117, Klipgatspan4. These comments are submitted on behalf of the abovementioned entities.	
Nicholas Smith Attorneys on behalf of Mulilo Prieska PV (RF) (Pty) Ltd; Mulilo Renewable Energy Solar PV Prieska (RF) (Pty) Ltd and Mulilo Sonnedix Prieska PV (RF) (Pty) Ltd	Comment received via email and attached letter dated 22 January 2019	6. There are several prospective (authorised but as yet not constructed) solar PV facilities on the subject-properties and adjacent Farm 104, Vogelstruisbult, the details of which are as follows:"	These prospective Mulilo solar PV facilities, as well as others, were identified in the BAR. Please refer to the maps in Appendix B.

Mulilo Sonnedix Prieska PV (RF) (Pty) Ltd	22 January 2019		
Nicholas Smith Attorneys on behalf of Mulilo Prieska PV (RF) (Pty) Ltd; Mulilo Renewable Energy Solar PV Prieska (RF) (Pty) Ltd and Mulilo Sonnedix Prieska PV (RF) (Pty) Ltd	Comment received via email and attached letter dated 22 January 2019	6.1. Struisbult PV2 (Pty) Ltd-100MW solar energy facility on Remainder Portion 1 of the Farm Vogelstruisbult No 104 - DEA REF:12/12/20/2502. An environmental authorisation was granted for this solar PV facility on 2 January 2013, and the validity thereof subsequently extended to 2 January 2021.5"	
Nicholas Smith Attorneys on behalf of Mulilo Prieska PV (RF) (Pty) Ltd; Mulilo Renewable Energy Solar PV Prieska (RF) (Pty) Ltd and Mulilo Sonnedix Prieska PV (RF) (Pty) Ltd	Comment received via email and attached letter dated 22 January 2019	6.2. Hoekplaas Solar PV2 (Pty) Ltd - 75 MW solar energy facility on the Farm 146, Hoekplaas (DEA REF:14/12/16/3/3/2/493). An environmental authorisation was granted for this solar PV facility on 27 October 2015, and the validity thereof subsequently extended to 2020."	
Nicholas Smith Attorneys on behalf of Mulilo Prieska PV (RF) (Pty) Ltd; Mulilo Renewable Energy Solar PV Prieska (RF) (Pty) Ltd and Mulilo Sonnedix Prieska PV (RF) (Pty) Ltd	Comment received via email and attached letter dated 22 January 2019	6.3. Hoekplaas Solar PV3 (Pty) Ltd 75 MW solar energy facility on the Farm 146, Hoekplaas (DEA REF:14/12/16/3/3/2/494). An environmental authorisation was granted for this solar PV facility on 27 October 2015 and remains valid for 5 years (i.e. 27 October 2020)."	
Nicholas Smith Attorneys on behalf of Mulilo Prieska PV (RF) (Pty) Ltd; Mulilo Renewable Energy Solar PV Prieska (RF) (Pty) Ltd and Mulilo Sonnedix Prieska PV (RF) (Pty) Ltd	Comment received via email and attached letter dated 22 January 2019	6.4. Hoekplaas Solar PV Four 4 (Pty) Ltd 75 MW solar energy facility on the Farm 146, Hoekplaas (DEA REF:14/12/16/3/3/2/495). An environmental authorisation was granted for this solar PV facility on 9 July 2014, and the validity thereof subsequently extended to 9 July 2020.6.	

Mulilo Sonnedix Prieska PV (RF) (Pty) Ltd	22 January 2019		
Nicholas Smith Attorneys on behalf of Mulilo Prieska PV (RF) (Pty) Ltd; Mulilo Renewable Energy Solar PV Prieska (RF) (Pty) Ltd and Mulilo Sonnedix Prieska PV (RF) (Pty) Ltd	Comment received via email and attached letter dated 22 January 2019	6.5. Klipgats PV3 (Pty) Ltd 75 MW solar energy facility on Remainder Portion 4 of the Farm 117, Klipgatspan (DEA REF:14/12/16/3/3/2/487). An environmental authorisation was granted for this solar PV facility on 8 August 2014, and the validity thereof extended to 8 August 2020.	
Nicholas Smith Attorneys on behalf of Mulilo Prieska PV (RF) (Pty) Ltd; Mulilo Renewable Energy Solar PV Prieska (RF) (Pty) Ltd and Mulilo Sonnedix Prieska PV (RF) (Pty) Ltd	Comment received via email and attached letter dated 22 January 2019	6.6. Klipgats PV7 (Pty) Ltd 75 MW solar energy facility on Remainder Portion 4 of the Farm 117, Klipgatspan (DEA REF: 14/12/16/3/3/2/491). An environmental authorisation was granted for this solar PV facility on 8 August 2014, and the validity thereof extended to 8 August 2020.8 Collectively, all of the aforementioned companies (including the entities referred to in paragraph 1 of these comments) are referred to in these comments as "Mulilo", unless the context indicates otherwise.	
Nicholas Smith Attorneys on behalf of Mulilo Prieska PV (RF) (Pty) Ltd; Mulilo Renewable Energy Solar PV Prieska (RF) (Pty) Ltd and Mulilo Sonnedix Prieska PV (RF) (Pty) Ltd	Comment received via email and attached letter dated 22 January 2019	7. The DBAR notes at paragraph 8.1.17 the central north and north-eastern sections of the proposed prospecting right area include 10 (ten) proposed renewable energy developments which have been granted environmental authorisation and 2 (two) operating renewable energy developments (Mulilo Prieska PV). It is understood that the 10 proposed renewable energy developments have been unsuccessful in the application for preferred bidder status in terms of the Renewable Energy Independent Power Producer	No response necessary.



<p>Nicholas Smith Attorneys on behalf of Mulilo Prieska PV (RF) (Pty) Ltd; Mulilo Renewable Energy Solar PV Prieska (RF) (Pty) Ltd and Mulilo Sonnedix Prieska PV (RF) (Pty) Ltd</p>	<p>Comment received via email and attached letter dated 22 January 2019</p>	<p>Procurement Programme (REIPPPP) and their future development status is uncertain.</p> <p>8. The above comment is entirely misleading. Firstly, the renewable energy developments referred to are better categorised as solar PV facilities. Secondly, only one of the operational facilities is named Mulilo Prieska PV. The second 75 MW PV facility is called Mulilo Sonnedix Prieska PV, and the third is called Mulilo Renewable Energy Solar PV Prieska.</p> <p>More importantly, the projects are not merely proposed as suggested by ABS Africa but have been fully developed to a tender-ready stage, having received the necessary environmental authorisations, as well as section 53 approvals in terms of the MPRDA.</p> <p>Prospecting, and subsequently mining which may take place should prospecting yield viable reserves, would fundamentally compromise Mulilo's ability to develop these facilities in future.</p>	<p>The term "renewable energy developments" was deliberately used in that section of the BAR as the context was the status of the developments in terms of the Renewable Energy Independent Power Producer Procurement Programme (REIPPPP). Section 8.1.17 of the BAR describes the facilities as solar PV facilities and the basic assessment specifically considered the impacts of the proposed prospecting activities in relation to this type of facility.</p> <p>The development status is noted. Both the operating and yet-to-be constructed solar PV facilities were considered in the basic assessment.</p> <p>The current application is for prospecting only. Prospecting is a short duration, temporary activity with no residual impact post-rehabilitation (provide that mitigation measures are implemented). The basic assessment has concluded that with the mitigation measures implemented, the prospecting is compatible with current land uses. Impacts of any mining, should this proceed, will have to be assessed as part of the mining right application and scoping and environmental impact reporting process required at that time.</p>
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<p>Nicholas Smith Attorneys on behalf of Mullilo Prieska PV (RF) (Pty) Ltd; Mullilo Renewable Energy Solar PV Prieska (RF) (Pty) Ltd and Mullilo Sonnedix Prieska PV (RF) (Pty) Ltd</p>	<p>Comment received via email and attached letter dated 22 January 2019</p>	<p>9. The so-called "proposed" projects are also not solely reliant on the Government REIPPP programme and power purchase agreement could potentially be entered with any third-party off-taker who wishes to wheel to power through the national grid. Wheeling is the process in terms of which energy is transported over the grid from one party to another, and the costs associated with such transportation. ABS Africa has therefore failed to properly consider the nature of Mullilos operations on the subject-properties, and this failure has compromised the assessment of impacts of the proposed prospecting activities in relation to those operations. These issues should be fully traversed in a further draft of the DBAR which must then be circulated for comment to all parties who or which have expressed an interest in the matter in order to ensure procedurally fair decision-making. This is because the relevant responses to these comments will be material in nature and will amount to new information.</p>	<p>The commercial nature of the projects and their future off-take arrangements are irrelevant to this BA process and consequently there is no need for a further draft BAR to be distributed for review.</p>
<p>Nicholas Smith Attorneys on behalf of Mullilo Prieska PV (RF) (Pty) Ltd; Mullilo Renewable Energy Solar PV Prieska (RF) (Pty) Ltd and Mullilo Sonnedix Prieska PV (RF) (Pty) Ltd</p>	<p>Comment received via email and attached letter dated 22 January 2019</p>	<p>10. The most significant deficiencies in the DBAR are outlined below.</p>	<p>Responses have been provided below for each of the specific comments submitted.</p>
<p>Nicholas Smith Attorneys on behalf of Mullilo Prieska PV (RF) (Pty) Ltd; Mullilo Renewable Energy Solar PV Prieska (RF) (Pty) Ltd and</p>	<p>Comment received via email and attached letter dated</p>	<p><b>(B) INADEQUATE IDENTIFICATION AND CONSIDERATION OF REASONABLE AND FEASIBLE ALTERNATIVES</b></p>	<p>Responses have been provided below for each of the specific comments submitted.</p>

<p>Mulilo Sonnedix Prieska PV (RF) (Pty) Ltd</p>	<p>22 January 2019</p>	<p>11. Section 24(4)(b)(i) of NEMA requires that an EIA must include an "investigation of the potential consequences or impacts of the alternatives to the activity". It is our view that ABS Africa has failed to give effect to this provision in that it has failed to consider alternative locations for the proposed prospecting activities, and has failed to provide any information regarding the proposed layout of, in particular, invasive prospecting activities.</p>	<p>Section 24(4)(b) of NEMA requires, among others, the "investigation of the potential consequences or impacts of the alternatives to the activity" and others, <u>where applicable</u> (our emphasis).</p> <p>In this instance, a location alternative is not applicable as the application area is defined by, among others, the geology and the availability of mineral rights. This is explained in Section 13 of the BAR where the DMR prescribed format for a BAR makes provision for the EAP to submit a motivation for not considering alternative sites.</p> <p>Whether any invasive prospecting activities proceed and if so, where, is a decision which can only be reached after the non-invasive prospecting phase has been completed. This is explained throughout the BAR. Notwithstanding this, the BAR has identified sensitive environmental and heritage features across the proposed prospecting right area and assigned buffers so as to avoid impacting on these areas.</p> <p>Furthermore, the EMPr requires that an ecological and heritage survey be done at each drilling site prior to drilling commencing to ensure that no sensitive environmental and/or heritage feature is impacted upon.</p>
<p>Nicholas Smith Attorneys on behalf of Mulilo Prieska PV (RF) (Pty) Ltd; Mulilo Renewable Energy Solar PV Prieska (RF) (Pty) Ltd and Mulilo Sonnedix Prieska PV (RF) (Pty) Ltd</p>	<p>Comment received via email and attached letter dated 22 January 2019</p>		

<p>Nicholas Smith Attorneys on behalf of Mullilo Prieska PV (RF) (Pty) Ltd; Mullilo Renewable Energy Solar PV Prieska (RF) (Pty) Ltd and Mullilo Sonnedix Prieska PV (RF) (Pty) Ltd</p>	<p>Comment received via email and attached letter dated 22 January 2019</p>	<p>12. The invasive prospecting activities in question include: diamond-core drilling and trenching; development of associated access tracks; establishing temporary stockpiles development of system of three High-Density Polyethylene (HDPE) Lined settling ponds for water used in the drilling process.</p>	<p>This is correct. It is noted that the application is for 15 drilling sites, which will have a total estimated surface disturbance area of approximately 0.41 ha.</p>
<p>Nicholas Smith Attorneys on behalf of Mullilo Prieska PV (RF) (Pty) Ltd; Mullilo Renewable Energy Solar PV Prieska (RF) (Pty) Ltd and Mullilo Sonnedix Prieska PV (RF) (Pty) Ltd</p>	<p>Comment received via email and attached letter dated 22 January 2019</p>	<p>13. With regards to the preferred alternative, ABS Africa notes that:  <i>"The properties included in the prospecting right application represent the cadastral units relating to the geological formation of interest, namely a portion of the Areachap Group. The proposed location of the prospecting activities on each property is similarly determined by the location of the resource on that property.</i>   <i>The location of the invasive prospecting activities (drilling and trenching) will be informed by the information obtained through the non-invasive prospecting activities, particularly the TDEM survey data. The invasive prospecting activities will avoid the areas identified in the environmental sensitivity map."</i><sup>11</sup></p>	<p>No response necessary.</p>
<p>Nicholas Smith Attorneys on behalf of Mullilo Prieska PV (RF) (Pty) Ltd; Mullilo Renewable Energy Solar PV Prieska (RF) (Pty) Ltd and Mullilo Sonnedix Prieska PV (RF) (Pty) Ltd</p>	<p>Comment received via email and attached letter dated 22 January 2019</p>	<p>14. ABS Africa has consequently only considered one alternative in terms of location of the proposed prospecting activities, as well as one technology alternative for invasive prospecting (diamond-core drilling). The purported motivation for this approach is that prospecting area comprises the properties overlaying the Areachap Group, which potentially contains</p>	<p>Please refer to the comment above with respect to the location alternative.   Diamond-core drilling has been proposed as the only technology because it is proven and because it creates no dust. Percussion drilling has not been considered as this type of drilling can</p>

Mullilo Sonnedix Prieska PV (RF) (Pty) Ltd		22 January 2019	minerals of interest to the Applicant. The Areachap Group is represented in blue on the geological map contained in the DBAR.	result in dust (in the absence of dust control methods).
Nicholas Smith Attorneys on behalf of Mullilo Prieska PV (RF) (Pty) Ltd; Mullilo Renewable Energy Solar PV Prieska (RF) (Pty) Ltd and Mullilo Sonnedix Prieska PV (RF) (Pty) Ltd		Comment received via email and attached letter dated 22 January 2019	15. What is immediately apparent from the geological map is that there appear to be several areas comprising the Areachap Group within the vicinity of the proposed prospecting area under consideration. ABS Africa has consequently failed to explain why the subject-properties in question the only properties on which prospecting activities are may occur, when it appears that the geological formation of interest is distributed more broadly. In our view it would surely be more appropriate to conduct prospecting activities on other properties on which solar PV facilities are not located.	Although the Areachap Group extends to areas outside of the proposed prospecting right area, the applicant does not at present have access to the mineral rights in these areas. The BAR explains that the prospecting right area has been selected based on the current understanding of the geology in that area and that the application forms part of a regional mineral exploration strategy. The MPRDA permits an application to be submitted for mineral rights on any property where those rights are not already allocated.
Nicholas Smith Attorneys on behalf of Mullilo Prieska PV (RF) (Pty) Ltd; Mullilo Renewable Energy Solar PV Prieska (RF) (Pty) Ltd and Mullilo Sonnedix Prieska PV (RF) (Pty) Ltd		Comment received via email and attached letter dated 22 January 2019	16. No detail has been provided regarding the layout of the proposed prospecting activities (particularly in relation to the invasive aspects). This is a major concern for Mullilo, given its operational and prospective PV facilities located on the subject-properties. Besides the buffers around operating PV facilities demarcated in the Sensitivity Map, no further information is provided regarding the layout of prospecting activities in relation to Mullilo's operations (both operational and those yet to be developed).	Exploration drilling is expensive and must be focussed in areas where a mineral resource target has been identified through non-invasive prospecting activities including geophysical surveys. The BAR explains that a drill plan layout is only possible after the non-invasive prospecting phase has been completed.  It is important to consider the low impact intensity, scale and short duration of the activity. The application is for 15 drilling sites, which, inclusive of access tracks, will have a total estimated surface disturbance area of approximately 0.41 ha.
Nicholas Smith Attorneys on behalf of Mullilo Prieska PV (RF) (Pty) Ltd; Mullilo Renewable Energy Solar PV Prieska (RF) (Pty) Ltd and		Comment received via email and attached letter dated	17. ABS Africa seeks to justify the above approach on the basis that the location of invasive prospecting activities will be informed by the non-invasive assessments undertaken first. However, in the absence of layout alternatives, we are simply unable to meaningfully comment on the extent of the impact	

<p>Mulilo Sonnedix Prieska PV (RF) (Pty) Ltd</p>	<p>22 January 2019</p>	<p>of prospecting activities on Mulilo's operations. Furthermore, the Department of Mineral Resources ("DMR") (as Competent Authority in respect of the application under consideration) simply does not have sufficient information regarding such layout to render an informed decision, taking into account the potential impacts on Mulilo's solar PV facilities.</p>	<p>A drilling technology has been selected which does not generate dust.</p> <p>Further, mitigation measures for controlling dust from access tracks and site preparation activities have been proposed in the EMPr.</p> <p>Given this, it is concluded that sufficient information on the potential impacts of the proposed invasive prospecting activities has been provided in the BAR for consideration by Mulilo and for decision-making by the DMR.</p>
<p>Nicholas Smith Attorneys on behalf of Mulilo Prieska PV (RF) (Pty) Ltd; Mulilo Renewable Energy Solar PV Prieska (RF) (Pty) Ltd and Mulilo Sonnedix Prieska PV (RF) (Pty) Ltd</p>	<p>Comment received via email and attached letter dated 22 January 2019</p>	<p>18. The Department of Environmental Affairs' ("DEA") <i>Guideline on Alternatives</i> provides that: "<i>Due consideration of alternatives ensures that the EIA is not reduced to defence of a single project proposal that is the desire of the proponent</i>" and further that "<i>decision-makers should be provided with adequate information to enable them to determine the most acceptable alternative by making trade-offs between biophysical, social, economic, historical, cultural and political factors</i>". For the above reasons, we are of the view that insufficient information regarding alternatives has been provided to enable DMR to determine the most acceptable alternative, and that the application in its current form is the defence of a single project proposal desired by Orion.</p>	<p>Information on alternatives, within the context of the proposed activity, has been presented in the BAR and is deemed adequate for decision-making.</p>
<p>Nicholas Smith Attorneys on behalf of Mulilo Prieska PV (RF) (Pty) Ltd; Mulilo Renewable Energy Solar PV Prieska (RF) (Pty) Ltd and</p>	<p>Comment received via email and attached letter dated</p>	<p>19. A comprehensive indication (and a proper assessment) of location and layout alternatives is required in the circumstances.</p>	<p>Location alternatives are not possible in this instance as the location of the activity is determined by geology and access to available mineral rights.</p>

<p>Mulilo Sonnedix Prieska PV (RF) (Pty) Ltd</p>	<p>22 January 2019</p>	<p>Comment received via email and attached letter dated 22 January 2019</p>	<p>20. Insofar as an assessment of the no-go option is concerned, ABS Africa notes as follows:</p> <p><i>“Should the feasibility study undertaken as part of the prospecting activities show economically beneficial outcomes in terms of extraction of the resources, a mine right (sic) application is likely to be undertaken. In turn mining will contribute positively to the local and regional socio-economic environment. This includes procurement of local goods and services, employment opportunities for local communities as well as other South African citizens, income generation, skills development and education opportunities, local economic development, GDP improvement and the distribution of revenue and wealth. These benefits cannot however be realised if the prospecting is not implemented.”</i></p>	<p>No response necessary.</p>
<p>Nicholas Smith Attorneys on behalf of Mulilo Prieska PV (RF) (Pty) Ltd; Mulilo Renewable Energy Solar PV Prieska (RF) (Pty) Ltd and Mulilo Sonnedix Prieska PV (RF) (Pty) Ltd</p>	<p>Comment received via email and attached letter dated 22 January 2019</p>	<p>21. The no-go option has therefore only been assessed in relation to the loss of potentially positive socio-economic impacts that would result should prospecting (and ultimately mining) not be conducted. A consideration of the no-go option fails to take into account the existing socio-economic and other benefits (including those detailed in the above DBAR extract) that are already accruing as a result of the existing operational solar PV facilities, and which may be lost should the financial viability of Mulilo’s operations be compromised. The impacts associated with the no-go option have therefore not been properly assessed.</p>	<p>No socio-economic impact to the operating solar PV facilities is expected and therefore it is not specifically described in the no-go option.</p> <p>It is understood that the primary concern with respect to the potential loss of socio-economic benefits from the solar PV facilities relates to dustfall. The BAR considers the impact of dustfall.</p> <p>Diamond-core drilling does not generate any dust during the drilling process. It is specifically</p>	

			<p>for this reason that this drilling technology is being proposed.</p> <p>A 500 m buffer around the two operating solar PV facilities within the prospecting right area has been included in the environmental sensitivity plan. Invasive prospecting is excluded within the buffer area. At this stage, it is not clear where a mineral target for drilling may be located. The non-invasive prospecting will identify these locations. Given the extent (20 000 ha) of the proposed prospecting right area, drilling may be more than 5 km from the operating solar PV facilities but will not be undertaken nearer than 500 m to these facilities.</p> <p>Further, mitigation measures for controlling dust from access tracks and site preparation activities have been proposed in the EMPr.</p>
<p>Nicholas Smith Attorneys on behalf of Mulilo Prieska PV (RF) (Pty) Ltd; Mulilo Renewable Energy Solar PV Prieska (RF) (Pty) Ltd and Mulilo Sonnedix Prieska PV (RF) (Pty) Ltd</p>	<p>Comment received via email and attached letter dated 22 January 2019</p>	<p><b>(C) INADEQUATE ASSESSMENT OF IMPACTS ASSOCIATED WITH PROPOSED PROSPECTING ACTIVITIES ON THE SUBJECT-PROPERTIES</b></p>	<p>Responses have been provided below for each of the specific comments submitted.</p>
<p>Nicholas Smith Attorneys on behalf of Mulilo Prieska PV (RF) (Pty) Ltd; Mulilo Renewable Energy Solar PV Prieska (RF) (Pty) Ltd and</p>	<p>Comment received via email and attached letter dated</p>	<p>22. Section 24(4)(a)(iv) of NEMA requires that <i>"procedures for the investigation, assessment and communication of the potential consequences or impacts of activities on the environment must ensure, with respect to every application for an environmental authorisation, that investigation of the</i></p>	<p>It is important to note that the list of requirements in Section 24(4)(b) of NEMA is preceded by the words, <i>where applicable</i> (our emphasis). Notwithstanding this, the BAR complies with the requirements of Section 24 of</p>



<p>Mulilo Sonnedix Prieska PV (RF) (Pty) Ltd</p>	<p>22 January 2019</p>	<p><i>potential consequences for or impacts on the environment of the activity and assessment of the significance of those potential consequences or impacts</i>" and, in terms of section 24(4)(b), must "include the option of not implementing the activity". Furthermore, Appendix 1 3(1)(h) requires the assessment of "the impacts and risks identified for each alternative" and "the positive and negative impacts that the proposed activity and alternatives will have on the environment and on the community that may be affected." Appendix 1 3(1)(j) further requires (in line with NEMMA) an "assessment of <u>each identified potentially significant impact and risk</u>" (our emphasis).</p>	<p>NEMMA and the EIA Regulations, 2014 (as amended).</p>
<p>Nicholas Smith Attorneys on behalf of Mulilo Prieska PV (RF) (Pty) Ltd; Mulilo Renewable Energy Solar PV Prieska (RF) (Pty) Ltd and Mulilo Sonnedix Prieska PV (RF) (Pty) Ltd</p>	<p>Comment received via email and attached letter dated 22 January 2019</p>	<p>23. For the following reasons, we are of the view that the impact assessment conducted by ABS Africa does not fulfil the abovementioned statutory requirements. In particular, certain impacts have not been identified, and accordingly, suitable mitigation measures for such impacts have not been put in place.</p>	<p>Responses have been provided below for each of the specific comments submitted in support of this comment.</p>
<p>Nicholas Smith Attorneys on behalf of Mulilo Prieska PV (RF) (Pty) Ltd; Mulilo Renewable Energy Solar PV Prieska (RF) (Pty) Ltd and Mulilo Sonnedix Prieska PV (RF) (Pty) Ltd</p>	<p>Comment received via email and attached letter dated 22 January 2019</p>	<p><b>a. General</b></p> <p>24. The first significant issue with the DBAR and the assessment undertaken by ABS Africa is that it appears that all baseline information regarding the receiving environment, and accordingly all information assessed as part of the EIA, was obtained from a desktop review of available information. It does not appear that any ground-truthing of that information, or a comprehensive onsite assessment of</p>	<p>For the nature, scale and duration of the proposed prospecting activities, a desktop summary of the baseline environment is considered to be adequate. The Draft DEA Mining Guideline (2018) supports this: <i>At a minimum, the biophysical environmental data should be based on information in the public domain. Dependent on the complexity and degree of disturbance of the site, this generalised information may prove adequate for some small-</i></p>

		<p><b>prevailing</b> environmental factors, took place. In this regard, the DBAR notes as follows:<sup>16</sup></p> <p><i>"A desktop review of available information on the baseline environment has been undertaken. A summary of this review is presented below.</i></p> <p><i>The baseline information on the environment has been collated from various sources including the several environmental impact assessment studies undertaken to inform the renewable energy developments.</i></p> <p><i>The baseline has further been informed through specialist input from other applications undertaken by Orion on nearby properties."</i></p>	<p><i>scale, short-lived or low-impact prospecting or mining operations.</i></p> <p>Given the significant extent of the prospecting rights area (approximately 20 000 ha) and the intention to temporarily disturb approximately 0.41 ha as part of the prospecting activities, it is impractical to subject the entire proposed prospecting area to a detailed specialist study.</p> <p>Sensitive heritage and ecological areas have been identified and excluded from invasive prospecting. Furthermore, the EMPr requires that an ecological and heritage survey be done at each drilling site prior to drilling commencing to ensure that no sensitive environmental and/or heritage feature is impacted upon.</p> <p>Given this, it is concluded that sufficient information on the baseline environment has been provided in the BAR.</p>
<p>Nicholas Smith Attorneys on behalf of Mulilo Prieska PV (RF) (Pty) Ltd; Mulilo Renewable Energy Solar PV Prieska (RF) (Pty) Ltd and Mulilo Sonnedix Prieska PV (RF) (Pty) Ltd</p>	<p>Comment received via email and attached letter dated 22 January 2019</p>	<p>25. Without a proper assessment and description of the <u>site-specific environmental attributes</u> associated with the proposed prospecting activities, which we are of the view requires onsite assessment, compliance with Appendix 1 (3)(1)(h)(iii) of the EIA Regulations, 2014 will not be achieved. The basic assessment process is consequently fundamentally flawed. This flaw will be fatal to the legality of the assessment process unless corrected before any decision on the merits of the application can lawfully be made by the competent authority.</p>	<p>Rather than a fatal flaw, the approach is considered to be consistent with the requirements of the legislation, guideline documents and the general approach to conducting environmental impact assessments in South Africa. In terms of the latter, the EIA Regulations, 2014 (as amended) specifically distinguish between activities which, may have a less significant detrimental impact to the environment and must be subjected to a basic assessment, and those which may have a more</p>

<p>Nicholas Smith Attorneys on behalf of Mullilo Prieska PV (RF) (Pty) Ltd; Mullilo Renewable Energy Solar PV Prieska (RF) (Pty) Ltd and Mullilo Sonnedix Prieska PV (RF) (Pty) Ltd</p>			<p>significant impact on the environment and therefore require a detailed scoping and environmental impact reporting process. Prospecting activities are required to be subjected to a basic assessment process. More intensive environmental studies, including on-site assessment are required for mining activities.</p> <p>Notwithstanding this, the EMPr specifically requires an on-site assessment of the proposed invasive prospecting areas prior to the activities commencing to ensure that sensitive heritage or ecological resources are avoided.</p>
<p>Nicholas Smith Attorneys on behalf of Mullilo Prieska PV (RF) (Pty) Ltd; Mullilo Renewable Energy Solar PV Prieska (RF) (Pty) Ltd and Mullilo Sonnedix Prieska PV (RF) (Pty) Ltd</p>	<p>Comment received via email and attached letter dated 22 January 2019</p>	<p>26. ABS Africa has relied on desktop information and previous EIA assessments in respect of Orion's activities on nearby properties. This has contributed to a superficial assessment of environmental attributes, and consequent gaps in information.</p>	<p>In addition to the information from EIAs compiled for developments in the surrounding area, the baseline description includes the findings from a desktop heritage specialist study specifically focussed on the prospecting right area. Sensitive ecological areas within the prospecting right area, including spatially designated CBAs and ESAs, watercourses and pans have also been identified in the baseline assessment and these areas have been excluded from invasive prospecting activities.</p> <p>The summary description of the baseline environment in the BAR is consistent with the Draft DEA Mining Guideline (2018) and is considered adequate to inform the basic assessment for a prospecting activity which is</p>

				<p>anticipated to have a total disturbance area of approximately 0.41 ha.</p> <p>Should the applicant proceed to lodge a mining right application, extensive specialist studies will be undertaken at that time to inform the application.</p> <p>Responses have been provided below for each of the specific comments submitted in support of this comment.</p>
Nicholas Smith Attorneys on behalf of Mulilo Prieska PV (RF) (Pty) Ltd; Mulilo Renewable Energy Solar PV Prieska (RF) (Pty) Ltd and Mulilo Sonnedix Prieska PV (RF) (Pty) Ltd		Comment received via email and attached letter dated 22 January 2019	<p>26. There are also inconsistencies in the information provided by ABS Africa, which inhibit a proper assessment of the impacts of proposed prospecting activities:</p>	
Nicholas Smith Attorneys on behalf of Mulilo Prieska PV (RF) (Pty) Ltd; Mulilo Renewable Energy Solar PV Prieska (RF) (Pty) Ltd and Mulilo Sonnedix Prieska PV (RF) (Pty) Ltd		Comment received via email and attached letter dated 22 January 2019	<p>26.1. Under "Invasive Prospecting Methods", ABS Africa states that "an initial 15 holes are planned to a depth of 400m" The DBAR then notes that "for an orebody of 10 million tons, assuming a strike extent of 1 km and a dip extent of 800 m, 30 to 40 diamond-core boreholes will need to be drilled to a depth of approximately 800 m." It is unclear from this information exactly how many boreholes are planned, and to what depth they will be sunk if the necessary approvals are obtained.</p>	<p>The invasive prospecting comprises of a planned 15 holes only, to a depth of 400 m.</p> <p>The 30 to 40 diamond core holes is an indication of the number of holes needed in relation to the size of an orebody. This has been corrected in the BAR so that there is no confusion. Note that this does not constitute new information but rather the correction of information which has no influence on the impact assessment or recommended mitigation measures.</p>
Nicholas Smith Attorneys on behalf of Mulilo Prieska PV (RF) (Pty) Ltd; Mulilo Renewable Energy Solar PV Prieska (RF) (Pty) Ltd and		Comment received via email and attached letter dated	<p>26.2. The DBAR also records that "diamond drilling is a hydraulic assisted method that produces <u>no dust</u>." It then almost immediately records that "another advantage is that diamond drilling produces less noise pollution and <u>little or no dust</u>." These descriptions are inconsistent and suggest that at</p>	<p>Diamond core drilling does not generate any dust. The text in this regard has been corrected in the BAR. Note that this does not constitute new information but rather the correction of an error which has no influence on the impact</p>

Mulilo Sonnedix Prieska PV (RF) (Pty) Ltd	22 January 2019	least some dust will result due to diamond core drilling. This is confirmed on page 45 of the DBAR. No mitigation measures have been proposed in respect of this impact; only in respect of dust that results from the construction of access tracks to drill sites.	assessment or recommended mitigation measures.
Nicholas Smith Attorneys on behalf of Mulilo Prieska PV (RF) (Pty) Ltd; Mulilo Renewable Energy Solar PV Prieska (RF) (Pty) Ltd and Mulilo Sonnedix Prieska PV (RF) (Pty) Ltd	Comment received via email and attached letter dated 22 January 2019	27. Finally, it must at all times be recalled that <i>"although this application relates only to prospecting, if quality minerals are found, it may lead to mining of the resource and the associated benefits thereof"</i> .	It is important that the current application be considered in terms of prospecting only as this is the only activity for which an application has been submitted.  If minerals of economic importance are discovered, an application for a mining right will need to be submitted by the applicant and this application will need to be informed by a comprehensive scoping and environmental impact reporting process focussed on the risks and impacts of mining.
Nicholas Smith Attorneys on behalf of Mulilo Prieska PV (RF) (Pty) Ltd; Mulilo Renewable Energy Solar PV Prieska (RF) (Pty) Ltd and Mulilo Sonnedix Prieska PV (RF) (Pty) Ltd	Comment received via email and attached letter dated 22 January 2019	<b>b. Ecological Impacts</b> 28. Terrestrial Ecology- this section is based on information taken from a report compiled by Aurecon for the <i>"Proposed 75MW PV8 photovoltaic energy plants on the farm Hoekplaas near Copperton, Northern Cape"</i> , ("Aurecon 2015 EIA Report") dated 2015, as well as a report compiled by ECOREX Consulting in 2017. ABS Africa states in section 8.1.9. states: <i>"Vegetation communities recorded by Aurecon (2015) within the study area are summarised as follows:</i>	No response required.
Nicholas Smith Attorneys on behalf of Mulilo Prieska PV (RF) (Pty) Ltd; Mulilo	Comment received via email and	28.1. <i>Rhigozum trichotomum</i> - dominant in areas of red sand and surface rocks and has a low ecological sensitivity.	No response required.

Renewable Energy Solar PV Prieska (RF) (Pty) Ltd and Muliilo Sonnedix Prieska PV (RF) (Pty) Ltd		attached letter dated 22 January 2019		
Nicholas Smith Attorneys on behalf of Muliilo Prieska PV (RF) (Pty) Ltd; Muliilo Renewable Energy Solar PV Prieska (RF) (Pty) Ltd and Muliilo Sonnedix Prieska PV (RF) (Pty) Ltd		Comment received via email and attached letter dated 22 January 2019	28.2. <i>Asteraceous Shrubland</i> - present in shallow sandy loam soils and is not ecologically sensitive.	No response required.
Nicholas Smith Attorneys on behalf of Muliilo Prieska PV (RF) (Pty) Ltd; Muliilo Renewable Energy Solar PV Prieska (RF) (Pty) Ltd and Muliilo Sonnedix Prieska PV (RF) (Pty) Ltd		Comment received via email and attached letter dated 22 January 2019	28.3. 'Leegte' Shrubland - present in shallow drainage lines and has been recorded as sensitive.	No response required.
Nicholas Smith Attorneys on behalf of Muliilo Prieska PV (RF) (Pty) Ltd; Muliilo Renewable Energy Solar PV Prieska (RF) (Pty) Ltd and Muliilo Sonnedix Prieska PV (RF) (Pty) Ltd		Comment received via email and attached letter dated 22 January 2019	28.4. <i>Psilocaloun junceum</i> - mostly present in disturbed areas and not ecologically sensitive.	No response required.
Nicholas Smith Attorneys on behalf of Muliilo Prieska PV (RF) (Pty) Ltd; Muliilo Renewable Energy Solar PV Prieska (RF) (Pty) Ltd and Muliilo Sonnedix Prieska PV (RF) (Pty) Ltd		Comment received via email and attached	28.5. Endorheic pans - Endorheic pans are sensitive habitats".	No response required.

Prieska (RF) (Pty) Ltd and Mulilo Sonnedix Prieska PV (RF) (Pty) Ltd	letter dated 22 January 2019	29. It is important to note that this is an incomplete list and does not represent a true reflection of vegetation communities and protected plant species found within the "prospecting boundary" of the subject-properties. For the Farm 146, Hoekplaas, a sixth vegetation community is present: the <i>Salsola</i> spp. - <i>Pentzia incana</i> Shrubland. This vegetation community is widespread, common and its status is Least Concern. In addition, the botanical assessment undertaken as part of the Aurecon 2015 EIA Report, identified one <i>Boscia albitrunca</i> . The specialist noted that further trees may be located on the farm. While <i>Aloe claviflora</i> , which is a protected species in the Northern Cape Province, may occur on Farm 146, Hoekplaas, it was not encountered in the survey. Neither <i>Boscia albitrunca</i> nor <i>Aloe claviflora</i> are identified in the DBAR.	Species of concern are specially dealt with in the BAR through the recognition of the spatially designated CBA and ESA areas within the prospecting rights area. Although not exclusively, these are typically habitats for listed plant and animal species and invasive prospecting has been excluded from these areas. Furthermore, the EMP requires a specialist to survey each of the proposed drilling site locations to ensure that impacts to protected plant and animal species are avoided.
Nicholas Smith Attorneys on behalf of Mulilo Prieska PV (RF) (Pty) Ltd; Mulilo Renewable Energy Solar PV Prieska (RF) (Pty) Ltd and Mulilo Sonnedix Prieska PV (RF) (Pty) Ltd	Comment received via email and attached letter dated 22 January 2019	30. In respect of Farm 117, Klipgatspan, seven vegetation communities are recognised. In addition to the six vegetation communities found within the boundaries of Farm 146, Hoekplaas, the seventh vegetation type is <i>Lycium</i> spp. Shrubland with <i>Boscia albitrunca</i> , which is well represented, and <i>Aloe claviflora</i> present as well. <i>Boscia albitrunca</i> is a protected tree (National Forests Act, 1998 (Act 84 of 1998)) and is encountered on the shale koppie in the south of Farm 117, Klipgatspan. <i>Aloe claviflora</i> is also a protected species in	
Nicholas Smith Attorneys on behalf of Mulilo Prieska PV (RF) (Pty) Ltd; Mulilo Renewable Energy Solar PV Prieska (RF) (Pty) Ltd and Mulilo Sonnedix Prieska PV (RF) (Pty) Ltd	Comment received via email and attached letter dated 22 January 2019		

<p>Nicholas Smith Attorneys on behalf of Mullilo Prieska PV (RF) (Pty) Ltd; Mullilo Renewable Energy Solar PV Prieska (RF) (Pty) Ltd and Mullilo Sonnedix Prieska PV (RF) (Pty) Ltd</p>		<p>Comment received via email and attached letter dated 22 January 2019</p>	<p>the Northern Cape Province and is found on Farm 117, Klipgatspan, both north and south of the R357 road.</p>	<p>The information relied upon to inform the desktop assessment of available information on the baseline environment is considered to be adequate given the nature, extent and duration of the proposed prospecting activities.</p> <p>Furthermore, the EMP requires a specialist to survey each of the proposed drilling site locations to ensure that impacts to protected plant and animal species are avoided.</p>
<p>Nicholas Smith Attorneys on behalf of Mullilo Prieska PV (RF) (Pty) Ltd; Mullilo Renewable Energy Solar PV Prieska (RF) (Pty) Ltd and Mullilo Sonnedix Prieska PV (RF) (Pty) Ltd</p>		<p>Comment received via email and attached letter dated 22 January 2019</p>	<p>31. It is questionable whether the information contained in the Aurecon 2015 EIA Report is sufficiently up to date for the purpose of the basic assessment process under consideration.</p> <p>32. The above information demonstrates that the EAP did not undertake a sufficiently exhaustive botanical assessment for all properties listed in the application and was selective in the information presented in the DBAR.</p>	<p>Given the significant extent of the prospecting rights area (approximately 20 000 ha) and the intention to temporarily disturb approximately 0.41 ha as part of the prospecting activities, it is impractical and unreasonable to subject the entire proposed area to a detailed specialist botanical study.</p> <p>Information deemed to be relevant to the proposed prospecting right area has been included in the BAR. Further, measures to ensure that the primary objectives for undertaking a botanical assessment, namely avoiding disturbance to sensitive habitats, safeguarding protected species and identifying preferred areas for disturbance have been addressed in the BAR through various mitigation measures.</p>



			<p>Sensitive ecological areas within the prospecting right area, including spatially designated CBAs and ESAs, watercourses and pans have been identified in the baseline assessment and these areas have been excluded from invasive prospecting activities.</p> <p>Furthermore, the EMPr requires an ecological specialist to survey each of the proposed drilling site locations to ensure that impacts to sensitive plant and animal species are avoided.</p>
<p>Nicholas Smith Attorneys on behalf of Mulilo Prieska PV (RF) (Pty) Ltd; Mulilo Renewable Energy Solar PV Prieska (RF) (Pty) Ltd and Mulilo Sonnedix Prieska PV (RF) (Pty) Ltd</p>	<p>Comment received via email and attached letter dated 22 January 2019</p>	<p>33. <u>Bird</u> - the information presented in this section was sourced from:</p>	<p>No response required.</p>
<p>Nicholas Smith Attorneys on behalf of Mulilo Prieska PV (RF) (Pty) Ltd; Mulilo Renewable Energy Solar PV Prieska (RF) (Pty) Ltd and Mulilo Sonnedix Prieska PV (RF) (Pty) Ltd</p>	<p>Comment received via email and attached letter dated 22 January 2019</p>	<p>33.1. ECOREX Consulting, 2017. Terrestrial Ecology Study</p>	<p>No response required.</p>
<p>Nicholas Smith Attorneys on behalf of Mulilo Prieska PV (RF) (Pty) Ltd; Mulilo Renewable Energy Solar PV Prieska (RF) (Pty) Ltd and</p>	<p>Comment received via email and attached letter dated</p>	<p>33.2. Barnes, 1998 (the complete reference to this source is not provided in reference list)</p>	<p>This reference is from the Ecores Report.</p>

<p>Mulilo Sonnedix Prieska PV (RF) (Pty) Ltd</p>	<p>22 January 2019</p>	<p>34. While ABS Africa had access to the Aurecon 2015 EIA Report, which includes an Avifauna Impact Assessment Report compiled by Andrew Jenkins and Johan du Plessis, the latter report was not considered in Section 8.1.10.2. Furthermore, the report prepared by ECOREX Consulting is not included as an appendix to the DBAR. This is a significant oversight on behalf of ABS Africa, as the exclusion thereof has deprived Mulilo of the opportunity to engage with and comment on its findings.</p>	<p>The Jenkins and du Plessis Avifauna Impact Assessment Report was considered as part of the review of baseline information. No specific information from the report was mentioned in the BAR and therefore the report was not referenced.</p> <p>The Ecores Report was included in the Prieska Zinc Copper Project Environmental Impact Report, to which Mulilo was given access as part of the public participation process for that mining right application.</p> <p>The specialist report was not included in the DBAR because it was compiled for a different applicant, concerning a different property and for a different proposed development activity near Copperton. Only relevant baseline information from the report, applicable at a regional scale, was referenced in the BAR.</p>
<p>Nicholas Smith Attorneys on behalf of Mulilo Prieska PV (RF) (Pty) Ltd; Mulilo Renewable Energy Solar PV Prieska (RF) (Pty) Ltd and Mulilo Sonnedix Prieska PV (RF) (Pty) Ltd</p>	<p>Comment received via email and attached letter dated 22 January 2019</p>	<p>35. Section 8.1.10.2 states: <i>“Twenty-three species are listed by Barnes (1998) as being endemic to the Namib-Karoo biome i.e. not occurring outside of the biome, of which 15 species (65%) have been recorded within the general vicinity of the study area during the current Southern African Bird Atlas Project (SABAP2) (Ecorex, 2017).”</i> This information is incorrect. According to Jenkins and du Plessis (2013): <i>“The area potentially supports over 200 bird species, including up to 18</i></p>	<p>It is possible that the study area considered by Ecorex (2017) is different to the study area assessed by Jenkins and Du Plessis (2013). The apparent discrepancy is in any event of no material consequence to any part of the BAR.</p>

<p>Nicholas Smith Attorneys on behalf of Mullilo Prieska PV (RF) (Pty) Ltd; Mullilo Renewable Energy Solar PV Prieska (RF) (Pty) Ltd and Mullilo Sonnedix Prieska PV (RF) (Pty) Ltd</p>	<p>Comment received via email and attached letter dated 22 January 2019</p>	<p><i>red-listed species, 68 endemics, and five red-listed endemics.</i>" (emphasis added).</p> <p>36. Section 8.1.10.2 also fails to identify the pair of Martial Eagles <i>Polemaetus bellicosus</i> nests which are located on Farm 117, Klipgatspan, specifically on the steel pylons of the Hydra-Kronos 400kV line. Martial Eagles have a conservation status of Vulnerable within South Africa and Near-threatened global status. The presence of a Martial Eagle pair is confirmed in both the Aurecon 2015 report and the SIVEST 2015 report, which are both referenced by the EAP. In addition, had a site visit been conducted by ABS Africa (or a suitably qualified specialist), the presence of Martial Eagles would have been apparent.</p>	<p>The EAP has completed a site visit.</p> <p>Species of concern are specially dealt with in the BAR through the recognition of the spatially designated CBA and ESA areas within the prospecting rights area. These are typically habitats for listed plant and animal species and invasive prospecting has been excluded from these areas.</p> <p>Furthermore, the EMPr requires a specialist to survey each of the proposed drilling site locations to ensure that impacts to sensitive plant and animal species are avoided. This mitigation measure was specifically included to address aspects like the presence of threatened and protected species.</p>
<p>Nicholas Smith Attorneys on behalf of Mullilo Prieska PV (RF) (Pty) Ltd; Mullilo Renewable Energy Solar PV Prieska (RF) (Pty) Ltd and Mullilo Sonnedix Prieska PV (RF) (Pty) Ltd</p>	<p>Comment received via email and attached letter dated 22 January 2019</p>	<p>37. Given that the Martial Eagle pair was not identified by ABS Africa, no buffer has been proposed around this area, and no mitigation measures have been suggested in Table 12-1 of the DBAR.</p>	<p>Establishment of a suitable buffer from important habitats of threatened and protected species, including the Martial Eagles, will thus be determined ahead of any invasive prospecting activities.</p>
<p>Nicholas Smith Attorneys on behalf of Mullilo Prieska PV (RF) (Pty) Ltd; Mullilo Renewable Energy Solar PV Prieska (RF) (Pty) Ltd and Mullilo Sonnedix Prieska PV (RF) (Pty) Ltd</p>	<p>Comment received via email and attached letter dated 22 January 2019</p>	<p>38. The above information demonstrates that the EAP did not review and disclose all the available information or conduct a thorough impact assessment. The avifauna assessment is therefore insufficiently descriptive and thus incomplete.</p>	

<p>Nicholas Smith Attorneys on behalf of Mullilo Prieska PV (RF) (Pty) Ltd; Mullilo Renewable Energy Solar PV Prieska (RF) (Pty) Ltd and Mullilo Sonnedix Prieska PV (RF) (Pty) Ltd</p>	<p>Comment received via email and attached letter dated 22 January 2019</p>	<p><b>c. Heritage and Palaeontological Impacts</b></p> <p>39. The primary concern with the findings contained in the Heritage Impact Assessment compiled by HCAC Heritage Consultants, dated November 2018, and the Palaeontological Study prepared by Prof. Marion Bamford, also dated November 2018, is that both studies comprise desktop reviews rather than site-specific assessments informed by onsite inspections. We are therefore of the view that Appendix 1 (3)(1)(i) of the EIA Regulations, which requires a description of <u>all</u> environmental issues and risks identified during the environmental assessment, has not been properly complied with by the environmental assessors responsible for the basic assessment process.</p>	<p>Given the significant extent (approximately 20 000 ha) of the prospecting rights area and the intention to temporarily disturb approximately 0.41 ha as part of the prospecting activities, it is impractical and unreasonable to subject the entire proposed area to a detailed specialist study.</p> <p>Sensitive heritage areas have been identified and excluded from invasive prospecting. Furthermore, the EMPr requires that a heritage survey be done at each drilling site prior to drilling commencing to ensure that no sensitive heritage feature is impacted upon.</p> <p>Given this, it is concluded that BAR has provided a reasonable and adequate description of all environmental issues and risks associated with the proposed prospecting activities.</p>
<p>Nicholas Smith Attorneys on behalf of Mullilo Prieska PV (RF) (Pty) Ltd; Mullilo Renewable Energy Solar PV Prieska (RF) (Pty) Ltd and Mullilo Sonnedix Prieska PV (RF) (Pty) Ltd</p>	<p>Comment received via email and attached letter dated 22 January 2019</p>	<p>40. ABS Africa argues that onsite investigations were not conducted due to the size of the subject area (19 727 hectares), and the fact that <i>"no intrusive activities will occur at this point of the application"</i>.</p> <p>Firstly, this figure conflicts with the initial quoted figure for the subject area of 19 666 hectares.</p> <p>Secondly, given that the impact of disturbance / loss to archaeological and paleontological resources is considered to be</p>	<p>The surface area of the proposed prospecting right application is 19 666 ha. The inconsistency has been corrected in the Final BAR. Note that this does not constitute new information but rather the correction of an inconsistency which has no influence on the impact assessment or recommended mitigation measures.</p> <p>The approach is specifically aimed at avoiding impacts to heritage resources. Avoidance of impacts is a primary objective of environmental best practice. Once the drilling locations have</p>

<p>Nicholas Smith Attorneys on behalf of Mullilo Prieska PV (RF) (Pty) Ltd; Mullilo Renewable Energy Solar PV Prieska (RF) (Pty) Ltd and Mullilo Sonnedix Prieska PV (RF) (Pty) Ltd</p>		<p><b>medium to high</b>, this approach is not defensible and does not constitute environmental best practice.</p> <p>Thirdly, given that the application is for <u>both</u> invasive and non-invasive prospecting, the latter part of the statement is entirely misleading.</p>	<p>been confirmed, a heritage specialist will inspect each drilling location to ensure that no significant heritage resources are associated with the site. This is included in the EMPr.</p> <p>The latter part of the statement referred to the non-invasive prospecting activities which applies to the entire proposed prospecting right area. This confusion has been removed in the Final BAR. Note that this does not constitute new information but rather the correction of an inconsistency which has no influence on the impact assessment or recommended mitigation measures.</p>
	<p>Comment received via email and attached letter dated 22 January 2019</p>	<p>41. In this regard, HCAC concludes, regarding heritage and palaeontological impacts, that "<i>invasive exploration activities could cause irreversible damage or destroy heritage resources and depletion of the archaeological record of the area.</i>" (underlining supplied.) This impact is recorded as being of low to medium extent on a local scale. In terms of the significance of the impact, the DBAR notes that "<i>significance of sites, mitigation and significance of possible impact can only be determined after a field survey has been conducted but based on previous work in the area Stone Age finds and graves can be expected.</i>" The earlier summary at page 46 of the DBAR (to the effect that the heritage impacts are of medium to high significance) is inconsistent with HCAC's findings. This should be explained by ABS Africa.</p> <p>HCAC further recommends "<i>that prior to invasive prospecting, impact areas should subject to a field study to confirm the</i></p>	<p>The Final BAR has been corrected to reflect the impact assessment rating as determined by the specialist. Note that this does not constitute new information but rather the correction of an inconsistency which has no influence on the impact assessment or recommended mitigation measures.</p> <p>Please refer to the comment above with respect to the impracticality of undertaking a specialist site survey over such an extensive area when only</p>

<p>Nicholas Smith Attorneys on behalf of Mullio Prieska PV (RF) (Pty) Ltd; Mullio Renewable Energy Solar PV Prieska (RF) (Pty) Ltd and Mullio Sonnedix Prieska PV (RF) (Pty) Ltd</p>		<p><i>presence of heritage resources after which mitigation measures will be recommended (if needed)</i> "This study should have been completed as part of the EIA and in order to inform the layout of prospecting activities, and not <i>ex poste facto</i> the issuance of an environmental authorisation.</p>	<p>0.41 ha is planned to be disturbed. The desktop study was undertaken by a qualified archaeologist and palaeontologist. The approach to the study was also discussed with the competent authority for heritage aspects (SAHRA) prior to the study commencing and SAHRA has indicated that they are satisfied with the study. Please refer to the letter from SAHRA included in Appendix C of the BAR.</p>
<p>Nicholas Smith Attorneys on behalf of Mullio Prieska PV (RF) (Pty) Ltd; Mullio Renewable Energy Solar PV Prieska (RF) (Pty) Ltd and Mullio Sonnedix Prieska PV (RF) (Pty) Ltd</p>	<p>Comment received via email and attached letter dated 22 January 2019</p>	<p>42. It is irrational, and contrary to the principles of integrated environmental management, to purport to assess impacts which ought to form part of the basic assessment, and which are fundamental to informing the layout of prospecting activities, only <u>after</u> the application process has been completed.</p>	<p>The impacts have been assessed as part of the application process. The purpose of the post-authorisation specialist survey of the invasive prospecting areas is to ensure that there is a management control for avoiding sensitive heritage resources.</p>
<p>Nicholas Smith Attorneys on behalf of Mullio Prieska PV (RF) (Pty) Ltd; Mullio Renewable Energy Solar PV Prieska (RF) (Pty) Ltd and Mullio Sonnedix Prieska PV (RF) (Pty) Ltd</p>	<p>Comment received via email and attached letter dated 22 January 2019</p>	<p><b>d. Air Quality Impacts</b></p> <p>43. The DBAR notes that invasive prospecting, <u>including the preparation of access tracks and drilling areas; drilling and trenching</u>, will result in increased dustfall (PM10 and PM2.5 Levels). These impacts are assessed as having a <b>medium to high</b> impact, with the recommended mitigation measures being to control dust emissions through design and operational controls. It must be noted that the mitigation measures proposed are only in respect of the impacts from preparation of access tracks, and <u>not</u> those associated with drilling. The relevant mitigation measures are described in the EMPr, Part B to the DBAR, as being:</p>	<p>Diamond-core drilling does not generate any dust during the drilling process. It is specifically for this reason that this drilling technology is being proposed.</p>

<p>Nicholas Smith Attorneys on behalf of Mullilo Prieska PV (RF) (Pty) Ltd; Mullilo Renewable Energy Solar PV Prieska (RF) (Pty) Ltd and Mullilo Sonnedix Prieska PV (RF) (Pty) Ltd</p>	<p>Comment received via email and attached letter dated 22 January 2019</p>	<p>43.1. Limiting vehicle speed to 40km/h on gravel roads within 1 km of any solar PV plant, and to 60km/h within 2 to 4 km of such plants;</p>	<p>No response necessary.</p>
<p>Nicholas Smith Attorneys on behalf of Mullilo Prieska PV (RF) (Pty) Ltd; Mullilo Renewable Energy Solar PV Prieska (RF) (Pty) Ltd and Mullilo Sonnedix Prieska PV (RF) (Pty) Ltd</p>	<p>Comment received via email and attached letter dated 22 January 2019</p>	<p>43.2. Vehicles transporting material due to Orion's activities which have the potential of becoming airborne will either be appropriately covered or if that is not practical, they will be sprayed with water, at a frequency as necessary to ensure dust generation is minimised within the 4km radius;</p>	<p>No response necessary.</p>
<p>Nicholas Smith Attorneys on behalf of Mullilo Prieska PV (RF) (Pty) Ltd; Mullilo Renewable Energy Solar PV Prieska (RF) (Pty) Ltd and Mullilo Sonnedix Prieska PV (RF) (Pty) Ltd</p>	<p>Comment received via email and attached letter dated 22 January 2019</p>	<p>43.3. the R357 regional road from Prieska must be avoided, because prior experience during construction of the Solar Projects showed that this portion of road results in significant dust emissions and soiling of the existing 75MW solar PV facilities. Should this section be required, speed must be limited to 40km/h, alternatively Orion must apply to the Department of Public Works for the road to be paved. There is no reference regarding where ABS Africa obtained this information. In any event, paving of the road does not appear to be a realistic solution;</p>	<p>This mitigation measure was adopted from the method statement for dust mitigation, compiled by Mullilo for implementation by other Orion Minerals Ltd subsidiaries as part of an agreement between the parties.</p>
<p>Nicholas Smith Attorneys on behalf of Mullilo Prieska PV (RF) (Pty) Ltd; Mullilo Renewable Energy Solar PV Prieska (RF) (Pty) Ltd and</p>	<p>Comment received via email and attached letter dated</p>	<p>43.4. stockpiled sand must be covered and stockpiles must not exceed 2 metres in height;</p>	<p>No response necessary.</p>

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Nicholas Smith Attorneys on behalf of Mulilo Prieska PV (RF) (Pty) Ltd; Mulilo Renewable Energy Solar PV Prieska (RF) (Pty) Ltd and Mulilo Sonnedix Prieska PV (RF) (Pty) Ltd	Comment received via email and attached letter dated 22 January 2019	43.5. wind breaks or demarcation with wind protective covers will be considered if dust generation is a continuous issue; and	No response necessary.	
Nicholas Smith Attorneys on behalf of Mulilo Prieska PV (RF) (Pty) Ltd; Mulilo Renewable Energy Solar PV Prieska (RF) (Pty) Ltd and Mulilo Sonnedix Prieska PV (RF) (Pty) Ltd	Comment received via email and attached letter dated 22 January 2019	43.6. cement must be stored in weather proof containers.	No response necessary.	
Nicholas Smith Attorneys on behalf of Mulilo Prieska PV (RF) (Pty) Ltd; Mulilo Renewable Energy Solar PV Prieska (RF) (Pty) Ltd and Mulilo Sonnedix Prieska PV (RF) (Pty) Ltd	Comment received via email and attached letter dated 22 January 2019	44. There are several fundamental deficiencies with the assessment of air quality impacts, and the mitigation measures proposed:	Responses are provided to each specific comment below.	
Nicholas Smith Attorneys on behalf of Mulilo Prieska PV (RF) (Pty) Ltd; Mulilo Renewable Energy Solar PV Prieska (RF) (Pty) Ltd and Mulilo Sonnedix Prieska PV (RF) (Pty) Ltd	Comment received via email and attached letter dated 22 January 2019	44.1. Firstly, the DBAR only takes into account operating solar PV facilities at Farm 117, Klipgatspan, and Farm 146, Hoekplaas. ABS Africa concluded that because the so-called "proposed" solar PV facilities on the aforementioned farms were not successful in the previous bidding round of the Department of Energy's REIPPP process, their future	The as yet undeveloped solar PV facilities were considered in the BAR. Please refer to the map in Appendix B of the BAR which provides the location of all identified operating and proposed	



<p>Mullilo Sonnedix Prieska PV (RF) (Pty) Ltd</p>	<p>22 January 2019</p>	<p>development is uncertain. For the reasons already discussed, this statement is not correct. ABS Africa has however proceeded on the basis that such authorised, but as yet undeveloped, solar PV facilities need not be considered for the purpose of impact assessment. The Sensitivity Map accordingly does not provide for a buffer around such sites. The environmental assessment is deficient insofar as it does not take the impacts of prospective solar PV plants into account.</p>	<p>developments in the area, including the as yet undeveloped solar PV facilities.</p> <p>The current application is for a small-scale, temporary and low-impact prospecting activity. The timing of the development of as yet undeveloped facilities is unknown but it is possible that the prospecting will be complete and any disturbance rehabilitated before construction of the prospective and future planned solar PV facilities commences.</p> <p>It is for these reasons that the environmental sensitivity plan does not assign a buffer to the as-yet undeveloped solar PV facilities.</p>
<p>Nicholas Smith Attorneys on behalf of Mullilo Prieska PV (RF) (Pty) Ltd; Mullilo Renewable Energy Solar PV Prieska (RF) (Pty) Ltd and Mullilo Sonnedix Prieska PV (RF) (Pty) Ltd</p>	<p>Comment received via email and attached letter dated 22 January 2019</p>	<p>44.2. It must also be noted, and in relation to the identified sensitive areas in the Sensitivity Map, that <i>"the location of drilling and access tracks to the drilling locations will be planned in a manner that, wherever practicable, avoids the identified sensitive environmental areas"</i>. This proviso is alarming, and suggests that notwithstanding the demarcation of buffers, these will be ignored should they prove "impracticable" for Orion. Buffers must be respected at all times.</p>	<p>Please refer to Section 21 of the BAR, <i>aspects for inclusion as conditions of authorisation</i>, which states the following:</p> <p><i>No invasive prospecting activities are to take place in any of the areas identified in the environmental sensitivity plan.</i></p>
<p>Nicholas Smith Attorneys on behalf of Mullilo Prieska PV (RF) (Pty) Ltd; Mullilo Renewable Energy Solar PV Prieska (RF) (Pty) Ltd and</p>	<p>Comment received via email and attached letter dated</p>	<p>44.3. It is also unclear exactly what is meant by the ambiguous reference to the proposal that <i>"dust generation is minimised within the 4km radius"</i>. Does it refer to a buffer around the subject-properties? Or within 4km of the solar PV facilities?</p>	<p>This mitigation measure was adopted from the method statement for dust mitigation, compiled by Mullilo for implementation by Orion Minerals Ltd. subsidiaries as part of an agreement between the parties. It is our understanding that this relates to access tracks only.</p>

Mulilo Sonnedix Prieska PV (RF) (Pty) Ltd	22 January 2019	44.4. Secondly, in terms of proposed mitigation measures, no provision is made for the cleaning (or financing thereof) of solar PV panels (on Farm 117, Klipgatspan, Farm 146, Hoekplaas as well as the solar PV facility on the adjacent Farm 104, Vogelstruisbult) as a result of the increased dustfall resulting from prospecting activities.	The diamond core-drilling process does not generate dust, a buffer area of 500 m has been established around operating solar PV sites and mitigation measures for controlling dust from access tracks and site preparation activities have been proposed in the EMPr.
Nicholas Smith Attorneys on behalf of Mulilo Prieska PV (RF) (Pty) Ltd; Mulilo Renewable Energy Solar PV Prieska (RF) (Pty) Ltd and Mulilo Sonnedix Prieska PV (RF) (Pty) Ltd	Comment received via email and attached letter dated 22 January 2019	44.5. Thirdly, no mention is made in the DBAR of operational and prospective solar PV facilities located on adjacent properties. Particularly for Mulilo's purposes, the operational solar PV facility located on Farm 104, Vogelstruisbult.	Please refer to the maps in Appendix B where the operational and prospective solar PV facilities on surrounding properties have been shown. The impact of the proposed prospecting activities on these facilities was considered but is not specifically described as they are more than 3 km from the nearest boundary of the proposed prospecting right area. In addition, the diamond core-drilling process does not generate dust and mitigation measures for controlling dust from access tracks and site preparation activities have been proposed in the EMPr.
Nicholas Smith Attorneys on behalf of Mulilo Prieska PV (RF) (Pty) Ltd; Mulilo Renewable Energy Solar PV Prieska (RF) (Pty) Ltd and Mulilo Sonnedix Prieska PV (RF) (Pty) Ltd	Comment received via email and attached letter dated 22 January 2019	44.6. Fourthly, the DBAR is entirely silent on the cumulative air quality impacts associated with other proposed prospecting activities, as required by Appendix 1 (3)(1)(j)(i) of the EIA Regulations, 2014. In this regard, Bartotrax (Pty) Ltd has also been granted an environmental authorisation for prospecting activities on Farm 117, Klipgatspan and Farm 105, Smous Pan, which was not considered as part of the EIA process under	. The diamond core-drilling does not generate dust and no cumulative dustfall impact from the drilling is therefore anticipated.  The DBAR for the further prospecting right application is in preparation and I&APs will be provided with an opportunity to review and comment on the DBAR.

			<p>consideration. Furthermore, this environmental assessment process ought to have taken the findings of the basic assessment report for the prospecting right application over the Farms Merries Pan, Hedley Plains A, Gras-Pan, Doonies Pan and Smous Pan into account.</p> <p>Mulilo has also been advised that a further application for a prospecting right over properties in the vicinity of Mulillo's solar PV facilities will shortly be released for public comment.</p>	
<p>Nicholas Smith Attorneys on behalf of Mulillo Prieska PV (RF) (Pty) Ltd; Mulillo Renewable Energy Solar PV Prieska (RF) (Pty) Ltd and Mulilo Sonnedix Prieska PV (RF) (Pty) Ltd</p>		<p>Comment received via email and attached letter dated 22 January 2019</p>	<p>44.7. Finally, no mention is made regarding whether the drilling activities will have any impact on the structural integrity of the solar PV panels, and if this may occur, whether the buffer proposed adequately mitigates this impact.</p>	<p>No vibration impact to any land user has been identified as diamond-core drilling is a non-vibration impact activity. This is particularly the case for the operating solar PV facilities where a 500 m buffer has been applied.</p>
<p>Nicholas Smith Attorneys on behalf of Mulillo Prieska PV (RF) (Pty) Ltd; Mulillo Renewable Energy Solar PV Prieska (RF) (Pty) Ltd and Mulilo Sonnedix Prieska PV (RF) (Pty) Ltd</p>		<p>Comment received via email and attached letter dated 22 January 2019</p>	<p>45. Section 8.1.2 of the DBAR considers the air quality attributes associated with the proposed prospecting activities. This section is a copy and paste from the EIA Report (section 7.1.15 thereof) prepared by ABS Africa Sustainability Advisors for the Prieska Copper Mine (2018). However, while section 8.1.12 only lists three sources of emissions (<u>excluding</u> emissions from current prospecting activities on adjacent properties), the EIA Report for Prieska Copper Mine lists four, the fourth being activities at Alkantpan.</p> <p>According to the latter EIA Report, a dustfall network comprising of 18 dust buckets was established in September 2017. The EIA Report presents the dustfall rates, which are not included in the DBAR. There is no basis for this exclusion, which fundamentally</p>	<p>Activities from the Alkantpan Test Range are a source of dust emissions relevant to the proposed Prieska Zinc Copper Mine Project. At more than 10 km away, the dust-generating activities at Alkantpan are however of no importance to the proposed prospecting area.</p> <p>The dustfall network was specifically designed and implemented to establish the pre-mining baseline environment and the results were used to inform the scoping and environmental impact reporting process undertaken for the mining</p>

		<p>impedes the ability of I&amp;APs to properly scrutinise the application.</p>	<p>right application for the Prieska Zinc Copper Project.</p> <p>It can however be noted that the dustfall results showed that even during intensive prospecting activities on the areas intended for mining, (within hundreds of metres of the dust buckets), baseline dustfall levels remained consistently within the limits of the dustfall regulations. Mulilo was provided with these results as part of the public participation process for the mining right application for the Prieska Zinc Copper Project.</p> <p>If a mining right application is lodged over the proposed prospecting right area in the future, a similar dustfall network will be established at that time to establish the pre-mining dustfall levels in that area. This information will be available to I&amp;APs through the scoping and environmental impact reporting process.</p>
<p>Nicholas Smith Attorneys on behalf of Mulilo Prieska PV (RF) (Pty) Ltd; Mulilo Renewable Energy Solar PV Prieska (RF) (Pty) Ltd and Mulilo Sonnedix Prieska PV (RF) (Pty) Ltd</p>	<p>Comment received via email and attached letter dated 22 January 2019</p>	<p>46. ABS Africa's conclusion that "<i>surrounding land users [are] minimally affected by prospecting activities</i>" therefore cannot be supported, as a proper assessment of all impacts relating to dustfall has not been conducted and included in the DBAR. These issues should be fully traversed in a further draft of the DBAR which must then be circulated for comment to all parties who or which have expressed an interest in the matter in order to ensure procedurally fair decision-making. This is</p>	<p>A proper assessment of all impacts relating to dustfall has been undertaken for the proposed prospecting activities. Detailed responses have been provided to the comments raised but no new information to that presented in the DBAR has been introduced. Consequently, there is no need for a further draft BAR to be distributed for review.</p>

<p>Nicholas Smith Attorneys on behalf of Mulilo Prieska PV (RF) (Pty) Ltd; Mulilo Renewable Energy Solar PV Prieska (RF) (Pty) Ltd and Mulilo Sonnedix Prieska PV (RF) (Pty) Ltd</p>			<p>because the relevant responses to these comments will be material in nature and will amount to new information.</p>	
<p>Nicholas Smith Attorneys on behalf of Mulilo Prieska PV (RF) (Pty) Ltd; Mulilo Renewable Energy Solar PV Prieska (RF) (Pty) Ltd and Mulilo Sonnedix Prieska PV (RF) (Pty) Ltd</p>	<p>Comment received via email and attached letter dated 22 January 2019</p>	<p><b>e. Socio-economic Impacts</b></p> <p>47. In relation to socio-economic impacts, the DBAR notes that such impacts include the local procurement of goods and services during the prospecting activities, and all activities involving employment and such procurement. This is deemed to be a direct positive impact of prospecting activities, albeit "limited". The DBAR however fails to specify the number of jobs proposed to be created through prospecting activities.</p>	<p>The exact number of jobs that will be created during prospecting is unconfirmed. The BAR indicates that the employment potential is limited.</p>	<p>The socio-economic benefits from the operating and prospective solar PV facilities are not of relevance to the assessment of the proposed prospecting activities. The proposed prospecting is not a competing land use to the solar PV facilities and it will not displace or otherwise negatively impact on these socio-economic benefits.</p>
<p>Nicholas Smith Attorneys on behalf of Mulilo Prieska PV (RF) (Pty) Ltd; Mulilo Renewable Energy Solar PV Prieska (RF) (Pty) Ltd and Mulilo Sonnedix Prieska PV (RF) (Pty) Ltd</p>	<p>Comment received via email and attached letter dated 22 January 2019</p>	<p>48. The DBAR fails to make mention of the existence of the positive socio-economic impacts which are already being experienced as a result of Mulilo's investment in the operational solar PV facilities on Farm 117, Klipgatspan, and Farm 146, Hoekplaas. Similarly, no mention is made of the further socio-economic benefits which would flow should the authorised but as yet unconstructed solar PV facilities be developed.</p>	<p>49. In fact, the DBAR is entirely silent on the cumulative socio-economic impacts associated with the proposed prospecting activities. The EIA is therefore inadequate, as it has failed to consider existing, positive socio-economic impacts.</p>	<p>Please see the response above.</p>
<p>Nicholas Smith Attorneys on behalf of Mulilo Prieska PV (RF) (Pty) Ltd; Mulilo Renewable Energy Solar PV Prieska (RF) (Pty) Ltd and Mulilo Sonnedix Prieska PV (RF) (Pty) Ltd</p>	<p>Comment received via email and attached letter dated 22 January 2019</p>	<p><b>f. Impacts on the SKA / MeerKAT project</b></p>		<p>No response necessary. The impact significance rating quoted in the comment is the impact</p>

Renewable Energy Solar PV Prieska (RF) (Pty) Ltd and Mulilo Sonnedix Prieska PV (RF) (Pty) Ltd		attached letter dated 22 January 2019	50. The DBAR notes that operating of drilling equipment and machinery, including communication devices may result in electromagnetic (EM) and radio frequency (RF) interference within the Karoo Central Astronomy Advantage Area declared in terms of the Astronomy Geographic Advantage Act, Act 21 of 2007, and that this may have an impact on the operation of the MeerKAT/SKA Observatory. This impact is assessed to be of <u>high significance</u> , and negative.	before mitigation. The post mitigation impact significance is Low.
Nicholas Smith Attorneys on behalf of Mulilo Prieska PV (RF) (Pty) Ltd; Mulilo Renewable Energy Solar PV Prieska (RF) (Pty) Ltd and Mulilo Sonnedix Prieska PV (RF) (Pty) Ltd		Comment received via email and attached letter dated 22 January 2019	51. Insufficient information regarding the nature of the potential EM and RF associated with prospecting activities has been provided by ABS Africa to enable us to comment meaningfully on this impact. Furthermore, insufficient information regarding the geographic location of the proposed prospecting area in relation to the protection corridors identified in the <i>Regulations on the Protection of the Karoo Central Astronomy Advantage Areas in terms of the Astronomy Advantage Act, 2007</i> , has been provided to ascertain whether and to what extent those Regulations are applicable.	Several sections of the BAR indicate that the prospecting right area is within the Karoo Central Astronomy Advantage Area. The BAR provides sufficient information on this aspect in that the impact is identified, assessed and mitigation measures have been proposed.
Nicholas Smith Attorneys on behalf of Mulilo Prieska PV (RF) (Pty) Ltd; Mulilo Renewable Energy Solar PV Prieska (RF) (Pty) Ltd and Mulilo Sonnedix Prieska PV (RF) (Pty) Ltd		Comment received via email and attached letter dated 22 January 2019	<b>g. Conclusion regarding assessment of impacts</b> 52. In relation to the basic assessment process, ABS Africa concludes that: <i>"based on the findings of the impact assessment, and with the understanding that the mitigation measures will continue to be implemented throughout the prospecting period, the EAP is of the opinion that an environmental authorisation for the prospecting activities may be granted"</i> . Given that the findings of the impact	The basic assessment is deemed to be complete and consistent with the requirements of the EIA Regulations, 2014 (as amended).

<p>Nicholas Smith Attorneys on behalf of Mullilo Prieska PV (RF) (Pty) Ltd; Mullilo Renewable Energy Solar PV Prieska (RF) (Pty) Ltd and Mullilo Sonnedix Prieska PV (RF) (Pty) Ltd</p>			<p>assessment are incomplete and do not comply fully with the EIA Regulations, 2014, this statement cannot be supported.</p>	
<p>Nicholas Smith Attorneys on behalf of Mullilo Prieska PV (RF) (Pty) Ltd; Mullilo Renewable Energy Solar PV Prieska (RF) (Pty) Ltd and Mullilo Sonnedix Prieska PV (RF) (Pty) Ltd</p>	<p>Comment received via email and attached letter dated 22 January 2019</p>	<p><b>(D) INADEQUATE CONSIDERATION OF NEED AND DESIRABILITY</b></p>	<p>Responses have been provided below for each of the specific comments submitted in support of this comment.</p>	
<p>Nicholas Smith Attorneys on behalf of Mullilo Prieska PV (RF) (Pty) Ltd; Mullilo Renewable Energy Solar PV Prieska (RF) (Pty) Ltd and Mullilo Sonnedix Prieska PV (RF) (Pty) Ltd</p>	<p>Comment received via email and attached letter dated 22 January 2019</p>	<p>53. Need and desirability has been entirely inadequately considered by ABS Africa in the DBAR. The section in question deals largely with the possible presence of desirable minerals on the subject-properties. The sole comment regarding the need for the proposed prospecting activities, is as follows:  <i>"In addition to the export market need for minerals like copper, zinc, nickel, cobalt and others, there is a significant need in the Northern Cape for developments which facilitate economic growth and provide employment opportunities at a local and regional scale".</i></p>	<p>The need and desirability discussion in the BAR is adequate for informing an activity that is small-scale, temporary and low-impact.</p>	
<p>Nicholas Smith Attorneys on behalf of Mullilo Prieska PV (RF) (Pty) Ltd; Mullilo Renewable Energy Solar PV Prieska (RF) (Pty) Ltd and Mullilo Sonnedix Prieska PV (RF) (Pty) Ltd</p>	<p>Comment received via email and attached letter dated 22 January 2019</p>	<p>54. The analysis of need is superficial and falls far short of the requirements for such an analysis as contained in Appendix 1 (3)(1)(f) of the EIA Regulations, 2014, and as informed by the DEA <i>Guideline on Need and Desirability</i>. It ought also to be noted that ABS Africa has relied on an outdated version of this <i>Guideline</i>, namely the 2012 Information Series version, rather than the more recent 2017 version. Furthermore, ABS Africa has entirely failed objectively to consider the</p>	<p>The need analysis in the BAR is adequate for informing an activity that is small-scale, temporary and low-impact.  The 2017 version of the guideline has not been gazetted and its status as an official guideline and associated commencement date is thus</p>	

		<p>desirability of the proposed prospecting activities, given the existing (and prospective) solar PV facilities located within the development footprint under consideration.</p>	<p>uncertain. The requirements of this guideline have in any event been complied with.</p>
<p>Nicholas Smith Attorneys on behalf of Mullilo Prieska PV (RF) (Pty) Ltd; Mullilo Renewable Energy Solar PV Prieska (RF) (Pty) Ltd and Mullilo Sonnedix Prieska PV (RF) (Pty) Ltd</p>	<p>Comment received via email and attached letter dated 22 January 2019</p>	<p>55. "Need" is not the same as "the general purpose of requirements" of an activity. While the latter may relate to the specific requirements, intentions and reasons that the applicant has for proposing the specific activity, the "need" relates to the interests and needs of the broader public.<sup>50</sup> The <i>Guideline on Need and Desirability</i> notes as follows with regards to such an assessment:</p> <p><i>"Considering the merits of a particular application in terms of the need and desirability considerations, it must be decided which alternatives represent the "most practicable environmental option", which in terms of the definition of NEMA and the purpose of the EIA Regulations are that option that provides the most benefit and causes the least damage to the environment as a whole [including physical conditions], at a cost acceptable to society, in the long-term as well as the short-term".</i><sup>51</sup></p>	<p>No response necessary.</p>
<p>Nicholas Smith Attorneys on behalf of Mullilo Prieska PV (RF) (Pty) Ltd; Mullilo Renewable Energy Solar PV Prieska (RF) (Pty) Ltd and Mullilo Sonnedix Prieska PV (RF) (Pty) Ltd</p>	<p>Comment received via email and attached letter dated 22 January 2019</p>	<p>56. The need and desirability of a proposed development within a particular context is primarily informed by strategic planning documents, including municipal Integrated Development Plans ("IDP") and Spatial Development Frameworks ("SDF"). ABS Africa has failed to describe how prospecting on the subject-properties will serve the objectives of the aforementioned strategic documents,</p>	<p>Section 8.1.15.12 of the BAR indicates that the SLM IDP (2017-2018) identifies mining as a sector with development potential.</p>



<p>Nicholas Smith Attorneys on behalf of Mullilo Prieska PV (RF) (Pty) Ltd; Mullilo Renewable Energy Solar PV Prieska (RF) (Pty) Ltd and Mullilo Sonnedix Prieska PV (RF) (Pty) Ltd</p>	<p>Comment received via email and attached letter dated 22 January 2019</p>	<p>specifically the <i>Pixley Ka Seme SDF</i> and the <i>Siyathemba Local Municipality IDP</i>.</p>	<p>The need and desirability analysis in the BAR is adequate for informing an activity that is small-scale, temporary and low-impact.</p> <p>There is no rationale for discussing the solar PV facilities as part of the need and desirability analysis as the prospecting activities will not compete, displace or otherwise impact on the solar PV facilities.</p>
<p>Nicholas Smith Attorneys on behalf of Mullilo Prieska PV (RF) (Pty) Ltd; Mullilo Renewable Energy Solar PV Prieska (RF) (Pty) Ltd and Mullilo Sonnedix Prieska PV (RF) (Pty) Ltd</p>	<p>Comment received via email and attached letter dated 22 January 2019</p>	<p>57. Need for the proposed prospecting operations, and their desirability on the subject-properties, has not been properly considered nor appropriately ventilated during the basic assessment process. Furthermore, the existence of Mullilo's operational and prospective solar PV facilities, and consequently the need and desirability for those facilities and their proper functioning, has not properly been taken into account by ABS Africa. Only the general purpose and requirements of Orion in relation to the minerals of interest have been considered. ABS Africa's assessment of need and desirability is therefore superficial at best, and at worst misleading.</p> <p>58. Upon a proper consideration of desirability of the proposed prospecting activities, it ought to be immediately apparent that the subject-properties on which prospecting is proposed are <u>not</u> a desirable location. This is because some of the subject-properties are currently being productively used (and in a manner which serves the socioeconomic needs of the community) for the purpose of solar PV facilities.</p>	<p>The applicant will be using diamond core drilling, which does not generate dust. Further, mitigation measures for controlling dust from access tracks and site preparation activities have been proposed in the EMPr. The potential impact of dust has thus been dealt with extensively in the BAR.</p> <p>There is no rationale for discussing the solar PV facilities as part of the need and desirability analysis as the prospecting activities will not compete, displace or otherwise impact on the solar PV facilities.</p>
<p>Nicholas Smith Attorneys on behalf of Mullilo Prieska PV</p>	<p>Comment received via</p>	<p>59. Renewable energy is included in the "<i>Priority List for Siyathemba as identified in the IDP</i>". Neither prospecting nor</p>	<p>It is important to recognise that this application pertains to prospecting only. Consideration of</p>

<p>(RF) (Pty) Ltd; Mulilo Renewable Energy Solar PV Prieska (RF) (Pty) Ltd and Mulilo Sonnedix Prieska PV (RF) (Pty) Ltd</p>	<p>email and attached letter dated 22 January 2019</p>	<p>mining is included in this list. On a broader scale, renewable energy hubs have been identified for the Northern Cape and are detailed in the <i>Pixley Ka Seme SDF</i>. Mulilo's solar PV facilities located on farm 117 Klipgatspan and Farm 146, Hoekplaas (as well as its prospective solar PV facilities on the aforementioned farms) fall within the identified hubs, a map of which is attached hereto as Annexure "B". Renewable energy development is therefore clearly designated as eminently desirable on the subject-properties, while mining is not.</p>	<p>mining and the impact that mining may have on other land uses in the area falls outside of the scope of the current basic assessment process. A detailed scoping and environmental impact reporting process will need to be followed if mining is to be pursued and a detailed assessment of the impact which the mining may have on surrounding land users will need to be undertaken at that time.</p> <p>Notwithstanding this, the SLM IDP does not state that it does not support prospecting or mining in its municipal area. Neither does the Pixley ka Seme SDF provide such a position.</p> <p>The information available indicates that the Renewable Energy Hub is a proposal in the Pixley ka Seme SDF only and it has not been adopted provincially or locally at this stage.</p> <p>The boundary of the proposed Renewable Energy Hub is understood to be defined as 50 km either side of the Orange River, starting at De Aar and ending at Alexander Bay. A small section of the prospective Struisbult PV 2 solar PV facility is the only prospective or operating Mulilo solar PV facilities which fall within the 50 km boundary.</p>
<p>Nicholas Smith Attorneys on behalf of Mulilo Prieska PV (RF) (Pty) Ltd; Mulilo Renewable Energy Solar PV Prieska (RF) (Pty) Ltd and</p>	<p>Comment received via email and attached letter dated</p>	<p>60. While mining is identified in the <i>Siyathemba Local Municipality IDP</i> as a sector with development potential, this is limited to semi-precious stones, and building sand and clay. On the other hand, Alternative Energy Development is identified as an "anchor economic activity". This is noted in</p>	<p>Please refer to the response to comment 59 above.</p>

<p>Mulilo Sonnedix Prieska PV (RF) (Pty) Ltd</p>	<p>22 January 2019</p>	<p>the <i>Siyathemba Local Municipality IDP</i>. In fact, Mulillo's projects on Farm 117, Klipgatspan, Farm 104, Vogelstruisbult and Farm 146, Hoekplaas, are recognised in the IDP, as is the Local Municipality's intention to promote development of renewable energy, and particularly solar PV facilities, as a means to enhance socio-economic conditions. The following is recorded in the <i>Siyathemba Local Municipality IDP</i>.</p> <p><i>"It is also necessary to note that the Council also declared its municipal area as a <b>Nodal Point</b> for growth to participate and develop in the proposed Solar Park and Secondary Stream Developments to enhance poverty and unemployment reduction."</i><sup>58</sup></p>	
<p>Nicholas Smith Attorneys on behalf of Mulilo Prieska PV (RF) (Pty) Ltd; Mulilo Renewable Energy Solar PV Prieska (RF) (Pty) Ltd and Mulilo Sonnedix Prieska PV (RF) (Pty) Ltd</p>	<p>Comment received via email and attached letter dated 22 January 2019</p>	<p>61. Solar PV, and Mulilo's operations on the farms in question, are therefore of strategic importance to the Siyathemba Local Municipality, as well as the broader Pixley Ka Seme District Municipality. Not only are prospecting / mining activities not afforded the same recognition by the relevant policy documents (which ABS Africa has not properly taken into account, as required by Appendix 1 (3)(e)), but they would not be desirable on the subject-properties when objectively considered.</p>	<p>The municipal spatial and development planning documents do not state anywhere that prospecting / mining is not of strategic importance or that it is an undesirable economic activity in the municipality.</p> <p>The relevant municipal spatial and development planning documents have been properly considered to the extent necessary for a prospecting application.</p>
<p>Nicholas Smith Attorneys on behalf of Mulilo Prieska PV (RF) (Pty) Ltd; Mulilo Renewable Energy Solar PV Prieska (RF) (Pty) Ltd and</p>	<p>Comment received via email and attached letter dated</p>	<p>62. ABS Africa must therefore conduct a proper assessment of the need and desirability of the proposed activities. These issues should be fully traversed in a further draft of the DBAR which must then be circulated for comment to all parties who or which have expressed an interest in the matter in order to ensure procedurally fair decision-making. This is because the</p>	<p>The need and desirability analysis in the BAR is adequate for informing an activity that is small-scale, temporary and low-impact.</p> <p>Consideration of mining and the impact that mining may have on other land uses in the area falls outside of the scope of the current basic</p>

Mulilo Sonnedix Prieska PV (RF) (Pty) Ltd		22 January 2019	relevant responses to these comments will be material in nature, and will amount to new information.	assessment process. A detailed scoping and environmental impact reporting process will need to be followed if mining is to be pursued and a detailed assessment of the impact which the mining may have on surrounding land users will need to be undertaken at that time.  Detailed responses have been provided to the comments raised but no new information to that presented in the DBAR has been introduced. Consequently, there is no need for a further draft BAR to be distributed for review.
Nicholas Smith Attorneys on behalf of Mulilo Prieska PV (RF) (Pty) Ltd; Mulilo Renewable Energy Solar PV Prieska (RF) (Pty) Ltd and Mulilo Sonnedix Prieska PV (RF) (Pty) Ltd		Comment received via email and attached letter dated 22 January 2019	<b>(E) INCOMPLETE COMPLIANCE WITH APPENDIX 1 TO THE EIA REGULATIONS, 2014</b>	Responses have been provided below for each of the specific comments submitted in support of this comment.
Nicholas Smith Attorneys on behalf of Mulilo Prieska PV (RF) (Pty) Ltd; Mulilo Renewable Energy Solar PV Prieska (RF) (Pty) Ltd and Mulilo Sonnedix Prieska PV (RF) (Pty) Ltd		Comment received via email and attached letter dated 22 January 2019	63. Appendix 1 to the EIA Regulations, 2014 sets out the information which must be contained in a basic assessment report in order for a competent authority to consider and come to a decision on the application. For the reasons which follow, ABS Africa has not fully complied with the requirements of Appendix 1.	Responses have been provided below for each of the specific comments submitted in support of this comment.
Nicholas Smith Attorneys on behalf of Mulilo Prieska PV (RF) (Pty) Ltd; Mulilo Renewable Energy Solar PV		Comment received via email and attached	64. Appendix 1 (3)(1)(c) stipulates that the DBAR must include "a plan which locates the proposed activity or activities applied for as well as associated structures and infrastructure at an appropriate scale". No such plan has been provided by ABS	Appendix B of the BAR provides a locality map of the proposed prospecting right area in relation to surrounding land uses. No permanent

Prieska (RF) (Pty) Ltd and Mulilo Sonnedix Prieska PV (RF) (Pty) Ltd	letter dated 22 January 2019	Africa. Given the conflicting land use that is highly likely to arise as a result of prospecting activities and solar PV facilities both occurring on the subject-properties, the provision of such a plan is critical. In the absence of detail regarding the layout of the proposed intrusive prospecting activities, it is impossible to determine the full nature and extent of impacts on Mulilo's operational (and prospective) solar PV facilities.	structures or infrastructure are associated with the prospecting activities.
Nicholas Smith Attorneys on behalf of Mulilo Prieska PV (RF) (Pty) Ltd; Mulilo Renewable Energy Solar PV Prieska (RF) (Pty) Ltd and Mulilo Sonnedix Prieska PV (RF) (Pty) Ltd	Comment received via email and attached letter dated 22 January 2019	65. <u>Appendix 1 (3)(1)(d)</u> requires "a description of the scope of the proposed activity, including - (i) <u>all listed and specified activities triggered and being applied for</u> ; and (ii) a description of all the activities to be undertaken, including associated structures and infrastructure". In our view, and based on the information provided in the DBAR, this requirement has not been complied with due to the following:	Responses have been provided below for each of the specific comments submitted in support of this comment.
Nicholas Smith Attorneys on behalf of Mulilo Prieska PV (RF) (Pty) Ltd; Mulilo Renewable Energy Solar PV Prieska (RF) (Pty) Ltd and Mulilo Sonnedix Prieska PV (RF) (Pty) Ltd	Comment received via email and attached letter dated 22 January 2019	65.1. The development of access tracks may trigger Activity 24 of Listing Notice 1, or Activity 4, Listing Notice 3 (activities concerning the development of roads) and this is not mentioned in Table 4-2,59 nor is sufficient information provided by ABS Africa for us to determine whether in fact either of these activities are triggered on the jurisdictional requirements of the respective activities identified in this paragraph; and	Section 3.2 of the BAR identifies the listed and non-listed activities applicable to the proposed prospecting activities.  No access tracks will be established to the extent that the thresholds of Activity 24 (LN1) and Activity 4 (LN3) are exceeded.
Nicholas Smith Attorneys on behalf of Mulilo Prieska PV (RF) (Pty) Ltd; Mulilo Renewable Energy Solar PV Prieska (RF) (Pty) Ltd and	Comment received via email and attached letter dated	65.2. no provision is made in Table 4-2 for the settling ponds described in the EMP. The Listed Activities triggered by the development of the settling ponds, and consequently the impacts thereof, have not been assessed in the DBAR.	The settling ponds are part of the drilling activity and are included within the 15 m x 15 m surface disturbance area of each drilling site. The ponds have thus been described and the impacts

<p>Mulilo Sonnedix Prieska PV (RF) (Pty) Ltd</p>	<p>22 January 2019</p>	<p>66. <u>Appendix 1 (3)(1)(e)</u> of the EIA Regulations, 2014, requires: "<i>a description of the policy and legislative context within which the development is proposed including- (i) an identification of all legislation, policies, plans, guidelines, spatial tools, municipal development planning frameworks, and instruments that are applicable to this activity and have been considered in the preparation of the report; and (ii) how the proposed activity complies with and responds to the legislation and policy context, plans, guidelines, tools frameworks, and instruments</i>". This requirement has not been met for the following reasons:</p>	<p>assessed as part of the consideration of the drilling activity.</p>
<p>Nicholas Smith Attorneys on behalf of Mulilo Prieska PV (RF) (Pty) Ltd; Mulilo Renewable Energy Solar PV Prieska (RF) (Pty) Ltd and Mulilo Sonnedix Prieska PV (RF) (Pty) Ltd</p>	<p>Comment received via email and attached letter dated 22 January 2019</p>	<p>Responses have been provided below for each of the specific comments submitted in support of this comment.</p>	<p>Responses have been provided below for each of the specific comments submitted in support of this comment.</p>
<p>Nicholas Smith Attorneys on behalf of Mulilo Prieska PV (RF) (Pty) Ltd; Mulilo Renewable Energy Solar PV Prieska (RF) (Pty) Ltd and Mulilo Sonnedix Prieska PV (RF) (Pty) Ltd</p>	<p>Comment received via email and attached letter dated 22 January 2019</p>	<p>66.1. Firstly, ABS Africa has not considered all applicable legislation. The EMPr notes that "<i>Stockpiled soil or sand utilised during the drilling operations for borehole establishment ("Stockpiles") will be covered in windy conditions. "The MPRDA defines a "residue stockpile" as "any debris, discard, tailings, slimes, screening, slurry, waste rock, foundry sand, beneficiation plant waste, ash or any other product derived from or incidental to a mining operation [including prospecting] and which is stockpiled, stored or accumulated for potential re-use."</i> In our view, soil or sand utilised during the drilling process would constitute a "stockpile" for the purpose of the MPRDA. Accordingly, <i>the Regulations regarding the planning and management of residue stockpiles and residue deposits from a prospecting, mining, exploration or production operation would be</i></p>	<p>The definition of residue stockpile is specific to mining operations. This application is for a prospecting right.</p> <p>Furthermore, it is evident from the definition that the material included in the definition is material that would not typically be used for rehabilitation. The stockpile material generated during prospecting is topsoil and subsoil, both of which will be used in the rehabilitation of the prospecting area and neither of which are included in the definition of a residue stockpile.</p>

<p>Nicholas Smith Attorneys on behalf of Mullilo Prieska PV (RF) (Pty) Ltd; Mullilo Renewable Energy Solar PV Prieska (RF) (Pty) Ltd and Mullilo Sonnedix Prieska PV (RF) (Pty) Ltd</p>			<p>applicable. ABS Africa has neither considered nor described compliance with the aforementioned Regulations.</p>	
<p>66.2. Secondly, the <i>Public Participation Guideline</i> and <i>Guideline on Need and Desirability</i> relied on by ABS Africa are outdated, with new guidelines on those subjects having been published by DEA in 2017.<sup>63</sup> It is imperative, in order to facilitate informed decision-making, that the most up-to-date guidelines are used in preparation of a basic assessment report.</p>	<p>Comment received via email and attached letter dated 22 January 2019</p>	<p>66.2. Secondly, the <i>Public Participation Guideline</i> and <i>Guideline on Need and Desirability</i> relied on by ABS Africa are outdated, with new guidelines on those subjects having been published by DEA in 2017.<sup>63</sup> It is imperative, in order to facilitate informed decision-making, that the most up-to-date guidelines are used in preparation of a basic assessment report.</p>	<p>The 2017 version of the guideline has not been gazetted and its status as an official guideline and associated commencement date is thus uncertain. The requirements of this guideline have in any event been complied with.</p>	
<p>66.3. Thirdly, ABS Africa has failed to properly consider the relevant municipal development planning frameworks, including the <i>Pixley Ka Seme SDF</i> and the <i>Siyathemba Local Municipality IDP</i>, and specifically in the context of assessing need and desirability of the proposed prospecting activities. This aspect has been dealt with in Section D above.</p>	<p>Comment received via email and attached letter dated 22 January 2019</p>	<p>66.3. Thirdly, ABS Africa has failed to properly consider the relevant municipal development planning frameworks, including the <i>Pixley Ka Seme SDF</i> and the <i>Siyathemba Local Municipality IDP</i>, and specifically in the context of assessing need and desirability of the proposed prospecting activities. This aspect has been dealt with in Section D above.</p>	<p>Please refer to the earlier responses to these comments.</p>	
<p>66.4. ABS Africa has also not identified DEA's <i>National Guideline on Minimum Information Requirements for preparing Environmental Impact Assessments for Mining Activities that require Environmental Authorisation</i><sup>66</sup> in the DBAR. It is therefore unclear whether this <i>Guideline</i> was consulted during the basic assessment process. However, given the information presented in the DBAR, we are of the view that this is not the case. For example, the <i>Guideline</i> requires that "<i>the need and desirability should ultimately address how the mines development is justifiable based on socio, environmental and economic outcomes</i>". As described in Section D above, need and desirability, particularly in the</p>	<p>Comment received via email and attached letter dated 22 January 2019</p>	<p>66.4. ABS Africa has also not identified DEA's <i>National Guideline on Minimum Information Requirements for preparing Environmental Impact Assessments for Mining Activities that require Environmental Authorisation</i><sup>66</sup> in the DBAR. It is therefore unclear whether this <i>Guideline</i> was consulted during the basic assessment process. However, given the information presented in the DBAR, we are of the view that this is not the case. For example, the <i>Guideline</i> requires that "<i>the need and desirability should ultimately address how the mines development is justifiable based on socio, environmental and economic outcomes</i>". As described in Section D above, need and desirability, particularly in the</p>	<p>The guideline was considered but has not been referenced as a final version has not been gazetted at this stage.</p> <p>The current application is for a prospecting right and it should not be conflated with mining, which will have its own mining right application and scoping and environmental impact reporting process. The need and desirability of mining will need to be addressed as part of that application process.</p>	

<p>Nicholas Smith Attorneys on behalf of Mulilo Prieska PV (RF) (Pty) Ltd; Mulilo Renewable Energy Solar PV Prieska (RF) (Pty) Ltd and Mulilo Sonnedix Prieska PV (RF) (Pty) Ltd</p>		<p>context Mulilo’s operational and prospective solar PV facilities on the subject-properties, has not been properly examined.</p>	<p>Please refer to the earlier responses regarding the need and desirability of the prospecting in relation to the Mulilo solar PV facilities.</p>
<p>Nicholas Smith Attorneys on behalf of Mulilo Prieska PV (RF) (Pty) Ltd; Mulilo Renewable Energy Solar PV Prieska (RF) (Pty) Ltd and Mulilo Sonnedix Prieska PV (RF) (Pty) Ltd</p>	<p>Comment received via email and attached letter dated 22 January 2019</p>	<p>66.5. Fourthly, the DBAR does not address how the proposed activity complies with <u>all legislation, policies, plans, guidelines, spatial tools, municipal development planning frameworks, and instruments that are applicable to this activity and have been considered in the preparation of the report.</u></p>	<p>This has been addressed in Section 4 of the BAR.</p>
<p>Nicholas Smith Attorneys on behalf of Mulilo Prieska PV (RF) (Pty) Ltd; Mulilo Renewable Energy Solar PV Prieska (RF) (Pty) Ltd and Mulilo Sonnedix Prieska PV (RF) (Pty) Ltd</p>	<p>Comment received via email and attached letter dated 22 January 2019</p>	<p>67. Appendix 1 (3)(1)(f) requires “a motivation for the need and desirability of the proposed development, including the need and desirability of the activity in the context of the preferred location”. Such a motivation has not been provided by ABS Africa. This has been dealt with in section D above. The DBAR ought also to have considered the conditions contained in the environmental authorisations issued to Mulilo in respect of their operational and prospective solar PV facilities (detailed in paragraphs 5 and 6 above), which it did not.</p>	<p>The BAR does comply with this requirement. Please refer to the earlier responses.</p>
<p>Nicholas Smith Attorneys on behalf of Mulilo Prieska PV (RF) (Pty) Ltd; Mulilo Renewable Energy Solar PV Prieska (RF) (Pty) Ltd and Mulilo Sonnedix Prieska PV (RF) (Pty) Ltd</p>	<p>Comment received via email and attached letter dated 22 January 2019</p>	<p>68. Appendix 1 (3)(1)(g) and (h) require “a motivation for the preferred site, activity and technology alternative”, and “a full description of the process followed to reach the preferred alternative within the site”. As described in Section B above, ABS Africa has not complied with this requirement.</p>	<p>The BAR does comply with this requirement. Please refer to the earlier responses.</p>
<p>Nicholas Smith Attorneys on behalf of Mulilo Prieska PV</p>	<p>Comment received via</p>	<p>69. Appendix 1 (3)(1)(h)(ii) requires a basic assessment report to contain “details of the public participation process</p>	<p>The BAR does comply with this requirement. The supporting documents and inputs include the</p>



<p>(RF) (Pty) Ltd; Mullilo Renewable Energy Solar PV Prieska (RF) (Pty) Ltd and Mullilo Sonnedix Prieska PV (RF) (Pty) Ltd</p>	<p>email and attached letter dated 22 January 2019</p>	<p><i>undertaken in terms of regulation 41 of the [EIA] Regulations, including copies of the supporting documents and inputs'.</i></p> <p>While Appendix C2 contains the text of the notice of the application purportedly placed in a local newspaper as required by Regulation 41(2)(c)(i), a copy of the newspaper extract in question is not included. It is therefore impossible to determine when and in which newspaper the advertisement was placed. Furthermore, Appendix C3 contains a copy of the site notice purportedly placed at site in compliance with Regulation 41(2)(a). However, no dated photograph of the notice at site is included, and we therefore cannot determine whether such placement in fact occurred. This information should be included in the DBAR.</p>	<p>text of the site notice and newspaper advertisement.</p> <p>The advert was placed in the local newspaper Die Oewermuus on 29 November 2018. The site notices were placed by the EAP during the week of 29 November 2018. Photographic evidence is available and will be provided in the Final BAR.</p>
<p>Nicholas Smith Attorneys on behalf of Mullilo Prieska PV (RF) (Pty) Ltd; Mullilo Renewable Energy Solar PV Prieska (RF) (Pty) Ltd and Mullilo Sonnedix Prieska PV (RF) (Pty) Ltd</p>	<p>Comment received via email and attached letter dated 22 January 2019</p>	<p>70. <u>Appendix 1 (3)(1)(h)(v) and (vii)</u> require the assessment of all impacts and risks identified for each alternative. For the reasons detailed in section C, we are of the view that this requirement has not been complied with, as the assessment of impacts associated with the proposed prospecting activities is deficient.</p>	<p>The BAR does comply with this requirement. Please refer to the earlier responses.</p>
<p>Nicholas Smith Attorneys on behalf of Mullilo Prieska PV (RF) (Pty) Ltd; Mullilo Renewable Energy Solar PV Prieska (RF) (Pty) Ltd and Mullilo Sonnedix Prieska PV (RF) (Pty) Ltd</p>	<p>Comment received via email and attached letter dated 22 January 2019</p>	<p>71. <u>Appendix 1 (3)(1)(k)</u> requires a summary of the findings and impact management measures identified in any specialist report. In this regard, the DBAR simply notes that "<i>the specialist studies compiled as part of the EIAs for the several renewable energy developments proposed within the prospecting right area have been considered in the BAR</i>". No further summary is provided in respect of the Heritage Desktop Report prepared by HCAC Consultants, the Palaeontological Impact Assessment prepared by Prof.</p>	<p>For the reasons provided earlier, the application has been informed by a site-specific desktop heritage specialist study. A summary of this study is provided in Section 8.1.14 of the BAR and in Table 12-1 (impacts and mitigation measures)</p> <p>A summary of the relevant desktop baseline information on environmental attributes</p>

<p>Nicholas Smith Attorneys on behalf of Mullilo Prieska PV (RF) (Pty) Ltd; Mullilo Renewable Energy Solar PV Prieska (RF) (Pty) Ltd and Mullilo Sonnedix Prieska PV (RF) (Pty) Ltd</p>			<p>Comment received via email and attached letter dated 22 January 2019</p>	<p>Bamford, or the Ecorex report of 2017 (which was not appended to the DBAR). This requirement has accordingly not been complied with by ABS Africa.</p>	<p>described in other specialists' studies completed in the area is provided in section 8 of the BAR.</p>
<p>Nicholas Smith Attorneys on behalf of Mullilo Prieska PV (RF) (Pty) Ltd; Mullilo Renewable Energy Solar PV Prieska (RF) (Pty) Ltd and Mullilo Sonnedix Prieska PV (RF) (Pty) Ltd</p>			<p>72. <u>Appendix 1 (3)(1)(l)</u> requires an environmental impact statement which contains a summary of the key findings of the EIA, a sensitivity map, and a summary of positive and negative impacts and risks of the proposed activity. ABS Africa notes the following in this regard:   <i>"Sufficient and appropriate information on the proposed development and the receiving environment was available for conducting the impact assessment;</i>   <i>With mitigation measures applied, the proposed development is compatible with current land uses; and</i>   <i>No significant negative impacts have been identified. Impacts identified have been assessed to be reversible and can be satisfactorily mitigated".</i><sup>68</sup></p>	<p>No response needed.</p>	
<p>Nicholas Smith Attorneys on behalf of Mullilo Prieska PV (RF) (Pty) Ltd; Mullilo Renewable Energy Solar PV Prieska (RF) (Pty) Ltd and Mullilo Sonnedix Prieska PV (RF) (Pty) Ltd</p>			<p>73. The above statements are not correct based on the information contained in the DBAR. Insufficient assessment of all relevant impacts has been conducted, as detailed in Section C above. Furthermore, intrusive prospecting activities are fundamentally incompatible with the operation of Mullilo's solar PV facilities on the subject-properties, and insufficient information has been provided in the DBAR (beside the demarcation of buffers around only operational solar PV facilities) regarding how Orion proposes to conduct such</p>	<p>The EAP considers the statements to be valid. Please refer to the earlier responses to this issue.</p>	

<p>Nicholas Smith Attorneys on behalf of Mulilo Prieska PV (RF) (Pty) Ltd; Mulilo Renewable Energy Solar PV Prieska (RF) (Pty) Ltd and Mulilo Sonnedix Prieska PV (RF) (Pty) Ltd</p>	<p>Comment received via email and attached letter dated 22 January 2019</p>	<p>74. <u>Appendix 1 (3)(1)(p)</u> requires "a reasoned opinion as to whether the proposed activity should or should not be authorised, and if the opinion is that it should be authorised, any conditions that should be made in respect of that authorisation". In this regard ABS Africa notes as follows:</p> <p><i>"Based on the findings of the impact assessment, and with the understanding that the mitigation measures will continue to be implemented throughout the prospecting period, the EAP is of the opinion that an environmental authorisation for the prospecting activities may be granted".<sup>69</sup></i></p>	<p>No response necessary.</p>
<p>Nicholas Smith Attorneys on behalf of Mulilo Prieska PV (RF) (Pty) Ltd; Mulilo Renewable Energy Solar PV Prieska (RF) (Pty) Ltd and Mulilo Sonnedix Prieska PV (RF) (Pty) Ltd</p>	<p>Comment received via email and attached letter dated 22 January 2019</p>	<p>75. The above statement cannot be supported in light of the deficiencies in the basic assessment process detailed in these comments. Specifically, the impacts on Mulilo as an existing holder of surface rights in relation to its operational and prospective solar PV facilities on the subject-properties, have not been properly assessed. Insofar as conditions may be concerned, while a buffer is proposed in the Sensitivity Map around Mulilo's operational facilities (Mulilo Sonnedix Prieska PV and Mulilo Prieska PV (RF)), no similar provision is made for Mulilo's prospective solar PV facilities on the subject-properties, or its operations on Farm 104, Vogelstruisbuit. Given that no air quality impact assessment or dustfall monitoring has been conducted, there is insufficient information provided in the DBAR to properly assess whether</p>	<p>The impacts to Mulilo have been considered. Please see the earlier responses to the issues raised with respect to dustfall, socio-economic benefits and need and desirability as they relate to Mulilo.</p>

<p>Nicholas Smith Attorneys on behalf of Mullilo Prieska PV (RF) (Pty) Ltd; Muililo Renewable Energy Solar PV Prieska (RF) (Pty) Ltd and Mullilo Sonnedix Prieska PV (RF) (Pty) Ltd</p>			<p>the proposed buffers would even be sufficient in the circumstances.</p>	<p>No response necessary.</p>
<p>Nicholas Smith Attorneys on behalf of Mullilo Prieska PV (RF) (Pty) Ltd; Muililo Renewable Energy Solar PV Prieska (RF) (Pty) Ltd and Mullilo Sonnedix Prieska PV (RF) (Pty) Ltd</p>	<p>Comment received via email and attached letter dated 22 January 2019</p>	<p><b>(F) ENVIRONMENTAL MANAGEMENT PROGRAMME (EMPr)</b></p>	<p>76. In our considered opinion, the EMPr contains several material omissions and deficiencies and is consequently not fit for purpose (nor legally compliant) in its current form. The following aspects comprise the most material deficiencies:</p>	<p>Responses have been provided below for each of the specific comments submitted in support of this comment.</p>
<p>Nicholas Smith Attorneys on behalf of Mullilo Prieska PV (RF) (Pty) Ltd; Muililo Renewable Energy Solar PV Prieska (RF) (Pty) Ltd and Mullilo Sonnedix Prieska PV (RF) (Pty) Ltd</p>	<p>Comment received via email and attached letter dated 22 January 2019</p>	<p>76.1. The composite map (Sensitivity Map) purports to delineate "areas to be avoided by the proposed prospecting activities" However, in the absence of a walkthrough / field survey to determine definitively the existence and location of heritage resources on the subject-properties, and given that ABS Africa failed to take the presence of Martial Eagles in the area into consideration, this map is not complete. It therefore does not comply with Appendix 4 (1)(1)(c) of the EIA Regulations, 2014.</p>	<p>76.2. The EMPr refers to Table 19-1 of the DBAR as specifying income management objectives and outcomes. However,</p>	<p>The sensitivity map is accurate and complete and is adequate to inform the proposed prospecting activities. The BAR does comply with the EIA Regulations, 2014 (as amended) in this regard.</p> <p>Importantly, through the requirement for specialist ecology of the drilling site locations prior to drilling commencing, it will be ensured that impacts to sensitive environmental resources, including threatened and protected species, will be avoided.</p>
<p>Nicholas Smith Attorneys on behalf of Mullilo Prieska PV</p>	<p>Comment received via</p>			<p>Please refer to Table 29.2 and 29.3 where the impact management objectives and actions have</p>

<p>(RF) (Pty) Ltd; Mulilo Renewable Energy Solar PV Prieska (RF) (Pty) Ltd and Mulilo Sonnedix Prieska PV (RF) (Pty) Ltd</p>	<p>email and attached letter dated 22 January 2019</p>	<p>Appendix 4 (1)(1)(d) and (e) of the EIA Regulations, as amended in 2017, require a description of impact management <u>objectives and actions</u>. This amendment, and the nuance between “actions” and “outcomes” does not appear to have been addressed by ABS Africa in this section of the EMPr.</p>	<p>been addressed in the prescribed format required by the DMR.</p>
<p>Nicholas Smith Attorneys on behalf of Mulilo Prieska PV (RF) (Pty) Ltd; Mulilo Renewable Energy Solar PV Prieska (RF) (Pty) Ltd and Mulilo Sonnedix Prieska PV (RF) (Pty) Ltd</p>	<p>Comment received via email and attached letter dated 22 January 2019</p>	<p>76.3. The EMPr does not contain a description of the impact management outcomes of the activity (identifying impacts and risks that need to be avoided, managed and mitigated) for the planning and design, pre-construction, construction, and rehabilitation phases of the prospecting activities, as required by Appendix 4 (1)(1)(d).  Paragraph 29.1 of the EMPr refers only to the closure outcomes. It is unclear why closure is being addressed by the EMPr, and not the other phases of development, particularly given that the activity in question does not relate to decommissioning or closure of a facility as prescribed by Regulation 19(5).</p>	<p>Section 16 of the BAR provides for the assessment of each identified impact and risk, across the different phases of the proposed prospecting activity.  All phases of the proposed prospecting have been considered in the BAR. Please refer to Table 29-1 of the BAR.  The Determination of Closure Objectives in Section 29.1 of the BAR is part of the prescribed format of the EMPr</p>
<p>Nicholas Smith Attorneys on behalf of Mulilo Prieska PV (RF) (Pty) Ltd; Mulilo Renewable Energy Solar PV Prieska (RF) (Pty) Ltd and Mulilo Sonnedix Prieska PV (RF) (Pty) Ltd</p>	<p>Comment received via email and attached letter dated 22 January 2019</p>	<p>76.4. Paragraph 29.2 of the EMPr addresses an aspect which was not previously addressed in the DBAR, namely the use of water of prospecting activities, and particularly the requirement for <u>three settling ponds</u> to treat the water by-product. These ponds have not been included in the list of <i>Listed and Specified Activities triggered</i> by the proposed prospecting activities, and contained in section 3.2 of the DBAR. The impacts associated therewith have therefore not been assessed.</p>	<p>The settling ponds are part of the drilling activity and are included within the 15 m x 15 m surface disturbance area of each drilling site. The ponds have thus been described and the impacts assessed as part of the consideration of the drilling activity.</p>

<p>Nicholas Smith Attorneys on behalf of Mullilo Prieska PV (RF) (Pty) Ltd; Mullilo Renewable Energy Solar PV Prieska (RF) (Pty) Ltd and Mullilo Sonnedix Prieska PV (RF) (Pty) Ltd</p>		<p>76.5. Table 29-1 entitled "Impacts to be mitigated in their respective phases" is incomplete, as it does not properly address the impacts of dust on existing and prospective solar PV facilities operated by Mullilo, and specifically measures to be put in place should the PV panels be soiled. Furthermore, the Martial Eagle pair has not been identified as a sensitivity, and accordingly not properly considered in terms of impacts and potential mitigation.</p>	<p>The applicant will be using diamond core drilling, which does not generate dust. Further, mitigation measures for controlling dust from access tracks and site preparation activities have been proposed in the EMPr. The potential impact of dust has thus been dealt with extensively in the BAR.</p> <p>The EMPr requires that an ecological survey be done at each drilling site prior to drilling commencing to ensure that no threatened or protected species are impacted upon.</p>
<p>Nicholas Smith Attorneys on behalf of Mullilo Prieska PV (RF) (Pty) Ltd; Mullilo Renewable Energy Solar PV Prieska (RF) (Pty) Ltd and Mullilo Sonnedix Prieska PV (RF) (Pty) Ltd</p>		<p>76.6. In respect of the mitigation measures proposed for impacts on terrestrial ecology, no provision is made for the relocation of protected plant species, as required by the <i>Threatened or Protected Species Regulations</i></p>	<p>The EMPr requires that an ecological survey be done at each drilling site prior to drilling commencing to ensure that no threatened or protected species are impacted upon.</p>
<p>Nicholas Smith Attorneys on behalf of Mullilo Prieska PV (RF) (Pty) Ltd; Mullilo Renewable Energy Solar PV Prieska (RF) (Pty) Ltd and Mullilo Sonnedix Prieska PV (RF) (Pty) Ltd</p>		<p>76.7. In respect of mitigation of heritage impacts, in our view a walk-through ought to be conducted as part of the initial basic assessment process, and not only prior to intrusive prospecting and once an environmental authorisation in this regard has been granted. The mitigation measures proposed are therefore ineffectual in the absence of a complete assessment of potential heritage resources and sensitivities.</p>	<p>Please refer to the comment above with respect to the impracticality of undertaking a specialist site survey over such an extensive area when only 0.41 ha is planned to be disturbed. The approach is thus that once a need for drilling has been confirmed (target mineral resource identified through the non-invasive prospecting surveys) and the corresponding drilling locations have been confirmed, a heritage specialist will inspect each drilling location to ensure that no</p>

			<p>significant heritage resources are associated with the site. This is included in the EMPr.</p> <p>The desktop study was undertaken by a qualified archaeologist and palaeontologist. The approach to the study was also discussed with the competent authority for heritage aspects (SAHRA) prior to the study commencing and SAHRA has indicated that they are satisfied with the study. Please refer to the letter from SAHRA included in Appendix C of the BAR.</p>
<p>Nicholas Smith Attorneys on behalf of Mulilo Prieska PV (RF) (Pty) Ltd; Mulilo Renewable Energy Solar PV Prieska (RF) (Pty) Ltd and Mulilo Sonnedix Prieska PV (RF) (Pty) Ltd</p>	<p>Comment received via email and attached letter dated 22 January 2019</p>	<p>76.8. In terms of potential socio-economic impacts, negative socio-economic impacts may flow as a result of increased dustfall on Mulilo's operational (and prospective) solar PV panels on the subject-properties, as well as the adjacent Farm 104, Vogelstruisbult, which could compromise the productivity and financial viability of Mulilo's operations. This impact has not been considered by ABS Africa, and consequently adequate mitigation measures have not been proposed.</p>	<p>The applicant will be using diamond core drilling, which does not generate dust. A buffer area of 500 m has been established around operating solar PV sites and mitigation measures for controlling dust from access tracks and site preparation activities have been proposed in the EMPr.</p> <p>Further, mitigation measures for controlling dust from access tracks and site preparation activities have been proposed in the EMPr. The potential impact of dustfall has thus been dealt with extensively in the BAR.</p>
<p>Nicholas Smith Attorneys on behalf of Mulilo Prieska PV (RF) (Pty) Ltd; Mulilo Renewable Energy Solar PV Prieska (RF) (Pty) Ltd and Mulilo Sonnedix Prieska PV (RF) (Pty) Ltd</p>	<p>Comment received via email and attached letter dated 22 January 2019</p>	<p>76.9. Table 30-2 details the mechanism for monitoring compliance with the EMPr. In relation to increased dustfall, the following is noted:   <i>"The monthly dust monitoring and meteorological reports will be compiled by Airshed and submitted to the Solar Plants</i></p>	<p>Responses have been provided below for each of the specific comments submitted in support of this comment.</p>

<p>Nicholas Smith Attorneys on behalf of Mullilo Prieska PV (RF) (Pty) Ltd; Mullilo Renewable Energy Solar PV Prieska (RF) (Pty) Ltd and Mullilo Sonnedix Prieska PV (RF) (Pty) Ltd</p>			<p><i>within 21 days of the end of the specific monitoring period. Incidences and complaints regarding noise and dust must be logged in a complaints register.</i><sup>477</sup></p> <p>76.10. This is the first mention made in the DBAR of monthly dustfall monitoring, and reporting thereon presumably to Mullilo (although this is not specified) in relation to its operational solar PV facilities. No further information is provided regarding the dustfall monitoring programme, and specifically the location of sampling sites. It is therefore impossible to ascertain whether the programme will adequately monitor dustfall as a result of prospecting activities.</p>	<p>This mitigation measure was adopted from the method statement for dust mitigation, compiled by Mullilo for implementation by other Orion Minerals ( Ltd. subsidiaries. (Orion).</p> <p>It is included in the EMPr to make provision for the extension of the current dustfall monitoring programme for which it is understood that there is already an agreement in place between Mullilo and Orion.</p>
<p>Nicholas Smith Attorneys on behalf of Mullilo Prieska PV (RF) (Pty) Ltd; Mullilo Renewable Energy Solar PV Prieska (RF) (Pty) Ltd and Mullilo Sonnedix Prieska PV (RF) (Pty) Ltd</p>	<p>Comment received via email and attached letter dated 22 January 2019</p>		<p>76.11. No layout plan for proposed prospecting activities is provided. No provision is therefore made in the EMPr (or the DBAR) for potential conflicts in land use between Mullilo's operational and prospective solar PV facilities, and Orion's proposed prospecting activities. Without such information, we are unable to comment meaningfully on the application. A draft layout plan with proposed invasive prospecting locations must be provided.</p>	<p>Please refer to the response to comment 16.</p> <p>The proposed prospecting is not a permanent land use activity and, with the implementation of the proposed mitigation measures, including a 500 m buffer around the operating facilities, the proposed prospecting activities should not be regarded as a competing or conflicting land use.</p>
<p>Nicholas Smith Attorneys on behalf of Mullilo Prieska PV (RF) (Pty) Ltd; Mullilo Renewable Energy Solar PV Prieska (RF) (Pty) Ltd and Mullilo Sonnedix Prieska PV (RF) (Pty) Ltd</p>	<p>Comment received via email and attached letter dated 22 January 2019</p>		<p>76.12. Appendix 4 (1)(1)(n) requires that the competent authority must be provided with any specific information that it may require. In our view, insufficient information regarding Mullilo's activities on the subject-properties has been provided such that the competent authority may render an informed decision on the application.</p>	<p>Please refer to the response to comment 16.</p> <p>Mullilo's activities have been identified in the BAR and reflected on the map in Appendix B of the BAR in relation to the proposed prospecting right area.</p>



		<p>Not only have impacts been inadequately assessed, but detailed information regarding how and where Orion proposes to conduct its invasive prospecting operations in relation to Mulilo's operational and prospective solar PV facilities is simply absent. It is therefore impossible to determine with any certainty the nature and extent of the impacts, and whether in fact invasive prospecting is even possible given current land uses. The provision of more detailed information regarding the location and nature of the proposed prospecting activities is imperative.</p>	<p>The nature and extent of the prospecting activities are described in Section 3 of the BAR.</p> <p>An environmental sensitivity map has been compiled and a 500 m buffer has been established around the operating solar PV facilities.</p>
<p>Nicholas Smith Attorneys on behalf of Mulilo Prieska PV (RF) (Pty) Ltd; Mulilo Renewable Energy Solar PV Prieska (RF) (Pty) Ltd and Mulilo Sonnedix Prieska PV (RF) (Pty) Ltd</p>	<p>Comment received via email and attached letter dated 22 January 2019</p>	<p><b>(G) INSUFFICIENT DETAIL AND INFORMATION REGARDING FINANCIAL PROVISIONING</b></p>	<p>Responses have been provided below for each of the specific comments submitted in support of this comment.</p>
<p>Nicholas Smith Attorneys on behalf of Mulilo Prieska PV (RF) (Pty) Ltd; Mulilo Renewable Energy Solar PV Prieska (RF) (Pty) Ltd and Mulilo Sonnedix Prieska PV (RF) (Pty) Ltd</p>	<p>Comment received via email and attached letter dated 22 January 2019</p>	<p>77. The determination of appropriate financial provisioning is regulated by the <i>Regulations pertaining to the Financial Provision for Prospecting, Exploration, Mining or Production Operations</i>.<sup>78</sup> Regulation 4 stipulates that "<i>an applicant or holder of a right or permit must determine and make financial provision to guarantee the availability of sufficient funds to undertake rehabilitation and remediation of the adverse environmental impacts of prospecting... as contemplated in the Act.</i>"</p>	<p>No response needed.</p>
<p>Nicholas Smith Attorneys on behalf of Mulilo Prieska PV (RF) (Pty) Ltd; Mulilo Renewable Energy Solar PV</p>	<p>Comment received via email and attached</p>	<p>78. In terms of the "closure objectives" which the financial provision estimated by Orion purports to address, no provision is made for the remediation or rehabilitation of solar PV panels and associated infrastructure. Such</p>	<p>The applicant will be using diamond core drilling, which does not generate dust. A buffer area of 500 m has been established around operating solar PV sites and mitigation measures for</p>

<p>Prieska (RF) (Pty) Ltd and Mulilo Sonnedix Prieska PV (RF) (Pty) Ltd</p>	<p>letter dated 22 January 2019</p>	<p>remediation may be necessary in the event of damage to solar PV panels as a result of drilling or dust, or reduced profitability of Mulilo's operational and proposed solar PV facilities as a result of increased dustfall.</p>	<p>controlling dust from access tracks and site preparation activities have been proposed in the EMPr.</p> <p>Further, mitigation measures for controlling dust from access tracks and site preparation activities have been proposed in the EMPr. The potential impact of dustfall has thus been dealt with extensively in the BAR.</p>
<p>Nicholas Smith Attorneys on behalf of Mulilo Prieska PV (RF) (Pty) Ltd; Mulilo Renewable Energy Solar PV Prieska (RF) (Pty) Ltd and Mulilo Sonnedix Prieska PV (RF) (Pty) Ltd</p>	<p>Comment received via email and attached letter dated 22 January 2019</p>	<p>79. Regulation 10 requires a rehabilitation plan to be submitted as "part of the information submitted for consideration by the Minister responsible for mineral resources of an application for environmental authorisation". No such plan has been included by ABS Africa in the DBAR. Section 30.3 of the EMPr purportedly comprises a rehabilitation plan. This section is, however, simply a bullet point list of action items and contains insufficient information to properly be considered a "plan" for the purpose of Regulation 10.</p>	<p>The rehabilitation plan is deemed to be appropriate for the nature and extent of the proposed prospecting activities which comprise of 15 drilling sites with a total surface area disturbance of approximately 0.41 ha.</p>
<p>Nicholas Smith Attorneys on behalf of Mulilo Prieska PV (RF) (Pty) Ltd; Mulilo Renewable Energy Solar PV Prieska (RF) (Pty) Ltd and Mulilo Sonnedix Prieska PV (RF) (Pty) Ltd</p>	<p>Comment received via email and attached letter dated 22 January 2019</p>	<p>80. Regulation 6 also requires an applicant to determine financial provision through "a detailed itemization of all activities and costs". In this regard, ABS Africa has only identified three items, namely: general surface rehabilitation; rehabilitation of access roads; and aftercare and maintenance. This list is insufficiently detailed to enable us to comment on the cost of individual actions, and whether they are sufficient to address remediation and rehabilitation action items.</p>	<p>These are the only items applicable to the proposed prospecting activities.</p>

<p>Nicholas Smith Attorneys on behalf of Mullilo Prieska PV (RF) (Pty) Ltd; Mullilo Renewable Energy Solar PV Prieska (RF) (Pty) Ltd and Mullilo Sonnedix Prieska PV (RF) (Pty) Ltd</p>	<p>Comment received via email and attached letter dated 22 January 2019</p>	<p>81. The list also does not detail for how many years the financial provision of <b>R98 615.38</b> is allocated. Regulation 7 requires financial provision to be "<i>at any time, equal to the sum of the actual costs of implementing the plans and report contemplated in Regulation 6 [rehabilitation plan] for a period of at least 10 years</i>". In our view, the amount proposed does not appear to be sufficient for the 10-year period contemplated, especially considering the potentially significant financial remediation which may be required should Mullilo's solar PV operations be compromised; a cost which has not been accounted for in the calculation of financial provision.</p>	<p>The financial provision is linked to the prospecting work programme, which is expected to be complete within a period of 5 years.</p>
<p>Nicholas Smith Attorneys on behalf of Mullilo Prieska PV (RF) (Pty) Ltd; Mullilo Renewable Energy Solar PV Prieska (RF) (Pty) Ltd and Mullilo Sonnedix Prieska PV (RF) (Pty) Ltd</p>	<p>Comment received via email and attached letter dated 22 January 2019</p>	<p><b>(H) CONCLUSIONS</b></p>	<p>Responses have been provided below for each of the specific comments submitted in support of this comment.</p>
<p>Nicholas Smith Attorneys on behalf of Mullilo Prieska PV (RF) (Pty) Ltd; Mullilo Renewable Energy Solar PV Prieska (RF) (Pty) Ltd and Mullilo Sonnedix Prieska PV (RF) (Pty) Ltd</p>	<p>Comment received via email and attached letter dated 22 January 2019</p>	<p>82. In our view, the DBAR in its current form falls significantly short of the requirements of the EIA Regulations, 2014 (as amended), and contains inadequate information to enable us, on behalf of Mullilo, to comment meaningfully on the proposed prospecting activities and associated impacts. A comprehensive assessment of all relevant impacts has not been conducted, and ABS Africa has entirely failed to consider reasonable and feasible alternatives. Fundamentally, the DBAR fails to have proper regard to Mullilo's operational and prospective solar PV facilities on the subject-properties, and</p>	<p>Adequate information has been presented in the BAR and the EIA Regulations, 2014 (as amended) have been complied with.</p> <p>An assessment of all relevant impacts, to the degree required for the nature and extent of the proposed prospecting activities, has been conducted and associated reasonable and feasible alternatives discussed.</p>

			<p>how the impacts associated with particularly intrusive prospecting activities will affect this existing land use.</p>	<p>The potential impacts to Mulilo's prospective and operating solar PV plants have been assessed and a 500 m buffer has been applied to the operating solar PV plants.</p>
<p>Nicholas Smith Attorneys on behalf of Mulilo Prieska PV (RF) (Pty) Ltd; Mulilo Renewable Energy Solar PV Prieska (RF) (Pty) Ltd and Mulilo Sonnedix Prieska PV (RF) (Pty) Ltd</p>	<p>Comment received via email and attached letter dated 22 January 2019</p>	<p>83. We look forward to our comments receiving appropriate attention as the basic assessment process progresses, and we reserve our client's rights to revise initial comments and request further information based on any additional information that may be received as the basic assessment process continues. Given that a proper supplementation of the DBAR in order to deal with the substantive deficiencies identified herein will by definition comprise the production (by ABS Africa) of material information, the DBAR should be circulated for a further round of public participation before it can properly be considered on its merits by the competent authority. Accordingly, and on behalf of Mulilo, we await the provision of the substantially supplemented DBAR that is required in the circumstances, and in order to pass muster from the environmental legal perspective.</p>	<p>Detailed responses have been provided to the comments raised but no new information to that presented in the DBAR has been introduced. Consequently, there is no need for a further draft BAR to be distributed for review.</p>	
<p><b>Adjacent Landowners (Owners of land immediately adjacent to the Prospecting Rights Area Boundary)</b></p>		<p><b>X</b></p>		
<p>BP Fourie and W. Fourie</p>	<p>Comment received via email on 13</p>	<p>No prospecting rights must be approved for the farms where there are proposed solar or wind installation projects.</p>	<p>The basic assessment has assessed the impact of the proposed prospecting activities on existing and proposed solar / wind developments. The</p>	

Nelspoortjie 103		December 2018-		competent authority (DMR) must make a determination on whether to grant the prospecting right.
BP Fourie and W. Fourie  Nelspoortjie 103		Comment received via email on 13 December 2018-	Currently there are ten (10) proposed solar installation on the farms Kligatspan 117, Hoekplaas 146 and Humansrus 147 and 2 solar commercial operating farms on Kligatspan 117 and Hoekplaas 146. All 10 proposed solar installation have EIA approval with rezoning applications. The Solar companies await Bid Round 5 and other bid rounds to tender to build these projects. These companies already spent millions of rand to show on the legend as proposed projects and have spent the last 5 to 10 years to identify and prepare these specific projects for these sites and with SKA approval.	These developments were identified in the BAR. Please refer to the maps in Appendix B.
BP Fourie and W. Fourie  Nelspoortjie 103		Comment received via email on 13 December 2018-	Both mining and the solar and wind projects are very important to the Copperton/Prieska area however no investors will invest or consider to go ahead with a project where a mining company have known prospecting rights.	It is important that the current application be considered in terms of prospecting only as this is the only activity for which an application has been submitted. The granting of a prospecting right does not mean that the granting of a mining right is inevitable.  If minerals of economic importance are discovered, an application for a mining right will need to be submitted by the applicant and this application will need to be informed by a comprehensive scoping and environmental impact reporting process focussed on the risks and impacts of mining. The impact of mining on other land uses will need to be considered at that time.

BP Fourie and W. Fourie Nelspoortjie 103		Comment received via email on 13 December 2018-	The proposed 3 solar Kronos projects on Nelspoortjie 105 farm also await Bid round 5. All EIA's have been approved with the rezoning applications.	These developments were identified in the BAR. Please refer to the maps in Appendix B.
BP Fourie and W. Fourie Nelspoortjie 103		Comment received via email on 13 December 2018-	Garob Wind Farm start construction 29 April 2019 on the Farm Nelspoortjie 103. Please show this Wind Farm on the maps.	The Garob Wind Farm is outside of the proposed prospecting right area. Notwithstanding this, the development has been included in Appendix B.
BP Fourie and W. Fourie Nelspoortjie 103		Comment received via email on 13 December 2018-	Construction of the Copperton Wind Farm have started September 2018. Please indicate this.	The Copperton Wind Farm is outside of the proposed prospecting right area. Notwithstanding this, the development has been included in Appendix B.
BP Fourie and W. Fourie Nelspoortjie 103		Comment received via email on 13 December 2018-	The "railway line" on the maps do not exist anymore and with no servitudes. The land of the railway tract is all private farm land. The "railway line" run through Nelspoortjie 105/103 is now all rezoned areas "Special Energy Zone". Please indicate this.	Please see the comment from Transnet SOC Ltd. with respect to the status of the railway line.  The spatial planning frameworks applicable to the area do not refer to a "Special Energy Zone".  The Pixley ka Seme SDF does make reference to a Renewable Energy Hub.  The boundary of the proposed Renewable Energy Hub is understood to be defined as 50 km either side of the Orange River, starting at De Aar and ending at Alexander Bay. The three proposed solar PV facilities on the Farm Nelspoortjie and several others, fall within this

				boundary. No spatial development policies for the Renewable Energy Hub have been gazetted.
Christopher Bellingham Juwi	Via email on 9 January 2019	Garob Wind Farm is owned by Enel Green Power, please contact the following people: M. Mathebula T. Hardev Please also list me as an I&AP and send the Basic Assessment Report and associated docs for review?	Thank you for the information provided. You have been added to the I&AP database.  Please see attached notification letter relating to the prospecting applications. The associated BARs can be downloaded from <a href="http://www.abs-africa.com/project-documents/">http://www.abs-africa.com/project-documents/</a>	
<b>Adjacent Occupiers of Site (Occupiers and users of land immediately adjacent to the Prospecting Rights Area Boundary)</b>	X			
No comments received. The stakeholder notification letter was distributed on 30 November 2018 and a reminder notification was sent on 7 January 2019.				
<b>Competent Authorities</b>	X			
Natasha Higgitt South African Heritage Resource Agency	Via email and attached letter on 31 January 2019	The SAHRA Archaeology, Palaeontology and Meteorites (APM) Unit has no objections to the proposed development and supports the recommendations of the specialists. The recommendations of the specialists and the following conditions must be included in the Environmental Management Programme (EMPr) to be included in the conditions of the EA: <ul style="list-style-type: none"> <li>• A no-go buffer zone of 10 m must be adhered to around all 127 identified heritage sites;</li> <li>• A walk-down of the finalised locations for invasive prospecting must be conducted prior to the</li> </ul>	The BAR section 21 "Aspects for Inclusion As Conditions Of Authorisation" has been updated to include the requirements as per SAHRAs letter dated 31 January 2019 and has also been attached in Appendix C of the final BAR.	

commencement of the invasive activities (this includes any ground clearance activities). A report detailing the results of the walk-down including an assessment of the impact to any identified heritage resources with the corresponding mitigation measures must be submitted to SAHRA for comment prior to invasive activities occurring. No invasive activities may occur without comment from SAHRA in this regard;

- The Final BAR and EMPr must be submitted to SAHRA for record purposes;
- If any evidence of archaeological sites or remains (e.g. remnants of stone-made structures, indigenous ceramics, bones, stone artefacts, ostrich eggshell fragments, charcoal and ash concentrations), fossils or other categories of heritage resources are found during the proposed development, SAHRA APM Unit (Natasha Higgitt/Phillip Hine 021 462 5402) must be alerted. If unmarked human burials are uncovered, the SAHRA Burial Grounds and Graves (BGG) Unit (Thingahangwi Tshivhase/Mimi Seetelo 012 320 8490), must be alerted immediately as per section 35(3) and 36(6) of the NHRA.

A professional archaeologist or palaeontologist, depending on the nature of the finds, must be contracted as soon as possible to inspect the findings. If the newly discovered heritage resources prove to be of archaeological or palaeontological significance, a Phase 2 rescue operation may be required subject to permits issued by SAHRA;



			<ul style="list-style-type: none"> <li>The decision regarding the EA Application must be communicated to SAHRA and uploaded to the SAHRIS Case application.</li> </ul>	
<b>Municipal Councillor</b>	<b>X</b>			
Gloria Speelman Siyathemba Local Municipality: Ward 4 Councillor		No comments received. The stakeholder notification letter was distributed on 30 November 2018 and a reminder notification was sent on 7 January 2019.		
<b>Local and District Municipality</b>	<b>X</b>			
H Tsume (Mayor) IWJ Stadhouer (Municipal Manager) J Basson (Infrastructure) Siyathemba Local Municipality		No comments received. The stakeholder notification letter was distributed on 30 November 2018 and a reminder notification was sent on 7 January 2019.		
MT Kibi Pixley ka Seme District Municipality		No comments received. The stakeholder notification letter was distributed on 30 November 2018 and a reminder notification was sent on 7 January 2019.		
<b>Communities</b>	<b>X</b>			
Residents of Copperton were notified through the site and newspaper notices and a hard copy of the Draft Basic Assessment Report was placed at the Orion Minerals Site Office in Copperton.				
<b>Department of Land Affairs</b>	<b>X</b>			
Kgotso Moeketsi Provincial Head: NC Department of Agriculture,		No comments received. The stakeholder notification letter was distributed on 30 November 2018 and a reminder notification was sent on 7 January 2019.		

Land Reform and Rural Development				
<b>Traditional Leaders</b>	<b>N/A</b>			
There is no traditional leadership structure applicable to the Mining Right Application Area.				
<b>Department of Environmental Affairs</b>	<b>X</b>			
Thulani Mthonbeni Dineo Kgosi David Khakhane NC Department of Environmental Affairs and Nature Conservation		No comments received. The stakeholder notification letter was distributed on 30 November 2018 and a reminder notification was sent on 7 January 2019.		
<b>Department of Water and Sanitation</b>				
Ntoi Mosala		Comment received via e-mail on 30 November 2018	Please forward all comments to the Department of Water & Sanitation, Upington office. Your queries will be attended to by assessors within the Department.	The stakeholder notification letter was distributed to the DWS Office of the Provincial Head: Northern Cape Province on 3 December 2018 and a reminder notification was sent on 7 January 2019.
<b>Organs of State with Jurisdiction</b>	<b>X</b>			
Livhuwani Ndou Transnet SOC Ltd.		Via email on 9 January 2019	On 30 November 2018, Transnet SOC Ltd. Received a notification from ABAS Africa identifying the organisation as a potential I&AP with respect to the above mentioned activity.	An environmental sensitivity plan for the Project has been compiled and is attached in Appendix B of the BAR. A buffer of 100 m has been applied to the railway line that traverses a section of the proposed prospecting right area. Invasive

		<p>In reviewing of the Prospecting Right and EA notification, the following was established:</p> <p>That Transnet's property may be affected at the farm Humansrus No 147.</p> <p>Based on the above, Transnet Freight Rail hereby wishes to draw your attention to Section 48 (1) of the Minerals and Petroleum Resources Development Act, 2002 which stipulates as follow:</p> <p>"48. (1) Subject to section 20 of the National Parks Act, 1976 (Act No. 57 of 1976), and subsection (2), no reconnaissance permission, prospecting right, mining right or mining permit may be issued in respect of—</p> <ul style="list-style-type: none"> <li>(a) land comprising a residential area;</li> <li>(b) any public road, railway or cemetery;</li> <li>(c) any land being used for public or government purposes or reserved in terms of any other law; or</li> <li>(d) areas identified by the Minister by notice in the Gazette in terms of section 49." <p>As far as the adjacent properties to the railway line is concerned, your attention is drawn to Regulation 17 (6) (a) of the Mine Health and Safety Act, 1996 which determines that no mining operations may be carried out under or within a horizontal distance of 100 metres from buildings, roads, railways and reserves.</p> <p>Notwithstanding the above, please note that Transnet does not object to the Prospecting Right and Environmental Authorisation, however, we would like to urge you to consider the following to</p> </li></ul>	<p>prospecting activities within the buffer areas are excluded.</p>
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			ensure TFRs property and operations at the project site are not unduly affected by your activity:  (a) Encroachment onto Transnet land shall not be allowed; and (b) No new railway crossing shall be allowed.  Furthermore it is recommended that all issues raised herein be adequately detailed in the projects finals Basic Assessment Report to be furnished to the competent authority.		
Busang Sethole South African Radio Astronomy Observatory		Via email on 25 January 2019	Apologies, the SKA has not been able to comment on the draft basic assessment report regarding this project. Please may you kindly send me the draft documents as I am no longer able to access it online. I understand the commenting period has already closed but I would like to see if there are any issues that may negatively affect the SKA.	I will send you a Dropbox link following this email to access the documents. Please note that if SKA comments is to be included in the Final BAR, you will have to submit these by Tuesday 29 January 2019 at the latest as we are obliged to finalise the BAR in accordance with the timeframes stipulated in the EIA Regulations, 2014 (as amended).	
Busang Sethole South African Radio Astronomy Observatory		Via email on 31 January 2019	Thanks, it looks like the SKA concerns are already well captured.	Comment acknowledged. No response necessary.	
<b>Other Competent Authorities Affected</b>	<b>X</b>				
Cynthia Nkoane		Via email on 11 January 2019	Please note that based on the information provided, the DRDLR is not the owner of any of the four properties listed in the attached (which are located in the Siyathemba LM).  In future, it would be appreciated if you would include the Registration Division (RD) for the properties, as properties often	Noted.	

			have the same farm number and/or name. The Local Municipality name assists, but the RD is a formal part of the property description which helps identify a specific property. It narrows down the search time.		
<b>Other Affected Parties</b>	<b>N/A</b>				
No other affected parties identified to date.					
<b>Interested Parties</b>	<b>X</b>				
Fabio Venturi on behalf of the Copperton Wind Farm		Via email on 10 December 2018	Please kindly register Terramanzi Group, representing Copperton Wind Farm (Pty) Ltd, for the above-mentioned Project applications.  Please kindly provide hyperlinks to the document downloads.	Your comment has been noted. You can download both BAR documents by following: <a href="http://www.abs-africa.com/project-documents/">http://www.abs-africa.com/project-documents/</a> (Orion Exploration. 5 Prospecting Right Applications).	
Fabio Venturi on behalf of the Copperton Wind Farm		Via email and attached letter on 18 January 2019	<b>1. Terms of Reference</b> 1.1. Terramanzi Group (hereinafter referred to as "TMG") is the appointed consultant to provide comment on behalf of Copperton Wind Farm (Pty) Ltd, the holder of the environmental authorization issued on the 15 August 2012 for the construction of the Copperton Wind Energy Facility, a 140MW Wind Energy Facility near Copperton, Northern Cape (DEA Authorisation Number: 12/12/20/2099) (hereinafter referred to as the "Copperton WEF").	Noted, no response necessary	
Fabio Venturi on behalf of the Copperton Wind Farm		Via email and attached letter on 18 January 2019	1.2. The comment that follows is a review of the Draft Basic Assessment Report (hereinafter referred to as "Draft BAR") prepared by ABS Africa (Pty) Ltd in relation to the Exploration No. 5 Prospecting Right Applications (Klipgatspan	Noted, no response necessary.	

Fabio Venturi on behalf of the Copperton Wind Farm	Via email and attached letter on 18 January 2019	Prospecting) (hereinafter referred to as the "Klipgatspan Prospecting Project").	
Fabio Venturi on behalf of the Copperton Wind Farm	Via email and attached letter on 18 January 2019	1.3. The Copperton WEF is located approximately 0.5 km north of the northern most tip of the Klipgatspan Prospecting Project area, and approximately 3.5km east of Copperton Town.  1.4. It is evident from the review that there are a number of deficiencies throughout various aspects of the Draft BAR. Furthermore, the impact of the proposed Klipgatspan Prospecting Project on the neighbouring Copperton WEF have not been identified nor assessed and therefore the assessment is flawed and must be redone, in addition to ground truthing with real data.	The respective boundaries of the proposed prospecting right area and the Copperton Wind Farm are approximately 0.5 km apart.  The Copperton Wind Farm is not an immediately adjacent land use to the proposed prospecting right area and although the exact sites for the invasive prospecting activities are to be determined through the non-invasive prospecting surveys, the drilling is expected to be between 500 m and up to 18 km from the Copperton Wind Farm.  At this distance, and with the proposed mitigation measures implemented, the proposed prospecting activities will have no impact on the Copperton Wind Farm.
Fabio Venturi on behalf of the Copperton Wind Farm	Via email and attached letter on 18 January 2019	<b>2. General Comments</b> 2.1. The report stipulates that no Waste Management License is required (Section 3.2 on page 16 of the Draft BAR), however this statement is not justified or substantiated.  2.2. The Draft BAR fails to list the production of renewable energy through the means of wind turbines as activity that occurs within the immediate surrounding environment, and therefore fails to assess the impacts of this proposed operation on the neighboring wind energy facility. The	No listed waste management activities have been identified as being relevant to the proposed prospecting activities.  Please refer to the response to comment 1.4.

			omission of this information contradicts a key finding of the draft BAR stated on page 53 in section 18.1 that "sufficient and appropriate information on the proposed development and the receiving environment was available for conducting the impact assessment". We request that these impacts are assessed, and appropriate mitigation measures be incorporated into the EMP.	
Fabio Venturi on behalf of the Copperton Wind Farm	Via email and attached letter on 18 January 2019	<p><b>3. Procedural Comments</b></p> <p>3.1. According to NEMA No. 107 of 1998 an Environmental Assessment Practitioner refers to "the individual responsible for the planning, management, co-ordination or review of environmental impact assessments, strategic environmental assessments, environmental management programmes or any other appropriate environmental instruments introduced through regulations". The draft BAR refers to ABS Africa as the name of the practitioner, and then proceeds to list the qualification of individuals. It is incorrect practice and unlawful for a company to be listed as the EAP.</p>	<p>The name of the EAP responsible for the BAR is provided in Section 1 of the BAR, their experience summarised in Section 1.2 of the BAR and a copy of their CV is provided in Appendix A of the BAR.</p> <p>The details of ABS Africa are included as it is the company which has been contracted by the applicant.</p>	
Fabio Venturi on behalf of the Copperton Wind Farm	Via email and attached letter on 18 January 2019	<p>3.2. The draft BAR does not stipulate what measures were taken to adequately assess and investigate alternatives. The NEMA, 1998, Appendix 1 3.(1) (h) states that a BAR must contain "a full description of the process followed to reach the proposed preferred alternative within the site". This draft BAR does not adequately address the requirements of NEMA with regards to the scope of assessment and content of the BAR.</p>	<p>Please refer to Section 6 and Section 13 of the BAR for details concerning the alternatives that have been considered.</p> <p>The BAR has been compiled in a manner which addresses the requirements of the EIA Regulations, 2014 (as amended) and the reporting format prescribed by the DMR.</p>	
Fabio Venturi on behalf of the Copperton Wind Farm	Via email and attached	<p>3.3. The Environmental Management Programme Report refers to licensed water sources (Section 29.2, page 61), from which</p>	<p>Specific water resources have not been identified at this stage as it will depend on the location of the invasive prospecting activities, which will only</p>	

	letter on 18 January 2019	10kl per day (per drill rig) will be obtained. The license number or a copy of these water use licenses (WUL) have been omitted from the report. It is requested that proof of these WUL be attached in subsequent BARs.	be determined after the non-invasive prospecting activities are complete.  If necessary, water will be obtained from the Alkantpan Pipeline in Copperton and transported to drilling site locations.
Fabio Venturi on behalf of the Copperton Wind Farm	Via email and attached letter on 18 January 2019	<p><b>4. Material Comment</b></p> <p>4.1. Draft BAR refers to the methodology of prospecting, notably the use of time-domain electromagnetic (TDEM) ground and airborne surveys. The report however fails to assess the impacts of employing this methodology, particularly with attention to the WEF are yet to be determined.</p>	<p>The impact of the TDEM surveys has been assessed in the BAR, mainly in terms of its radio-frequency and electro-magnetic frequency impact to the SKA / MeerKAT radio telescopes.</p> <p>The TDEM survey will be confined to the boundaries of the prospecting right area and no impact to the Copperton Wind Farm is thus anticipated.</p>
Fabio Venturi on behalf of the Copperton Wind Farm	Via email and attached letter on 18 January 2019	<p>4.2. This report coincides with the public comment period for the Orion Exploration No.5 Prospecting Right Application (Merriespan Prospecting) draft BAR for a prospecting right for an area within close proximity of the proposed Klipgatspan prospecting area, and the Copperton WEF. The table on page 16 of both reports have identical values. This table details the area of the roads and drilling that will take place on the proposed prospecting area. Please confirm if this was an oversight, or if despite the different prospecting areas differing in size and shape the area of these activities will be identical on both properties.</p>	<p>The Merriespan BAR has been corrected to reflect that the invasive prospecting activities will comprise of a planned 10 holes only, with a total surface disturbance area of approximately 0.29 ha.</p> <p>Section 3.2 of the Klipgatspan BAR has also been corrected to show the reduced total surface disturbance area for invasive prospecting activities. Note that this does not constitute new information but rather the correction of an error which has no influence on the impact assessment or recommended mitigation measures.</p>



<p>Fabio Venturi on behalf of the Copperton Wind Farm</p>	<p>Via email and attached letter on 18 January 2019</p>	<p>4.3. The Appendix 1 of the NEMA EIA Regulations, 2014 as amended, outline the requirements of the assessment and content of BAR. Included in these requirements is a "motivation for the need and desirability for the proposed development including the need and desirability of the activity in the context of the preferred location." We would like to state that this Draft BAR does not adequately motivate the need and desirability of the prospecting project, as the EAP merely highlights that the proposed sites are believed to be located on geology that suggests there are viable orebodies. The presence of potentially viable orebodies within the prospecting area is not substantive motivation for a project to proceed.</p>	<p>The need and desirability discussion is presented in Section 5 of the BAR. The discussion includes reference to the potential for economic growth, local economic development and employment creation if quality minerals were discovered and mining were to proceed.</p> <p>It is important to recognise that this application is for prospecting and not for mining or another type of permanent land use where a detailed assessment of need and desirability is important.</p> <p>The need and desirability analysis in the BAR complies with the requirements of the EIA Regulations, 2014 (as amended) and is adequate for informing an activity that is small-scale, temporary and low-impact.</p>
<p>Fabio Venturi on behalf of the Copperton Wind Farm</p>	<p>Via email and attached letter on 18 January 2019</p>	<p>4.4. Specialist Assessments 4.4.1. This draft BAR is an application for a prospecting right, however it is submitted that investigations which have been conducted for the assessment of the impacts of the proposed prospecting are inadequate. Reviewal of the assessment of the baseline environment, conducted through a desktop review, suggests that this specialist report is insufficient in terms of the requirements laid out in Appendix 6 of the NEMA, 1998 EIA Regulations, 2014 (as amended). Key aspects of the proposed prospecting are to hinge on this baseline information, and therefore ground truthing and full compliance with the requirements of NEMA are essential.</p>	<p>Given the significant extent of the prospecting rights area (approximately 20 000 ha) and the intention to temporarily disturb approximately 0.41 ha as part of the prospecting activities, it is impractical and unreasonable to subject the entire proposed area to a detailed specialist study.</p> <p>Sensitive heritage and ecological areas have been identified and excluded from invasive prospecting. Furthermore, the EMPr requires that an ecological and heritage survey be done at each drilling site prior to drilling commencing to ensure that no sensitive environmental and/or heritage feature is impacted upon.</p>

Fabio Venturi on behalf of the Copperton Wind Farm	Via email and attached letter on 18 January 2019	4.4.2. In furtherance to the point above, please be advised that a botanical assessment was conducted on the Copperton WEF site, located in close proximity to the proposed prospecting site (McDonald, 2016). This assessment showed that there is a protected species found on the site, which may be present in the areas surrounding the Copperton WEF. Anderson (2010) also noted a number of plants of special concern that were found areas adjacent to the Copperton WEF site. These species should be considered on the sites for prospecting right.	Given this, it is concluded that sufficient and adequate information on the baseline environment has been provided in the BAR.
Fabio Venturi on behalf of the Copperton Wind Farm	Via email and attached letter on 18 January 2019	4.5. Potential Mining Impacts 4.5.1. Should the prospecting identify viable orebodies for mining, and mining of these minerals are pursued, the impacts of the following are likely to adversely affect the Copperton WEF;	This application and associated basic assessment is only for prospecting.  Impacts of any mining, should this proceed, will have to be assessed as part of the mining right application and scoping and environmental impact reporting process required at that time.
Fabio Venturi on behalf of the Copperton Wind Farm	Via email and attached letter on 18 January 2019	4.5.2. Mining method of blasting 4.5.2.1. The operation, longevity and maintenance of the WEF are likely to be negatively impacted by the potential for future blasting should the prospecting prove to identify viable orebodies for mining. The turbines and infrastructure are potentially susceptible to even low levels of vibration impacts. The measures of the potential vibrations were omitted from the report Draft	Please see response to comment 4.5.

			BAR, therefore is uncertain what the potential degree of impact will be.	
Fabio Venturi on behalf of the Copperton Wind Farm		Via email and attached letter on 18 January 2019	4.5.3. Dust impacts 4.5.3.1. Should the potential mining go ahead, it is likely that the dust impacts that will arise from the mining will impact the functioning and maintenance of the Copperton WEF. particularly as Copperton is downwind of the proposed site for the mine.	Please see response to comment 4.5.
Fabio Venturi on behalf of the Copperton Wind Farm		Via email and attached letter on 18 January 2019	4.5.3.2. Furthermore, it is important to establish the cumulative impacts of the dust on the surrounding areas.	Please see response to comment 4.5.
Fabio Venturi on behalf of the Copperton Wind Farm		Via email and attached letter on 18 January 2019	4.5.4. Geology 4.5.4.1. Impacting the integrity of the geology and surface (sinkholes, slope failure, etc) can have a consequence on the surrounding environment, particularly the Copperton WEF. These impacts should be assessed.	Please see response to comment 4.5.
Fabio Venturi on behalf of the Copperton Wind Farm		Via email and attached letter on 18 January 2019	4.5.5. We argue, on behalf of our Client, that these potential actions be investigated as should these impacts be fatal to the surrounding environment the prospecting projects may prove to be redundant.	Please see response to comment 4.5.
Fabio Venturi on behalf of the Copperton Wind Farm		Via email and attached letter on 18 January 2019	5. Requirements of the EAP 5.1. Substantiate the reasoning as to why no Waste Management License is required.	Please see response to comment 2.1.

Fabio Venturi on behalf of the Copperton Wind Farm		Via email and attached letter on 18 January 2019	5.2. Acknowledge the adjacent location of the Copperton WEF and the potential impacts of the prospecting activities on this neighbouring infrastructure.	Please see response to comment 2.2.
Fabio Venturi on behalf of the Copperton Wind Farm		Via email and attached letter on 18 January 2019	5.3. Rectify the EAP information, as it is unlawful for a company to be registered as the EAP in terms of the NEMA EIA Regulations.	Please see response to comment 3.1.
Fabio Venturi on behalf of the Copperton Wind Farm		Via email and attached letter on 18 January 2019	5.4. Provide proof of the WUL referenced in the EMPi.	Please see response to comment 3.3.
Fabio Venturi on behalf of the Copperton Wind Farm		Via email and attached letter on 18 January 2019	5.5. Assess the prospecting methods, specifically TDEM, with regards to the impacts they may have on the surrounding environment and infrastructure, particularly that of the Copperton WEF.	Please see response to comment 4.1.
Fabio Venturi on behalf of the Copperton Wind Farm		Via email and attached letter on 18 January 2019	5.6. The EAP needs to confirm if the validity of the data detailed in the table on Page 16 of the Draft BAR, and the details are identical to the area extent of a different draft BAR application for a closely related Prospecting Right Application for the Merriespan Farm.	Please see response to comment 4.2.
Fabio Venturi on behalf of the Copperton Wind Farm		Via email and attached letter on 18 January 2019	5.7. Provide a substantive motivation regarding the need and desirability of the prospecting right.	Please see response to comment 4.3.

Fabio Venturi on behalf of the Copperton Wind Farm		Via email and attached letter on 18 January 2019	5.8. Conduct a botanical assessment that adequately meets the requirements of NEMA as laid out in Appendix 6 of NEMA.	Please see response to comment 4.4.
Fabio Venturi on behalf of the Copperton Wind Farm		Via email and attached letter on 18 January 2019	5.9. Determine the impacts (and cumulative impacts) of the proposed activity on the surrounding environment, with particular attention to the WEF; specifically, regarding the following	Please see response to comment 4.5.
Fabio Venturi on behalf of the Copperton Wind Farm		Via email and attached letter on 18 January 2019	5.9.1. Blast mining	Please see response to comment 4.5.
Fabio Venturi on behalf of the Copperton Wind Farm		Via email and attached letter on 18 January 2019	5.9.2. Resultant dust and air quality	Please see response to comment 4.5.
Fabio Venturi on behalf of the Copperton Wind Farm		Via email and attached letter on 18 January 2019	5.9.3. Integrity of the geology and ground surface	Please see response to comment 4.5.
Richard Summers on behalf of the Copperton Wind Farm		Via email and attached letter on 22 January 2019	1. We act for Copperton Wind Farm (Pty) Ltd, the holder of the environmental authorisation issued on 15 August 2012 for the construction of the Copperton Wind Energy Facility, a 140 MW Wind Energy Facility near Copperton, Northern Cape (with Authorisation Number: 12/12/20/2099) (hereinafter referred to as the "Copperton WEF").	Noted. No response necessary.

Richard Summers on behalf of the Copperton Wind Farm		Via email and attached letter on 22 January 2019	2. The purpose of this letter is to supplement the comments provided by Terramanzi Group (Pty) Ltd ("TMG") under cover of two letters dated 18 January 2019, subject to respectively the Klipgatspan Prospecting Project and Merriespan Prospecting Project, in relation to the draft Basic Assessment Reports ("BAR") prepared by ABS Africa (Pty) Ltd in relation to the applications by Orion Exploration No. 5 (Pty) Ltd for Prospecting Rights for minerals within the Copperton Subvolcanic area.	Noted. No response necessary.
Richard Summers on behalf of the Copperton Wind Farm		Via email and attached letter on 22 January 2019	3. Based on the comments dated 18 January 2019 prepared by TMG, we support the contention that there is a lack of information to support the notion that the mitigation measures will be a failsafe mechanism for protecting the operational success and viability of the Copperton WEF. More specifically, there is insufficient information to show that all impacts on Copperton WEF have been identified and all potential impacts will be avoided and/or mitigated. The draft BARs do not enable the competent authority (the Department of Mineral Resources ("DMR")) to have regard to all potential adverse environmental and socio-economic impacts, for the reasons identified by TMG.	Sufficient information on the potential impact of the prospecting activities on the environment and surrounding land users has been presented in the BAR. Please see the specific responses to the comments raised by TMG.
Richard Summers on behalf of the Copperton Wind Farm		Via email and attached letter on 22 January 2019	4. The Copperton WEF is a significant investment in renewable energy technology. The sustainable and long-term operation of the turbines and infrastructure (both above-ground and below-ground) is critical to the viability of the Copperton WEF. The turbines and infrastructure are potentially susceptible to vibration impacts caused by drilling and other	Noted. No response necessary.

Richard Summers on behalf of the Copperton Wind Farm		Via email and attached letter on 22 January 2019	subsurface interventions associated with the proposed prospecting.	
Richard Summers on behalf of the Copperton Wind Farm		Via email and attached letter on 22 January 2019	<p>5. The BARs in connection with the abovementioned applications do not identify, evaluate or assess the adverse impacts associated with drilling. More detailed information is required to illustrate that the avoidance and control of offsite impacts associated with drilling and prospecting operations is practicable and possible.</p> <p>6. As described in the letters dated 18 January 2019 from TMG, the relevant BARs do not contain sufficient information which (1) identifies the impacts and risk associated with drilling in relation to the prospecting projects and/or (2) the precise measures and management practices required to be followed in order to control and minimise the adverse effects on the Copperton WEF. Such information is required in order for the Basic Assessment process to satisfy the reporting requirements of the EIA Regulations and in turn for the Department's decision-making functions to withstand scrutiny in terms of section 2 and 24 of the National Environmental Management Act No. 107 of 1998 ("NEMA").</p>	<p>Adverse impacts of the prospecting activities, including drilling, have been assessed in the BAR.</p> <p>No vibration impact to the Copperton Wind Farm or any other land user has been identified as diamond-core drilling is a low vibration impact activity.</p> <p>Please refer to the responses to the issues raised by TMG.</p>
Richard Summers on behalf of the Copperton Wind Farm		Via email and attached letter on 22 January 2019	7. There is a potential for the proposed projects to impact adversely on the operational sustainability and viability of the Copperton WEF. The EIA process is required to identify and predict the actual or potential impact on socio-economic conditions, including the impact of a proposed development on the feasibility of other developments.	This application is for a small-scale, temporary and low-impact prospecting activity. The prospecting work programme is The prospecting activities have not been assessed to have any impact on the socio-economic conditions of any other developments. Impacts of any mining, should this proceed, will have to be assessed as part of the mining right application and scoping

Richard Summers on behalf of the Copperton Wind Farm	Via email and attached letter on 22 January 2019	8. The BARs for the Klipgatspan and Merriespan Prospecting Projects do not currently identify and predict the actual or potential environmental and socio-economic impacts associated with the projects.	and environmental impact reporting process required at that time. Where a mining development impacts on the socio-economic conditions of another development, a compensation agreement is typically signed between the relevant parties.
Richard Summers on behalf of the Copperton Wind Farm	Via email and attached letter on 22 January 2019	9. The failure to adequately address the procedural and material concerns raised in respect of these Projects will result in the Environmental Assessment Practitioner's submissions to the Department being considered non-compliant with NEMA and the EIA Regulations. Should this occur, our client reserves its rights to take appropriate legal action.	The socio-economic impacts of the prospecting activities have been considered. The socio-economic baseline is described in Section 8.1.15 of the BAR and the socio-economic impacts and mitigation measures, relevant to prospecting, are described in Sections 12, 16, 18 and 19 of the BAR and in several sections of the EMPr.  The BAR and the mitigation measures in the EMPr are considered to be compliant with the requirements of the EIA Regulations, 2014 (as amended).  It is submitted that the alleged procedural and material concerns are unrelated to the scope of the present application for prospecting. Rather, the concerns relate to the potential future impacts of mining on the Copperton Wind Farm. This concern is valid but should be addressed through the mining right application and associated scoping and environmental impact reporting process applicable at that time.



<p>Dick Petshwa</p>	<p>Via email on 31 January 2019</p>	<p>I am trying for the past months to access documents from your website without any success. All four projects listed on your website aren't accessible at all. The drop-down folders indicated aren't responsive.</p> <p>I am just but a local resident who's interested in your mining activities in Prieska. Please advise me on ways of getting access to the project documents.</p>	<p>Thank you for notifying us of your difficulty in accessing the documents.</p> <p>This is the first time we have been notified of this issue. In checking the website this morning, we confirm that the documents on the ABS Africa website are accessible from our end. We have however asked our website developer to check that there are no access problems which we may not be aware of.</p> <p>If you prefer to review a hard copy of the reports, please feel free to visit the Orion Minerals office in Prieska (GWK Filling Station) or the Prieska Library, where hard copies of the reports have been made available. A comment register has also been placed at these venues for comments to be provided.</p> <p>The comment period on the Vardocube Draft Environmental Impact Report closes on 25 February 2019. The comment period on the prospecting right applications has closed.</p> <p>Should you still have difficulty in accessing the document, please contact Chane at prieskapp@abs-africa.com or 021 403 6570.</p>
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## APPENDIX C5 –I&AP REGISTER

SURNAME	FIRST NAME	ORGANISATION	DATE OF NOTIFICATION	METHOD	DATE OF NOTIFICATION	METHOD
<b>Landowners (Within the Prospecting Rights Area Boundary)</b>						
Human	Christina Susanna	Private Landowner		notification sent to Hendrik Human		
Human	Hendrik Gideon	Private Landowner	30-Nov	Email and attached letter	07-Jan-19	Email
Rudolph	Gerhardus Jacobus	Private Landowner	30-Nov	Email and attached letter	07-Jan-19	Email
Bernard	Jemima Josina	Private Landowner	30-Nov	Email and attached letter	07-Jan-19	Email
Bernard	Jemima Josina	Private Landowner	30-Nov	Email and attached letter	07-Jan-19	Email
Buys	P.J	Private Landowner	30-Nov	Email and attached letter	07-Jan-19	Email
louw/viljoen	Cornelus	Private Landowner	30-Nov	Email and attached letter	07-Jan-19	Email
van heerden	Anton	Vrugbaar Boerdery Trust	30-Nov	Email and attached letter	07-Jan-19	Email
van heerden	Anton	Vrugbaar Boerdery Trust	30-Nov	Email and attached letter	07-Jan-19	Email
<b>Occupiers of the Site</b>						
Peinke	David	Atlantic Renewable Energy Partners	30-Nov	Email and attached letter	07-Jan-19	Email
Miszczak	Sonia	Atlantic Renewable Energy Partners	30-Nov	Email and attached letter	07-Jan-19	Email
Wolmarans	Johannes	Humansrus Solar Projects / Solek	30-Nov	Email and attached letter	07-Jan-19	Email
Cullum	John	Mulilo Sonnedix Prieska PV (RF) (Pty) Ltd	30-Nov	Email and attached letter	07-Jan-19	Email
Cullum	John	Hoekplaas Solar PV3 (Pty) Ltd	30-Nov	Email and attached letter	07-Jan-19	Email

Cullum	John	Hoekplaas Solar PV2 (Pty) Ltd	30-Nov Email and attached letter	07-Jan-19 Email
Cullum	John	Hoekplaas Solar PV4 (Pty) Ltd	30-Nov Email and attached letter	07-Jan-19 Email
Cullum	John	Klipgats PV3 (Pty) Ltd	30-Nov Email and attached letter	07-Jan-19 Email
Cullum	John	Klipgats PV7 (Pty) Ltd	30-Nov Email and attached letter	07-Jan-19 Email
Nyker	Jasandra	BioTherm Energy (Pty) Ltd	30-Nov Email and attached letter	07-Jan-19 Email
Nyker	Jasandra	BioTherm Energy (Pty) Ltd	30-Nov Email and attached letter	07-Jan-19 Email
Nyker	Jasandra	BioTherm Energy (Pty) Ltd	30-Nov Email and attached letter	07-Jan-19 Email
Ekkart	Frans	Tenant	30-Nov Email and attached letter	07-Jan-19 Email
Cullum	John	Mullio Prieska PV (RF) (Pty) Ltd	30-Nov Email and attached letter	07-Jan-19 Email
<b>Adjacent Landowners</b>				
Jenkins	Michelle	Prieska Copper Mines Ltd	30-Nov Email and attached letter	07-Jan-19 Email
Meyer	Pieter-Mike	Request Trust	30-Nov Email and attached letter	07-Jan-19 Email
Meyer	Pieter-Mike	Request Trust	30-Nov Email and attached letter	07-Jan-19 Email
Hamman	Hano	Prieska Copper Mines Ltd	30-Nov Email and attached letter	07-Jan-19 Email
Meyer	Pieter-Mike	Request Trust	30-Nov Email and attached letter	07-Jan-19 Email

Fourie	Wilhette	Private Landowner	30-Nov	Email and attached letter	07-Jan-19	Email
Fourie	Wilhette	Private Landowner	30-Nov	Email and attached letter	07-Jan-19	Email
Mdumyelwa	Nomzamo	Eskom Holdings SOC LTD	30-Nov	Email and attached letter	07-Jan-19	Email
Mdumyelwa	Nomzamo	Eskom Holdings SOC LTD	30-Nov	Email and attached letter	07-Jan-19	Email
Meyer	Hester Cecilia	Copperton Development CC	30-Nov	Email and attached letter	07-Jan-19	Email
Meyer	Hester Cecilia	Interested Party	30-Nov	Email and attached letter	07-Jan-19	Email
Bekebeke	Justice	Provincial Government of Northern Cape	30-Nov	Email and attached letter	07-Jan-19	Email
Meyer	Hester Cecilia	Request Trust	30-Nov	Email and attached letter	07-Jan-19	Email
Meyer	Hester Cecilia	Request Trust	30-Nov	Email and attached letter	07-Jan-19	Email
Meyer	Hester Cecilia	Request Trust	30-Nov	Email and attached letter	07-Jan-19	Email
Matsapola	Phaphedi	Armcor Defence Institutes / Alkantpan Test Range	30-Nov	Email and attached letter	07-Jan-19	Email
Matsapola	Phaphedi	Armcor Defence Institutes / Alkantpan Test Range	30-Nov	Email and attached letter	07-Jan-19	Email
Bernard	Jemima Josina	Private Landowner	30-Nov	Email and attached letter	07-Jan-19	Email
Matsapola	Phaphedi	Armcor Defence Institutes / Alkantpan Test Range	30-Nov	Email and attached letter	07-Jan-19	Email
Matsapola	Phaphedi	Armcor Defence Institutes / Alkantpan Test Range	30-Nov	Email and attached letter	07-Jan-19	Email

Crafford	Danie	Armcor Defence Institutes / Alkantpan Test Range	30-Nov	Email and attached letter	07-Jan-19	Email
Buys	P.J	Private Landowner	30-Nov	Email and attached letter	07-Jan-19	Email
de Jager	Justina	Agent to the Executor of the Estate of Mr. C.J de Jager	30-Nov	Email and attached letter	07-Jan-19	Email
de Jager	Aletta	Executor of the Estate of Mr.C.J de Jager (Surface owner	30-Nov	Email and attached letter	07-Jan-19	Email
Jansen van heerden	Willem	Unknown	30-Nov	Email and attached letter	07-Jan-19	Email
Human	Johannes Jurie	Private Landowner	30-Nov	Email and attached letter	07-Jan-19	Email
Human	Wynand	Unknown	30-Nov	Email and attached letter	07-Jan-19	Email
Fourie	Wilhette	Unknown	30-Nov	Email and attached letter	07-Jan-19	Email
Fourie	Wilhette	Unknown	30-Nov	Email and attached letter	07-Jan-19	Email
Meyer	Hester Cecilia	Request Trust	30-Nov	Email and attached letter	07-Jan-19	Email
Meyer	Hester Cecilia	Request Trust	30-Nov	Email and attached letter	07-Jan-19	Email
Bernard	Jemima Josina	Private Landowner	30-Nov	Email and attached letter	07-Jan-19	Email
Bernard	Jemima Josina	Private Landowner	30-Nov	Email and attached letter	07-Jan-19	Email
Buys	Pieter Jacobus	Private Landowner	30-Nov	Email and attached letter	07-Jan-19	Email
Human	Hendrik Gideon	Private Landowner	30-Nov	Email and attached letter	07-Jan-19	Email

Human	Christina/Johannes	Private Landowner		
Bernard Botha	Jemima Josina Magdalena	Uitspan Trust	30-Nov	Email and attached letter
Mahlangu	George	Enel Green Power RSA	09-Jan-19	Email and attached letter
Gurgoglione	Matteo	Enel Green Power RSA	09-Jan-19	Email and attached letter
Mathebula	Mantwa	Enel Green Power RSA	09-Jan-19	Email and attached letter
Singh	Trenisha	Enel Green Power RSA	09-Jan-19	Email and attached letter

Unknown

#### Adjacent Occupiers of the Site

Cullum	John	Struisbult PV 2 (Pty) Ltd.	30-Nov	Email and attached letter
Cullum	John	Mulilo Renewable Energy Solar PV (RF) (Pty) Ltd	30-Nov	Email and attached letter
Tredoux	Henri	Tenant	30-Nov	Email and attached letter
van der Westhuizen	Corne	Kronos Solar Farm 1 (Pty) Ltd	30-Nov	Email and attached letter
van der Westhuizen	Corne	Kronos Solar Farm 2 (Pty) Ltd	30-Nov	Email and attached letter
van der Westhuizen	Corne	Kronos Solar Farm 3 (Pty) Ltd	30-Nov	Email and attached letter
Cope	Jason	Veld Renewables (Copperton Wind Farm)	30-Nov	Email and attached letter
Matsapola	Phaphedi	Armcor Defence Institutes / Alkantpan Test Range	30-Nov	Email and attached letter

Matsapola	Phaphedi	Armcor Defence Institutes / Alkantpan Test Range	30-Nov Email and attached letter	07-Jan-19 Email
Matsapola	Phaphedi	Armcor Defence Institutes / Alkantpan Test Range	30-Nov Email and attached letter	07-Jan-19 Email
Arthur		Alkantpan Test Range - Lodge	30-Nov Email and attached letter	07-Jan-19 Email
Loots Kellerman	Tharina Gawie	Alkantpan Test Range - Lodge	30-Nov Email and attached letter	07-Jan-19 Email
<b>Municipal Councillor</b> Speelman	Gloria	Siyathemba Local Municipality: Ward 4 Councillor	30-Nov Email and attached letter	07-Jan-19 Email
<b>Local and District Municipality</b>				
Tsume	H	Siyathemba Local Municipality	30-Nov Email and attached letter	07-Jan-19 Email
Stadhouer	IWJ	Siyathemba Local Municipality	30-Nov Email and attached letter	07-Jan-19 Email
Basson	J	Siyathemba Local Municipality	30-Nov Email and attached letter	07-Jan-19 Email
Kibi	MT	Pixley ka Seme District Municipality	30-Nov Email and attached letter	07-Jan-19 Email
<b>Organs of State with Jurisdiction</b>				
Kgampe	M	D: Department of Science and Technology	30-Nov Email and attached letter	07-Jan-19 Email
Gumbi	N	DD: Department of Science & Technology	30-Nov Email and attached letter	07-Jan-19 Email
Nemaungani	T	CD: Department of Science & Technology	30-Nov Email and attached letter	07-Jan-19 Email



Sebueng	V	Department of Science and Technology: Admin Officer	30-Nov Email and attached letter	07-Jan-19 Email
Mazibuko	B	SKA SA - Spectrum	30-Nov Email and attached letter	07-Jan-19 Email
Matlhane	S	SKA SA - Spectrum	30-Nov Email and attached letter	07-Jan-19 Email
Monama	T	SKA SA - GIS	30-Nov Email and attached letter	07-Jan-19 Email
Mohapi	S	Department of Science & Technology - Legal Services	30-Nov Email and attached letter	07-Jan-19 Email
Moonsamy	S	Department of Science & Technology - Legal Services	30-Nov Email and attached letter	07-Jan-19 Email
Nape	T	SARAO - Permit Coordinator	30-Nov Email and attached letter	07-Jan-19 Email
Sethole	B	SKA SA - Analyst	30-Nov Email and attached letter	07-Jan-19 Email
Monyamane	Ezekiel	Transnet SOC LTD.	30-Nov Email and attached letter	07-Jan-19 Email
Reddy	Krishna	Transnet SOC LTD.	30-Nov Email and attached letter	07-Jan-19 Email
Papenfus	Norman	Transnet SOC LTD.	30-Nov Email and attached letter	07-Jan-19 Email
Hamman	J.N	Provincial Government: Northern Cape	30-Nov Email and attached letter	07-Jan-19 Email
Timothy	A	South African Heritage Resource Agency	30-Nov Email and attached letter	07-Jan-19 Email
Nogwili	K	Northern Cape Department of Transport, Roads & Public Works	30-Nov Email and attached letter	07-Jan-19 Email
Abrahams	A	Department of Water & Sanitation: Kimberley	30-Nov Email and attached letter	07-Jan-19 Email

Ntsoi	Mosala	Department of Water & Sanitation	30-Nov	Email and attached letter	07-Jan-19	Email
Khufjo	Sekwaila	Department of Water & Sanitation: Northern Cape Regic	30-Nov	Email and attached letter	07-Jan-19	Email
Govender	M	Department of Environmental Affairs	30-Nov	Email and attached letter	07-Jan-19	Email
Swart	P	Department of Mineral Resources: Northern Cape	30-Nov	Email and attached letter	07-Jan-19	Email
Shandukani	Patricia	Department of Mineral Resources: Northern Cape	30-Nov	Email and attached letter	07-Jan-19	Email
Mashau	Humbulani	Department of Mineral Resources: Northern Cape	30-Nov	Email and attached letter	07-Jan-19	Email
de Kock	Rene	SANRAL SOC LTD.	30-Nov	Email and attached letter	07-Jan-19	Email
Moholo	Sylvia	Department of Public Works: Kimberley	30-Nov	Email and attached letter	07-Jan-19	Email
Moeketsi	Kgotso	Provincial Head: NC Department of Agriculture, Land Rel	30-Nov	Email and attached letter	07-Jan-19	Email
Dikeni	T	CEO: Northern Cape Economic Development, Trade and	30-Nov	Email and attached letter	07-Jan-19	Email
Lucas	S	Northern Cape Office of the Premier	30-Nov	Email and attached letter	07-Jan-19	Email
Moleko	D	Northern Cape Provincial Government	30-Nov	Email and attached letter	07-Jan-19	Email
Ravhugoni	Ntsundeni	Department of Mineral Resources: Northern Cape - Envi	30-Nov	Email and attached letter	07-Jan-19	Email
Mthonbeni	Thulani	Northern Cape Department of Environmental Affairs anc	30-Nov	Email and attached letter	07-Jan-19	Email
Kgosi	Dineo	Northern Cape Department of Environmental Affairs anc	30-Nov	Email and attached letter	07-Jan-19	Email

Cloete	Shaun	Department of Water & Sanitation: Kimberley	30-Nov Email and attached letter	07-Jan-19 Email
Mahlako	R	Department of Water & Sanitation: Kimberley	30-Nov Email and attached letter	07-Jan-19 Email
Dlamini	Bonginkosi	Department of Environmental Affairs - Hazardous Waste	30-Nov Email and attached letter	07-Jan-19 Email
Mahlangu	Lucas	Department of Environmental Affairs - Hazardous Waste	30-Nov Email and attached letter	07-Jan-19 Email
Sefako	Dr Ramotholo	South African Astronomical Observatory	30-Nov Email and attached letter	07-Jan-19 Email
Kekana	David	Northern Cape Department of Environmental Affairs anc	30-Nov Email and attached letter	07-Jan-19 Email
Mosala	Ntoi	Department of Water & Sanitation UPT	30-Nov Email and attached letter	07-Jan-19 Email
<b>Other</b>				
Shamu	Walter	Orion Minerals	43434 Email and attached letter	07-Jan-19 Email
Birch	Marcus	Orion Minerals	43434 Email and attached letter	07-Jan-19 Email
Brown	Robyn	Mulilo Renewable Project Developments	30-Nov Email and attached letter	07-Jan-19 Email
Liebenberg	Schalk	GWK Group	30-Nov Email and attached letter	07-Jan-19 Email
Brooks	Llewellyn	GWK Group	30-Nov Email and attached letter	07-Jan-19 Email
Kotze	Juan	GWK Group	30-Nov Email and attached letter	07-Jan-19 Email
van Zyl	Wiehann	Solek Renewable Energy Engineers	30-Nov Email and attached letter	07-Jan-19 Email

Botha	Simon	Interested Party	30-Nov Email and attached letter	07-Jan-19 Email
Dean	David	Mainstream Renewable Power South Africa	30-Nov Email and attached letter	07-Jan-19 Email
Papier	Piet	Interested Party	30-Nov Email and attached letter	07-Jan-19 Email
Potgieter	Izak	Duncan & Rothman Attorneys	30-Nov Email and attached letter	07-Jan-19 Email
Steenkamp	Lucas Petrus	Interested Party	30-Nov Email and attached letter	07-Jan-19 Email
Diuger	Edward	Boer/ Landboukamdige	30-Nov Email and attached letter	07-Jan-19 Email
Wessels	D.C	Steenkop Boerdery	30-Nov Email and attached letter	07-Jan-19 Email
de Jager	Cornelius Frans	(Azuntie Straat) Independent Homeowner	30-Nov Email and attached letter	07-Jan-19 Email
Gainsford	Percy	Prieska Black Business Forum	30-Nov Email and attached letter	07-Jan-19 Email
de Jager	Sandra	Interested Party	30-Nov Email and attached letter	07-Jan-19 Email
Human	Wynand	Interested Party	30-Nov Email and attached letter	07-Jan-19 Email
Human	Johannes	Agri Prieska	30-Nov Email and attached letter	07-Jan-19 Email
Dwyer	Dulcken	Agri Prieska	30-Nov Email and attached letter	07-Jan-19 Email
Botha	JP	Agri Prieska	30-Nov Email and attached letter	07-Jan-19 Email
Hamman	Hano	Prieska Copper Mines Ltd	30-Nov Email and attached letter	07-Jan-19 Email

Venturi	Fabio	Terramanzi	30-Nov	Email and attached letter	07-Jan-19	Email
Parra	Rodrigo	Elawan	30-Nov	Email and attached letter	07-Jan-19	Email
Low	Karen	Mullio Renewable Project Developments	30-Nov	Email and attached letter	07-Jan-19	Email
Van Wyk	Helen Cathren Louise	Gemeend Trust	30-Nov	Email and attached letter	07-Jan-19	Email
van Zyl	Salmon Jacobus	Private Landowner	30-Nov	Email and attached letter	07-Jan-19	Email
Buys	P.J	Private Landowner	30-Nov	Email and attached letter	07-Jan-19	Email
Nyker	Jasandra	BioTherm Energy (Pty) Ltd	30-Nov	Email and attached letter	07-Jan-19	Email
van der Westhuizen	Corne	Kronos Solar Farm 1 (Pty) Ltd	30-Nov	Email and attached letter	07-Jan-19	Email
Peinke	David	Atlantic Renewable Energy Partners	30-Nov	Email and attached letter	07-Jan-19	Email
Wolmarans	Johannes	Humansrus Solar Projects / Solek	30-Nov	Email and attached letter	07-Jan-19	Email
Dean	David	Mainstream Renewable Power South Africa	30-Nov	Email and attached letter	07-Jan-19	Email
Brown	Robyn	Mullio Renewable Project Developments	30-Nov	Email and attached letter	07-Jan-19	Email
van Zyl	Wiehann	Solek Renewable Energy Engineers	30-Nov	Email and attached letter	07-Jan-19	Email
Mathebula	Mantwa	Garob Wind Farm is owned by Enel Green Power			09-Jan-19	Email and attached letter
Hardev	Trenisha	Garob Wind Farm is owned by Enel Green Power			09-Jan-19	Email and attached letter

Email and  
09-Jan-19 attached letter

Email and  
09-Jan-19 attached letter

Juwi

Christopher

Bellingham

Department of Rural Development and Land Reform

Deidre

Coopman