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**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

5 September 2019

Dear Interested or Affected Party

#### **Notification and Project Summary**

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

In November 2018, Orion Exploration No. 5 (Pty) Ltd. (Orion) lodged an application for a prospecting right over three farm portions. A basic assessment environmental authorisation (EA) process was conducted in support of the application and a decision on the EA is pending.

On submission of the Prospecting Right Application (PRA), Orion was informed by the DMR that the mineral rights for 10 of the minerals they had applied for were held by a third party over two of the three farm portions relevant to the PRA. Accordingly, these minerals were excluded from the PRA lodged by Orion.

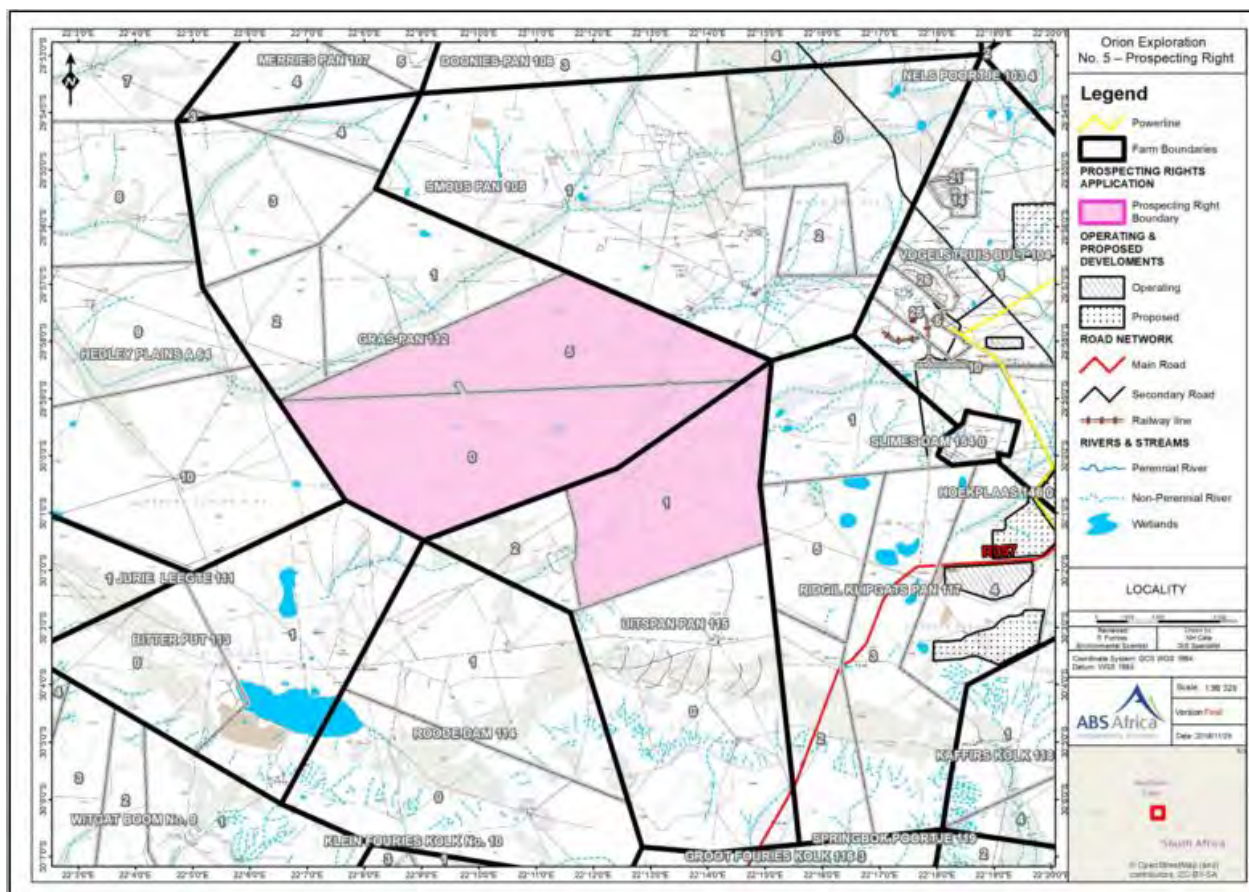
These rights have since lapsed and Orion is thus lodging a second PRA on the remaining portion and Portion 5 of the Farm Graspan 112 and Portion 1 of Uitspan 115 for the 10 minerals excluded from their first PRA.

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.

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



**Figure 1: Location of the Prospecting Boundary**

Comments on the Draft BAR are to be submitted to ABS Africa by **7 October 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

## 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

5 September 2019

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 Prospekteringsreg en Omgewingsmagtiging vir prospekteeraktiwiteite in die omgewing van die historiese Prieska Koper Myn (PCM).

Orion Exploration No. 5 (Pty) Ltd. (Orion) het in November 2018 'n aansoek om 'n prospekteer reg oor drie plaasgedeeltes ingedien. 'N Basiese assessering omgewingsmagtiging (EA) proses is ter ondersteuning van die aansoek gedoen en 'n besluit oor die EA is hangende.

By die indiening van die Prospekteer Reg Aansoek (PRA) is Orion deur die DMR in kennis gestel dat die minerale regte vir 10 van die minerale waarvoor hulle aansoek gedoen het, deur 'n derde party gehou word oor twee van die drie plaasgedeeltes wat relevant is tot die PRA. Gevolglik is hierdie minerale uitgesluit van die PRA wat deur Orion ingedien is.

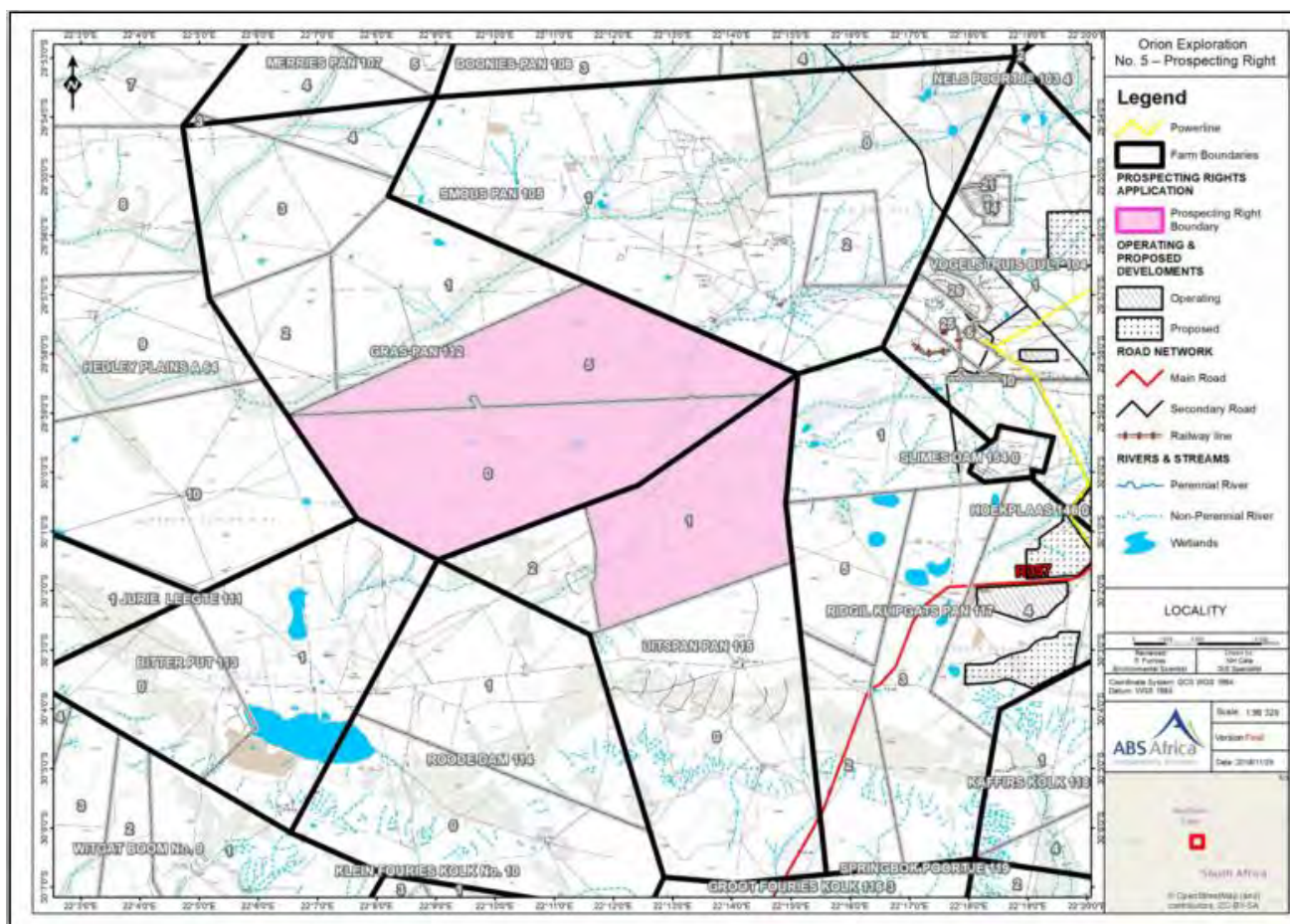
Hierdie regte het sedertdien verval en Orion dien dus 'n tweede PRA vir die 10 minerale wat uitgesluit is van hul eerste PRA op restant gedeelte en gedeelte 5 van die plaas Gras Pan 112 en gedeelte 5 van die Plaas Uitspan 115

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

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 Kantoor, Copperton
  - Prieska Munisipale Biblioteek, Stewart Straat, Prieska
  - Orion Minerals Kantore, Loots Boulevard, Prieska



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

Insette en kommentaar rakende die voorlopige Omvangsbepalingsverslag moet ABS Africa asb. bereik voor of **7 Oktober 2019**.

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**

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

**Orion Exploration No. 5 (Edms) Bpk, Prospektering, Copperton, Siyathemba Plaaslike Munisipaliteit,  
Noord Kaap**

### **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).

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By die indiening van die Prospekter Reg Aansoek (PRA) is Orion deur die DMR in kennis gestel dat die minerale regte vir 10 van die minerale waarvoor hulle aansoek gedoen het, deur 'n derde party gehou word oor twee van die drie plaasgedeeltes wat relevant is tot die PRA. Gevolglik is hierdie minerale uitgesluit van die PRA wat deur Orion ingedien is.

Hierdie regte het sedertdien verval en Orion dien dus 'n tweede PRA vir die 10 minerale wat uitgesluit is van hul eerste PRA.

Die applikant doen aansoek vir prospekterregte op die volgende plase:

<b>Plaasnaam</b>	<b>Nommer</b>	<b>Gedeelte</b>
Gras Pan	112	5
Gras Pan	112	RE
Uitspan	115	1

### **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:

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- Via e-pos: [prieskapp@abs-africa.com](mailto:prieskapp@abs-africa.com)
- Kopieë van die dokument kan ook by die volgende plekke besigtig word:
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  - Prieska Munisipale Biblioteek, Stewart Straat, Prieska
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Insette en kommentaar rakende die voorlopige Omvangsbepalingsverslag moet ABS Africa asb. bereik voor of op **7 Oktober 2019**.

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

Me. 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)



## APPENDIX C3 – SITE NOTICE

# NOTICE OF APPLICATION FOR PROSPECTING RIGHT AND ENVIRONMENTAL AUTHORISATION

## Orion Exploration No. 5 (Pty) Ltd, Exploration Prospecting, Copperton, Siyathemba Local Municipality, Northern Cape

### Notification and Project Summary

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

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These rights have since lapsed and Orion is thus lodging a second PRA on the following properties for the 10 minerals excluded from their first PRA:

Farm Name	Farm Number	Portion Number
Gras Pan	112	5
Gras Pan	112	RE
Uitspan	115	1

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.

### Basic Assessment Process

The proposed development concerns listed activities identified in Listing Notice 1 of the EIA Regulations, 2014. 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:

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Comments on the Draft BAR are to be submitted to ABS Africa by **7 October 2019**.

Should you have any queries or wish to register as an Interested and Affected Party (I&AP), please contact the undersigned.

Ms. Chané Pretorius

ABS Africa (Pty) Ltd

Tel: +27 21 403 6570

PO Box to 14003, Vorna Valley, 1686

Email: [prieskapp@abs-africa.com](mailto:prieskapp@abs-africa.com)

**Date of Placement: 5 September 2019**



# KENNISGEWING RAKENDE DIE AANSOEK OM 'N PROSPEKTEERREG EN OMGEWINGSMAGTIGING

## Orion Exploration No. 5 (Edms) Bpk, Prospektering, Copperton, Siyathemba Plaaslike Munisipaliteit, Noord Kaap

### 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).

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Gras Pan	112	RE
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Prospekteraktiwiteite sal onderneem word deur nie-indringende (oorsig van historiese aktiwiteite, geofisiese opname, geofisiese kartering, analise van boormonsters, uitvoerbaarheidstudie) en indringende (kernboor en slootuitgrawings) tegnieke.

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Insette en kommentaar rakende die voorlopige Omvangsbepalingsverslag moet ABS Africa asb. bereik voor of op **7 Oktober 2019**.

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

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

**Datum van Kennisgewing: 5 September 2019.**



**APPENDIX C4 - COMMENTS AND RESPONSES (2018 APPLICATION)**



<b>INTERESTED AND AFFECTED PARTIES</b>		<b>DATE COMMENTS RECEIVED</b>	<b>ISSUES RAISED</b>	<b>EAPS RESPONSE TO THE ISSUES RAISED</b>
<b>LIST THE NAMES OF PERSONS CONSULTED IN THIS COLUMN; AND MARK WITH AN X WHERE THOSE WHO MUST BE CONSULTED WERE IN FACT CONSULTED</b>				
<b>AFFECTED PARTIES</b>				
<b>Landowner/s (Owners of land included in the Prospecting Rights Area Boundary)</b>	<b>X</b>			
No comments received.				
<b>Occupiers of the Site (Parties using land within the Prospecting Rights Area Boundary)</b>	<b>X</b>			
No comments received.				
<b>Adjacent Landowners (Owners of land immediately adjacent to the Prospecting Rights Area Boundary)</b>	<b>X</b>			

No comments received.				
<b>Adjacent Occupiers of Site (Occupiers and users of land immediately adjacent to the Prospecting Rights Area Boundary)</b>	<b>X</b>			
No comments received.				
<b>Competent Authorities</b>	<b>X</b>			
SAHRA comments?				
<b>Municipal Councillor</b>	<b>X</b>			
Gloria Speelman  Siyathemba Local Municipality: Ward 4 Councillor		No comments received.		
<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.		
MT Kibi		No comments received.		

Pixley ka Seme District Municipality				
<b>Communities</b>	<b>X</b>			
Residents of Copperton were notified through the site and newspaper notices and a hard copy of the Draft Scoping Report was placed at the Orion Minerals Site Office in Copperton, Prieska Municipal Library and Orion Minerals Office in Prieska				
<b>Department of Land Affairs</b>	<b>X</b>			
Kgotso Moeketsi Provincial Head: NC Department of Agriculture, Land Reform and Rural Development		No comments received.		
<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.		
<b>Organs of State with Jurisdiction</b>	<b>X</b>			

Cynthia Nkoane Department of Rural Development and Land Reform		Received via email on 7 February 2019	Please note that neither of the properties belong to the Department of Rural Development and Land Reform, and that we therefore have no input or comment to make.	Noted. No response necessary.
<b>Other Competent Authorities Affected</b>	<b>X</b>			
No comments received.				
<b>Other Affected Parties</b>	<b>N/A</b>			
No other affected parties identified to date.				
<b>Interested Parties</b>	<b>X</b>			
George Mahlangu ENEL (Garob Wind Farm)		Sent via email 9 January 2019	<p>I got the attached email from our colleagues to contact you regarding the prospect of the mining rights and application thereof.</p> <p>I am the PM for the Garob WF and you are more than welcome to engage with me with regard to the project.</p>	<p>As discussed, ABS Africa is the appointed EAP for several pending mining and prospecting right applications in the Copperton area of the Northern Cape Province.</p> <p>Further information on these can be obtained from our website:</p> <p><a href="https://abs-africa.com/project-documents/#1515067943327-633f5cf8-31c7">https://abs-africa.com/project-documents/#1515067943327-633f5cf8-31c7</a></p> <p>We were recently informed by Pieter Fourie that Enel is commencing with the construction of the Garob Wind Farm in April 2019.</p> <p>As mentioned, we would like to hold a meeting with yourselves at your offices to discuss:</p>

			<p>My team seems to be engaged between now and the 30 January 2019.</p> <p>We can set it for the 1st week of February 2019</p>	<ol style="list-style-type: none"> <li>1. Background to Orion and Overview of Prospecting / Mining Projects in the Northern Cape Region</li> <li>2. Status of the prospecting / mining applications</li> <li>3. Status of the Garob Wind Farm</li> <li>4. General Discussion</li> </ol> <p>Please could you provide us with a few dates, preferably in the next two weeks, that would suit you for the meeting</p> <p><b><u>E-Mail to George Mahlangu on 11 February 2019</u></b></p> <p>Thank you for the call earlier.</p> <p>From the discussion, I understand that you have considered the information in the reports made available as part of the public participation process and there is, at this stage, no need for a meeting.</p> <p>You mentioned that you have not identified any significant issues with the proposed prospecting and mining activities other than the possible water supply constraint which is being discussed</p>
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				between the relevant parties, including the Siyathemba Local Municipality.
Terramanzi Group (PTY) LTD (Gerda Bothma) On behalf of Copperton Wind Farm (Pty) Ltd		Sent via email and attached letter on 11 March 2019	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.
Terramanzi Group (PTY) LTD (Gerda Bothma) On behalf of Copperton Wind Farm (Pty) Ltd		Sent via email and attached letter on 11 March 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 Orion Exploration No.5 Prospecting Right Application (Exploration Prospecting on Graspan and Uitspan) (hereinafter referred to as the "Graspan Prospecting Project").	Noted, no response necessary.
Terramanzi Group (PTY) LTD (Gerda Bothma) On behalf of Copperton Wind Farm (Pty) Ltd		Sent via email and attached letter on 11 March 2019	1.3. The Copperton WEF is located approximately 10km to the north-east of the proposed Graspan prospecting area. The town of Copperton is located approximately 3.5km west of the Copperton WEF.	Noted, no response necessary.

<p>Terramanzi Group (PTY) LTD (Gerda Bothma)</p> <p>On behalf of Copperton Wind Farm (Pty) Ltd</p>		<p>Sent via email and attached letter on 11 March 2019</p>	<p>1.4. Note that previous comments submitted by TMG as well as Mr. Richard Summers, on behalf of Copperton Wind Farm (Pty) Ltd, pertaining the various prospecting and mining projects in the surrounding area, has reference, namely:</p> <p>1.4.1. Repli Trading No. 27 (Pty) Ltd (NC 30/5/1/2/2/10138MR)</p> <p>1.4.2. 1.4.2.Vardocube Project (NC30/5/1/1/2/2/10146M)</p> <p>1.4.3. 1.4.3.Merriespan Prospecting Project (TBC)</p> <p>1.4.4. 1.4.4.Klipgatspan Prospecting Project (NC30/5/1/1/2/12258PR)</p>	<p>Responses to these comments have been provided in the reports compiled for the respective environmental authorisation applications.</p>
<p>Terramanzi Group (PTY) LTD (Gerda Bothma)</p> <p>On behalf of Copperton Wind Farm (Pty) Ltd</p>		<p>Sent via email and attached letter on 11 March 2019</p>	<p><b>2. Procedural Comment</b></p> <p>2.1. The cumulative impact of the proposed Graspan Prospecting Project and the various prospecting and mining projects in the surrounding area as outlined above in 1.4 above, have not been mentioned nor assessed within the Draft BAR and therefore the assessment is flawed, as it is explicitly stated within the EIA Regulations of 2014 (as amended) that an assessment of each identified potentially significant impact and risk, including cumulative impacts must be included in the scope of the assessment and the content</p>	<p>Cumulative impacts were considered through the application of the impact assessment methodology described in Section 10 of the BAR. In applying the impact ratings, consideration is given to the possible cumulative impacts on the environment from other existing or planned activities in the area and the extent to which the specific prospecting activity may influence this. The assigned impact rating then reflects this.</p> <p>Specific mitigation measures have been recommended for managing the impacts from the prospecting activities to prevent any</p>

			of the basic assessment report (NEMA EIA Regulations, 2014 (as amended) Appendix 1 3(1)(j)(i)).	significant detrimental impact, cumulative or otherwise, to the environment.
Terramanzi Group (PTY) LTD (Gerda Bothma)  On behalf of Copperton Wind Farm (Pty) Ltd		Sent via email and attached letter on 11 March 2019	2.2. Further to the aforementioned omission of a cumulative assessment of the numerous prospecting and mining projects on the surrounding environment, the potential cumulative impact on the Copperton WEF has similarly not been identified nor assessed.	Please see the responses above with respect to the manner in which cumulative impacts were assessed. Included in this assessment was the fact that the distance from the boundary of the proposed prospecting area to the Copperton WEF is approximately 10 km. No additive cumulative impact contribution from the proposed prospecting activity is expected at this distance.
Terramanzi Group (PTY) LTD (Gerda Bothma)  On behalf of Copperton Wind Farm (Pty) Ltd		Sent via email and attached letter on 11 March 2019	2.3. As described herein, the Draft BAR does 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").	Please refer to the responses above.



<p>Terramanzi Group (PTY) LTD (Gerda Bothma)</p> <p>On behalf of Copperton Wind Farm (Pty) Ltd</p>		<p>Sent via email and attached letter on 11 March 2019</p>	<p>2.4. In accordance with the Regulation 13(1)(a) of the NEMA EIA Regulations 2014 (as amended), the Environmental Assessment Practitioner (EAP) is required to be independent. It is hereby suggested that the EAP responsible for the undertaking of all the mining and prospecting applications cited in 1.4 above, appears to be continuously disregarding pertinent procedural issues related to the aforementioned projects, as raised with the EAP herein and previously. As such, the EAP's objectivity and therefore independence is inevitably brought into question and the Competent Authority is requested to investigate this matter in terms of Regulation 14(3).</p>	<p>Responses to all comments received have been provided by the EAP in the reports compiled for the respective environmental authorisation applications.</p> <p>There are no circumstances known to the EAP for this application and the other applications for which the EAP has been appointed, that are in conflict with the requirement for an EAP to be independent, as defined by the EIA Regulations, 2014 (as amended).</p>
<p>Terramanzi Group (PTY) LTD (Gerda Bothma)</p> <p>On behalf of Copperton Wind Farm (Pty) Ltd</p>		<p>Sent via email and attached letter on 11 March 2019</p>	<p><b>3. Material Comment</b></p> <p>3.1. 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 subsurface interventions associated with the proposed prospecting. The Draft BAR does 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>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. Diamond-core drilling is a non- vibration impact activity.</p>

<p>Terramanzi Group (PTY) LTD (Gerda Bothma)</p> <p>On behalf of Copperton Wind Farm (Pty) Ltd</p>		<p>Sent via email and attached letter on 11 March 2019</p>	<p>3.2. There is a potential for the proposed prospecting project to impact adversely on the operational sustainability and viability of the Copperton WEF and 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. The Draft BAR does not currently identify and predict the actual or potential environmental and socio-economic impacts associated with the project.</p>	<p>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.</p> <p>This application is for a small-scale, temporary and low-impact prospecting activity, situated approximately 10 km from the Copperton WEF. No impacts have been identified which could have the potential to impact on the socio-economic conditions of the Copperton WEF.</p>
<p>Terramanzi Group (PTY) LTD (Gerda Bothma)</p> <p>On behalf of Copperton Wind Farm (Pty) Ltd</p>		<p>Sent via email and attached letter on 11 March 2019</p>	<p>3.3. The 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 identify and assess the potential impacts of employing this methodology, particularly with attention to the WEF.</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 WEF is thus anticipated.</p>
<p>Terramanzi Group (PTY) LTD (Gerda Bothma)</p>		<p>Sent via email and attached letter on 11</p>	<p>3.4. It is stated within Section 22 of the Draft BAR, that "The contents of this report: - Are based on the legal requirements for undertaking a Basic Assessment Process, as defined in the National Environmental</p>	<p>Please refer to the responses above with respect to the comments regarding "procedural flaws".</p>

On behalf of Copperton Wind Farm (Pty) Ltd		March 2019	Management Act, 1998 (Act No. 107 of 1998), the EIA Regulations (2014) and the scope of services as defined within the contractual undertakings between Orion Exploration No.5 and ABS Africa;". Please note that this statement is deemed to be incorrect and could be considered as misleading. As highlighted in 2 above, there are procedural flaws for this Draft BAR and the aforementioned statement should be corrected.	
Terramanzi Group (PTY) LTD (Gerda Bothma)  On behalf of Copperton Wind Farm (Pty) Ltd		Sent via email and attached letter on 11 March 2019	<p>3.5. Upon review of the Draft BAR, the potential impacts (including cumulative impact) of the proposed activities on the Copperton WEF (which has not been identified as a potential sensitive receptor), is unclear. Similarly, it is unclear whether the proposed mitigation measures will be adequate to address the potential impacts on the Copperton WEF. The potential impacts (and cumulative impacts) of the proposed activity on the surrounding environment and associated mitigation measures required, with particular attention to the WEF; specifically, regarding the following must be identified and assessed in further detail:</p> <p>3.5.1. TDEM ground and airborne surveys</p> <p>3.5.2. Resultant dust and air quality impact from invasive prospecting</p> <p>3.5.3. Integrity of the geology and ground surface resulting from invasive prospecting</p>	<p>Please refer to the comments above with respect to the consideration of cumulative impacts.</p> <p>The Copperton WEF is recognised as a surrounding landuse (Appendix B of the BAR) and the impacts of the prospecting on all surrounding landusers was considered to the extent reasonable given that the application is for a small-scale, temporary and low-impact prospecting activity.</p> <p>Impacts have been assessed and specific mitigation measures have been recommended for managing the impacts from the prospecting activities so that there is no significant detrimental impact to the environment.</p>
Terramanzi Group (PTY) LTD (Gerda Bothma)		Sent via email and attached letter on 11	<p><b>4. Requirements of the EAP</b></p> <p>4.1. Acknowledge the location of the Copperton WEF (and any other adjacent renewable energy facilities) and the</p>	The impact of the proposed prospecting activities on surrounding current and future land uses has been considered.. Please refer to Section 8.1.16 and 8.1.17 of the BAR. This

<p>On behalf of Copperton Wind Farm (Pty) Ltd</p>		<p>March 2019</p>	<p>potential impacts of the prospecting activities on these nearby sensitive receptors.</p>	<p>includes the operating and proposed solar PV facilities as well as the Copperton WEF, which is specifically indicated in Appendix B of the BAR.</p>
<p>Terramanzi Group (PTY) LTD (Gerda Bothma)  On behalf of Copperton Wind Farm (Pty) Ltd</p>		<p>Sent via email and attached letter on 11 March 2019</p>	<p>4.2. Assess the prospecting methods, including TDEM, with regards to the impacts they may have on the surrounding environment and infrastructure, particularly that of the Copperton WEF.</p>	<p>Please see response to comment 3.3.</p>
<p>Terramanzi Group (PTY) LTD (Gerda Bothma)  On behalf of Copperton Wind Farm (Pty) Ltd</p>		<p>Sent via email and attached letter on 11 March 2019</p>	<p>4.3. Provide a clear and detailed assessment on the cumulative impact of the proposed project on the surrounding environment as well on the Copperton WEF.</p>	<p>Please see response to comment 2.</p>

<p>Terramanzi Group (PTY) LTD (Gerda Bothma)</p> <p>On behalf of Copperton Wind Farm (Pty) Ltd</p>		<p>Sent via email and attached letter on 11 March 2019</p>	<p>4.4. Provide clear and detailed mitigation measures for the potential impacts on the Copperton WEF.</p>	<p>Detailed mitigation measures have been included in the EMPr to reduce the impact on the surrounding land users and the environment. The Copperton WEF is located approximately 10 km from the proposed prospecting boundary and the Copperton WEF is not expected to be impacted by any of the prospecting activities.</p>
<p>Terramanzi Group (PTY) LTD (Gerda Bothma)</p> <p>On behalf of Copperton Wind Farm (Pty) Ltd</p>		<p>Sent via email and attached letter on 11 March 2019</p>	<p>4.5. Provide written assurance from the proponent that should the operation of the proposed Graspan Prospecting Project result in any consequential damages to the Copperton WEF, these will be honored and rectified by the holder of the authorisation.</p>	<p>This request has been sent to the applicant for consideration. It is suggested that any such agreement be resolved outside of the BAR Process between the applicant and the Copperton WEF.</p>
<p>Terramanzi Group (PTY) LTD (Gerda Bothma)</p> <p>On behalf of Copperton Wind Farm (Pty) Ltd</p>		<p>Sent via email and attached letter on 11 March 2019</p>	<p>In conclusion, TMG reserves the right revise initial comments and request further information based on any additional information that may be received. In furtherance to the aforementioned, please note that the failure to adequately address the procedural and material concerns raised in respect of the Graspan Prospecting Project, will result in the EAP'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.</p>	<p>Please refer to the earlier replies regarding each of the "procedural and material concerns".</p>

			Note that our client's rights are (and remain) reserved.	
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		Received via email and attached letter on 11 March 2019	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.	Noted. 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		Received via email and attached letter on 11 March 2019	<p>1. The DBAR was prepared by ABS Africa (Pty) Ltd ("ABS Africa") on behalf of Orion Exploration No. 5 (Pty) Ltd ("Orion") and in respect of an application for environmental authorisation made in terms of the National Environmental Management Act 107 of 1998 ("NEMA"), read with the Environmental Impact Assessment ("EIA") Regulations, 2014 for certain prospecting activities proposed to be undertaken by Orion on the following immovable properties:</p> <p>1.1. <i>Portion 5 of Farm Gras Pan 112</i> (2,739 hectares ("ha") in extent);</p> <p>1.2. <i>Remainder Farm Gras Pan 112</i> (3,666 ha in extent);</p> <p>and</p> <p><i>Portion 1 of Farm Uitspan 115</i> (2,533 ha in extent).</p>	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		Received via email and attached letter on 11 March 2019	Mulilo was notified of the above application, and the entitlement to comment on the DBAR, in correspondence received from ABS Africa dated 7 February 2019. ABS Africa's notification advised that any comments on the DBAR must be submitted to ABS Africa on or before 11 March 2019, being the 30-day	No response necessary.

Mulilo Sonnedix Prieska PV (RF) (Pty) Ltd			commenting period prescribed by regulation. These comments are accordingly submitted within that timeframe.	
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		Received via email and attached letter on 11 March 2019	It is our view that the DBAR in its current form contains several material deficiencies, including but not limited to the following:	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 Mulilo Prieska PV (RF) (Pty) Ltd; Mulilo Renewable Energy Solar PV Prieska (RF) (Pty) Ltd and Mulilo Sonnedix Prieska PV (RF) (Pty) Ltd		Received via email and attached letter on 11 March 2019	The DBAR 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 Mulilo Prieska PV (RF) (Pty) Ltd; Mulilo Renewable Energy Solar PV Prieska (RF) (Pty) Ltd and Mulilo Sonnedix Prieska PV (RF) (Pty) Ltd		Received via email and attached letter on 11 March 2019	the DBAR has failed adequately to 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</p> <p>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>Received via email and attached letter on 11 March 2019</p>	<p>the DBAR has failed adequately to consider the need and desirability of the proposed prospecting activities;</p>	<p>The need and desirability of the proposed prospecting activities have been considered adequately. Additional information is provided below in response to the specific comments on this aspect.</p>
<p>Nicholas Smith Attorneys</p> <p>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>Received via email and attached letter on 11 March 2019</p>	<p>the DBAR has failed adequately to assess all relevant and site-specific impacts; and</p>	<p>All relevant impacts associated with the proposed prospecting activity have been adequately assessed in the BAR.</p>
<p>Nicholas Smith Attorneys</p> <p>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>Received via email and attached letter on 11 March 2019</p>	<p>the DBAR has failed to provide sufficient information for interested and affected parties ("I&amp;APs") (including Mulilo) to meaningfully comment on the application, and in particular, on its merits.</p>	<p>Sufficient information for the purpose of the prospecting right application has been provided to I&amp;APs.</p> <p>Additional information is provided below in response to the specific comments on this aspect.</p>
<p>Nicholas Smith Attorneys</p> <p>On behalf of Mulilo Prieska PV (RF) (Pty) Ltd; Mulilo Renewable Energy Solar PV Prieska (RF) (Pty) Ltd and</p>		<p>Received via email and attached letter on 11 March 2019</p>	<p>Fundamentally, the DBAR fails adequately to consider the impact of the proposed prospecting activities on Mulilo's approved and operational solar PV facilities, and on Mulilo's approved but as-yet undeveloped solar PV facilities located on the immovable properties described in paragraph 5 below. We attach (collectively as Annexure "A" to these comments) locality maps depicting the position of aforementioned solar PV facilities in</p>	<p>The impact of the proposed prospecting activities on current and proposed land uses has been considered adequately, to the extent that is reasonable for the nature and scale of the development activity that is being proposed.</p>



Mulilo Sonnedix Prieska PV (RF) (Pty) Ltd			relation to the proposed prospecting area. Save for fleeting references to Mulilo's solar PV plant in closest proximity to the subject-properties, no substantive assessment of the impact of the proposed prospecting on Mulilo's facilities is provided.	This includes the approved and operational PV facilities which are specifically indicated in Appendix B of the BAR.
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		Received via email and attached letter on 11 March 2019	A full description of the extent and nature of Mulilo's <u>operational</u> activities on farms in the vicinity of the subject-properties is as follows:	These operational Mulilo activities were identified in the BAR. Please refer to Appendix B.
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		Received via email and attached letter on 11 March 2019	Mulilo Renewable Energy Solar PV Prieska (RF) (Pty) Ltd operates a 20MW solar PV facility on <i>Remaining Extent of Portion 1 of Farm 104 Vogelstruisbult</i> ;	
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		Received via email and attached letter on 11 March 2019	Mulilo Sonnedix Prieska PV (RF) (Pty) Ltd operates a 75MW solar PV facility on <i>Farm Hoekplaas 146</i> ; and	

<p>Nicholas Smith Attorneys</p> <p>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>Received via email and attached letter on 11 March 2019</p>	<p>Mulilo Prieska PV (RF) (Pty) Ltd operates a 75MW solar PV facility on <i>Remainder Portion 4 of Farm 117 Klipgatspan</i>.</p>	
<p>Nicholas Smith Attorneys</p> <p>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>Received via email and attached letter on 11 March 2019</p>	<p>Mulilo also holds the rights to develop several <u>prospective</u> (i.e. authorised but as yet not constructed) solar PV facilities on immoveable properties that are proximate to (and would in all reasonable likelihood be affected by) the proposed prospecting activities. They are the following:</p>	<p>These prospective Mulilo solar PV facilities, as well as others, were identified in the BAR. Please refer to Appendix B.</p>
<p>Nicholas Smith Attorneys</p> <p>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>Received via email and attached letter on 11 March 2019</p>	<p>Struisbult PV2 (Pty) Ltd – 100MW solar energy facility on Remainder Portion 1 of the Farm <i>Vogelstruisbult No 104</i> - 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 by the competent authority to 2 January 2021.</p>	
<p>Nicholas Smith Attorneys</p> <p>On behalf of Mulilo Prieska PV (RF) (Pty) Ltd; Mulilo Renewable Energy Solar PV Prieska (RF) (Pty) Ltd and</p>		<p>Received via email and attached letter on 11 March 2019</p>	<p>Hoekplaas Solar PV2 (Pty) Ltd – 75 MW solar energy facility on <i>Farm 146 Hoekplaas</i> (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 by the competent authority to 2020.</p>	

Mulilo Sonnedix Prieska PV (RF) (Pty) Ltd			
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		Received via email and attached letter on 11 March 2019	Hoekplaas Solar PV3 (Pty) Ltd – 75 MW solar energy facility on <i>Farm 146 Hoekplaas</i> (DEA REF: 14/12/16/3/3/2/494). An environmental authorisation was granted for this solar PV facility on 27 October 2015, and it 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		Received via email and attached letter on 11 March 2019	Hoekplaas Solar PV Four 4 (Pty) Ltd – 75 MW solar energy facility on <i>Farm 146 Hoekplaas</i> (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 by the competent authority to 9 July 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		Received via email and attached letter on 11 March 2019	Klipgats PV3 (Pty) Ltd – 75 MW solar energy facility on <i>Remainder Portion 4 of Farm 117 Klipgatspan</i> (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 by the competent authority 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		Received via email and attached letter on 11 March 2019	Klipgats PV7 (Pty) Ltd – 75 MW solar energy facility on <i>Remainder Portion 4 of Farm 117, Klipgatspan</i> (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

Renewable Energy Solar PV Prieska (RF) (Pty) Ltd and Mulilo Sonnedix Prieska PV (RF) (Pty) Ltd		letter on 11 March 2019	validity thereof extended by the competent authority 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		Received via email and attached letter on 11 March 2019	Collectively, all of the aforementioned companies, including those referred to in paragraph 1 of these comments, will be referred to in these comments as "Mulilo" unless the context indicates otherwise.	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		Received via email and attached letter on 11 March 2019	The most significant deficiencies in the DBAR are outlined below.	Responses have been provided below for each of the specific comments submitted.
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		Received via email and attached letter on 11 March 2019	Section 24(4)(b)(i) of NEMA requires that an EIA must include an " <i>investigation of the potential consequences or impacts of the alternatives to the activity.</i> " 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.	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, <i>where applicable</i> (our emphasis).  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

				<p>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</p> <p>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>Received via email and attached letter on 11 March 2019</p>	<p>The invasive prospecting activities in question include: diamond-core drilling and trenching; development of associated access tracks; establishing temporary stockpiles; and the development of a system of three High-Density Polyethylene (HDPE) Lined settling ponds for the water used in the drilling process.</p>	<p>This is correct. It is noted that the application is for 5 drilling sites, which will have a total estimated surface disturbance area of approximately 0.15 ha.</p>
<p>Nicholas Smith Attorneys</p> <p>On behalf of Mulilo Prieska PV (RF) (Pty) Ltd; Mulilo Renewable Energy Solar PV Prieska (RF) (Pty) Ltd and</p>		<p>Received via email and attached letter on 11 March 2019</p>	<p>2. With regards to the preferred development footprint ABS Africa notes the following:</p> <p><i>"The properties included in the prospecting right application represent the cadastral units relating to the geological formation</i></p>	<p>No response necessary.</p>

<p>Mulilo Sonnedix Prieska PV (RF) (Pty) Ltd</p>			<p><i>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></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>Received via email and attached letter on 11 March 2019</p>	<p>3. ABS Africa has consequently only considered one alternative in terms of location of the proposed prospecting activities (i.e. the three subject-properties on which prospecting is proposed); and one technology alternative for invasive prospecting (i.e. diamond-core drilling). The purported motivation for this approach is that prospecting area comprises the properties overlaying the Areachap Group, which potentially contains minerals of interest to the Applicant. The Areachap Group is represented in blue on the geological map contained in the DBAR.</p>	<p>Please refer to the response to the comment above with respect to the location alternative.</p> <p>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 does result in dust.</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>Received via email and attached letter on 11 March 2019</p>	<p>4. What is apparent from the geological map is that there appear to be several areas comprising the Areachap Group both within the proposed prospecting area, and in other areas further to the north of the proposed prospecting area under consideration. ABS Africa has not explained why the subject-properties in question are the only properties on which prospecting activities may occur, when it appears that the geological formation of interest is distributed more broadly, and the prospecting activities could potentially be conducted further away from Mulilo's solar PV operations.</p>	<p>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 DMR can only accept an application for mineral rights over a property if those rights are not already allocated.</p> <p>The nearest Mulilo operating and prospective solar PV facilities are more than 5 km from the</p>

				nearest boundary of the proposed prospecting right area.
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		Received via email and attached letter on 11 March 2019	5. ABS Africa seeks to justify the above approach on the basis that the exact location of invasive prospecting activities will be informed by the non-invasive assessments undertaken first. However, in the absence of proposed location alternatives, we are unable to comment meaningfully on the extent of the impact 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 to render an informed decision, taking into account the potential (but as yet unquantified) impacts on Mulilo's solar PV facilities.	<p>Exploration drilling is expensive and must be focussed in areas where a mineral resource target has been confirmed through a survey. The BAR explains that a drill plan layout is only possible after the non-invasive prospecting phase has been completed.</p> <p>It is important to consider the low impact intensity, scale and short duration of the activity. The application is for 5 drilling sites, which, inclusive of access tracks, will have a total estimated surface disturbance area of approximately 0.15 ha. The drilling activities will furthermore take place at a distance of more than 5 km from the Mulilo operating and prospective facilities. Furthermore, a drilling technology has been selected which does not generate dust.</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 potential impacts of the proposed invasive prospecting activities has</p>

				been provided in the BAR for consideration by Mulilo and for decision-making by the DMR.
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		Received via email and attached letter on 11 March 2019	6. The Department of Environmental Affairs' ("DEA") Guideline on Alternatives 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, rather than a proper assessment of Orion's preferred alternative as well as reasonable and feasible alternatives thereto.	Adequate information on alternatives, within the context of the proposed activity, has been presented in the BAR and is deemed adequate for decision-making.
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		Received via email and attached letter on 11 March 2019	7. A comprehensive indication (and a proper assessment) of location alternatives is required in the circumstances.	Please refer to the response to the comment 6 above with respect to the location alternative.
Nicholas Smith Attorneys		Received via email and	8. Insofar as an assessment of the no-go option is concerned, ABS Africa notes as follows:	No response necessary.



<p>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>attached letter on 11 March 2019</p>	<p>9. <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>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>Received via email and attached letter on 11 March 2019</p>	<p>10. The no-go option has therefore only been assessed in relation to the loss of potentially positive socio-economic impacts that would apparently result should prospecting (and ultimately, mining) not be conducted on the subject-properties. The purported consideration of the no-go option fails to take proper account of existing socio-economic and other benefits (including the benefits described in the above DBAR extract) that are already accruing in the area as a result of Mulilo's existing operational solar PV facilities in the vicinity of the subject-properties, which benefits might be lost or significantly reduced should the financial viability of Mulilo's operations be materially compromised. The</p>	<p>In addition to considering the loss of socio-economic benefits should prospecting not proceed, Section 6.1.5 of the BAR also considers that the possible negative impacts of the drilling would not occur.</p> <p>The no-go option has not considered the socio-economic and other benefits of the operational solar PV facilities as the proposed prospecting activities, situated some 5 km from the nearest operating solar PV facility, have not been assessed to have any impact on these facilities.</p>

			impacts associated with the no-go option have therefore not been properly assessed to date.	
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		Received via email and attached letter on 11 March 2019	11. 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 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 " <i>include the option of not implementing the activity.</i> " Furthermore, Appendix 1 3(1)(h) requires the assessment of " <i>the impacts and risks identified for each alternative</i> " and " <i>the positive and negative impacts that the proposed activity and alternatives will have on the environment and on the community that may be affected.</i> " Appendix 1 3(1)(j) further requires (in line with NEMA) an " <i>assessment of <u>each identified potentially significant impact and risk</u></i> " (our emphasis).	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).
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		Received via email and attached letter on 11 March 2019	12. 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 (and cannot be) recommended and/or appropriately implemented.	Responses have been provided below for each of the specific comments submitted in support of this comment.

<p>Nicholas Smith Attorneys</p> <p>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>Received via email and attached letter on 11 March 2019</p>	<p>13. 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 prevailing environmental factors, took place. In this regard, the DBAR notes as follows:</p> <p><i>"A <u>desktop review of available information on the baseline environment has been undertaken in accordance with the requirements of the EIA Regulations, 2014 (as amended).</u></i></p> <p><i><u>The proposed prospecting right area is large and the drilling site locations can only be established once the non-invasive prospecting has been concluded. If no anomaly is identified through the non-invasive prospecting phase, it is possible that there will be no invasive prospecting.</u></i></p> <p>14. <i>To undertake specialist studies across the entire proposed prospecting right area where the actual area of disturbance from <u>the proposed 5 drill sites is estimated to be less than one hectare in extent, is impractical. Thus, once the preliminary drilling locations have been established (following the non-invasive prospecting phase), a heritage and ecological site assessment will be undertaken to establish any sensitive fauna, flora or</u></i></p>	<p>The EAP has conducted a site visit.</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: 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-scale, short-lived or low-impact prospecting or mining operations.</p> <p>Given the significant extent of the prospecting rights area and the intention to temporarily disturb approximately 0.15 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> <p>Given this, it is concluded that sufficient and adequate information on the baseline environment has been provided in the BAR.</p>
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			<p><i>heritage attributes of significance which may be associated with intended drilling locations. The recommendations from these studies will be used to optimise the drilling locations and an updated site layout map showing the drilling site locations will be submitted to the DMR. The desktop review, informed primarily by the several studies undertaken for Orion's mining right applications at nearby properties with similar biogeographical characteristics, is presented below."</i></p>	
<p>Nicholas Smith Attorneys</p> <p>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>Received via email and attached letter on 11 March 2019</p>	<p>15. We submit that it is clear that the non-invasive prospecting activities will culminate in the identification of the proposed drill sites (5 in total) in the event that what ABS Africa describes as "no anomaly" is identified through the non-invasive prospecting phase.</p>	<p>To clarify. If no anomaly is determined through the non-invasive prospecting activities, there will be no drilling programme.</p>
<p>Nicholas Smith Attorneys</p> <p>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>Received via email and attached letter on 11 March 2019</p>	<p>16. ABS Africa asserts that once the preliminary locations for drilling have been established, further assessments pertaining to the heritage and ecological impact will be undertaken. The exact drilling locations will then be identified on an updated site layout map to be submitted to the DMR.</p>	<p>No response necessary.</p>
<p>Nicholas Smith Attorneys</p> <p>On behalf of Mulilo Prieska PV (RF) (Pty) Ltd; Mulilo Renewable Energy Solar PV</p>		<p>Received via email and attached</p>	<p>17. In the circumstances, it is clear that there has there been no onsite assessment of the environmental attributes of the subject-properties to date On this basis alone, the assessment of environmental attributes and impacts is</p>	<p>The EAP has conducted a site visit.</p> <p>In addition to the information from EIAs compiled for developments in the surrounding area, the baseline description includes the</p>

<p>Prieska (RF) (Pty) Ltd and Mulilo Sonnedix Prieska PV (RF) (Pty) Ltd</p>		<p>letter on 11 March 2019</p>	<p>fundamentally inadequate. Reliance on desktop information and previous assessments has contributed to a superficial assessment of environmental attributes; significant gaps in information; and the production of generic (rather than site- and context-specific) mitigation measures.</p>	<p>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 anticipated to have a total disturbance area of approximately 0.15 ha.</p> <p>For the proposed prospecting activity (low-impact, small extent, and short duration), the level of assessment undertaken, with the proposed control measures implemented is considered to be sufficient.</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>Received via email and attached letter on 11 March 2019</p>	<p>18. Without a proper assessment and description <u>of the 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 cannot be achieved. The basic assessment process is consequently fundamentally flawed. This flaw will be fatal to the legality of the assessment process unless corrected</p>	<p>The EAP has conducted a site visit.</p> <p>Rather than a fatal flaw, the approach is considered to be consistent with the requirements of the legislation, guideline documents (as noted above) 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,</p>

			<p>before any decision on the merits of the application can lawfully be made by the competent authority.</p>	<p>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 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 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>Received via email and attached letter on 11 March 2019</p>	<p>19. We submit in the alternative that the further heritage and ecological site assessments envisaged should be prepared and circulated to registered IAPs in the basic assessment process <u>before</u> there can be any suggestion that an updated site layout map will be submitted to the DMR (presumably for the latter's approval as a precursor to lawful commencement of prospecting activities at the drilling sites identified). To the extent that the DMR is minded to grant environmental authorisation for the listed activities that are the subject of the DBAR, we submit that the preparation and circulation of appropriately detailed and site-specific heritage and ecological site assessments, as well as the submission thereafter of an updated site layout map to DMR, should</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 ecological and/or heritage resources.</p>

			<p>be conditions imposed in the environmental authorisation. These conditions must be met by the holder before invasive prospecting can commence lawfully.</p>	
<p>Nicholas Smith Attorneys</p> <p>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>Received via email and attached letter on 11 March 2019</p>	<p>20. The information in this section appears to have been derived largely from an Ecorex report dated 2017. The Ecorex report is specific to the decommissioned mine and mining infrastructure on <i>Remainder of Portions 25 and 26 of Vogelstruisbult No. 104</i>. That report describes the area to which it pertains as follows: "<i>The project area comprises two farms over which mineral prospecting and associated surface use rights have been granted. They are Slimes Dam No. 154 (which contains the decommissioned Tailings Dam) and Remainder Portions 25 and 26 of Vogelstruisbult No. 104, upon which the remaining mine surface infrastructure, mine shafts and a large portion of the Copperton deposit are found. An area of approximately 6,200 hectares was surveyed by the terrestrial ecology team and [is] referred to in the Ecorex report as the project area, although the proposed infrastructure will cover a much smaller surface area.</i>"</p> <p>The attempts by the EAP to extrapolate findings in the Ecorex report to the broader area is entirely insufficient for purposes of the assessment to which these comments relate.</p>	<p>Regional information from the Ecorex Report (2017), which is relevant to the prospecting right application has been incorporated into the BAR.</p>
<p>Nicholas Smith Attorneys</p> <p>On behalf of Mulilo Prieska PV (RF) (Pty) Ltd; Mulilo</p>		<p>Received via email and attached</p>	<p>21. The CBA status of portions of the subject-properties (as depicted by the applicant in the map appended to the DBAR and titled "<i>NC Critical Biodiversity Areas</i>") provides</p>	<p>Section 6.1.3 of the BAR indicates that the CBA and ESA areas have been identified as areas to be excluded from the prospecting activities.</p>

Renewable Energy Solar PV Prieska (RF) (Pty) Ltd and Mulilo Sonnedix Prieska PV (RF) (Pty) Ltd		letter on 11 March 2019	a clear indication of the properties' biodiversity status and ecological importance. It follows that significantly more extensive field work and substantive assessment is required in the circumstances, before the applicant can legitimately expect DMR to make a decision on the merits of the application.	
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		Received via email and attached letter on 11 March 2019	22. In relation to the fauna and avifauna found on the subject-properties, and in the absence of the applicant's consultants conducting a proper on-site investigation and assessment in this regard, the DBAR only goes as far as to note the mammals species which are " <i>likely to occur within the general vicinity of the study area</i> ", and avifauna " <i>are likely to be recorded within the broader region of the proposed prospecting area</i> " (emphasis added).	The description of the baseline environmental attributes is deemed to comply with the legislation and is adequate to inform the assessment of risks and impacts associated with the proposed prospecting activities.  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. 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.
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		Received via email and attached letter on 11 March 2019	23. There is no information in the DBAR regarding any listed plant and animal species, or particular species of concern that will need to be protected during the proposed prospecting activities. This information is completely inadequate and speculative at best, and falls far short of the assessment of environmental attributes contemplated in Appendix 1 (3)(h)(iv) of the EIA Regulations, 2014.	
Nicholas Smith Attorneys  On behalf of Mulilo Prieska PV (RF) (Pty) Ltd; Mulilo Renewable Energy Solar PV		Received via email and attached	24. The DBAR report specifically notes, in relation to birds, that " <i>twenty-three species are listed by Barnes (1998) as being endemic to the Nama-Karoo biome i.e. not occurring outside of the biome, of which 15 species</i>	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



<p>Prieska (RF) (Pty) Ltd and Mulilo Sonnedix Prieska PV (RF) (Pty) Ltd</p>		<p>letter on 11 March 2019</p>	<p><i>(65%) have been recorded within the general vicinity of the study area during the current Southern African Bird Atlas Project (SABAP2) (Ecorex, 2017). This information appears to be incomplete and/or incorrect. According to Jenkins and du Plessis (2013): "The area potentially supports over 200 bird species, including up to 18 red-listed species, 68 endemics, and five red-listed endemics."</i> (Emphasis added).</p>	<p>apparent discrepancy is in any event of no material consequence to any part 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>Received via email and attached letter on 11 March 2019</p>	<p>25. In relation to the above information, ABS Africa has attempted to identify the impacts to terrestrial ecology (specifically fauna and flora) as being the following (and rated as being of low medium significance): 25.1. Loss of natural habitat; and 26. Loss of faunal habitat.</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>Received via email and attached letter on 11 March 2019</p>	<p>27. The mitigation measures proposed in the EMPr include the following:</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</p>		<p>Received via email and attached letter on 11 March 2019</p>	<p>28. Before invasive prospecting may commence, an ecological specialist must do a walk-through of the proposed drill locations to identify any sensitive species or environments and further advise the drilling locations (sic). We point out that the EMPr contains no provisions</p>	<p>Please refer to Section 23.2.1 of the BAR which requires, as a condition of the EMPr approval that, the drilling site locations must avoid disturbance to any identified sensitive environmental features.</p>

<p>Mulilo Sonnedix Prieska PV (RF) (Pty) Ltd</p>			<p>regarding the consequences of the walk-through exercise identifying any sensitive species or environments. The passing reference to identification of sensitive species or environments informing the drilling locations is insufficient in the circumstances. For example, if any sensitive species is found during the walk-through exercise and that species is protected by law, there is no indication as to whether the applicant would avoid the area in which those species are found, or ensure that the person intending to remove any protected species obtains the necessary approvals in relation to the removal of such species.</p>	<p>It is a legal requirement, not an EMP control measure, for protected plants to only be removed once the required permit has been obtained.</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>Received via email and attached letter on 11 March 2019</p>	<p>29. Limit vegetation clearing to drilling site areas and access. To the extent that this mitigation measure is implemented, the EAP provides no indication as to how protected vegetation species in area to be cleared would be preserved and/or relocated to the extent necessary. Given the extent of the proposed prospecting activities on this property and others in the adjacent area we submit that at the very least, the applicant should be required to establish a nurse for the preservation of relocated protected plants in order that those can be returned to the cleared areas once prospecting is complete.</p>	<p>The purpose of the ecological survey is to inform the drill site locations so that any disturbance of these species by the prospecting activities is avoided. Relocation would only be considered if it was not possible to avoid the area, on the recommendation of the specialist and only if the requisite permit was obtained.</p> <p>The extent of the disturbance is approximately 0.15 ha. Establishment of a nursery for an impact area of this extent is not considered to be pragmatic.</p>
<p>Nicholas Smith Attorneys On behalf of Mulilo Prieska PV (RF) (Pty) Ltd; Mulilo Renewable Energy Solar PV</p>		<p>Received via email and attached</p>	<p>30. Monitoring of man and machinery movement and prevention of access to areas outside of the drilling area.</p>	<p>No response necessary.</p>

Prieska (RF) (Pty) Ltd and Mulilo Sonnedix Prieska PV (RF) (Pty) Ltd		letter on 11 March 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		Received via email and attached letter on 11 March 2019	31. The site speed limit should be set at a maximum of 40 kph for all vehicles.	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		Received via email and attached letter on 11 March 2019	32. No hunting or open fires are to be permitted.	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		Received via email and attached letter on 11 March 2019	33. All noise generating activities are to be within legal noise limits.	No response necessary.
Nicholas Smith Attorneys		Received via email and attached	34. Establishment of an appropriate safety barrier to prevent unauthorised man/animal access to the drilling area.	No response necessary.

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		letter on 11 March 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		Received via email and attached letter on 11 March 2019	35. The natural vegetation will be disturbed to a minimum and vegetative cover will be protected and kept in a good condition and maintained to keep all surfaces covered.	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		Received via email and attached letter on 11 March 2019	36. Vehicle movement will be restricted to existing roads or pre-approved routes and drilling pads confined to as small a footprint as possible.	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		Received via email and attached letter on 11 March 2019	37. It is unclear how ABS Africa has rated the impacts in the absence of clearly determining what those impacts are (as a matter of objective fact, and by actually assessing them), and which species will be impacted. In our view, the above findings are generic and superficial.	The impact assessment methodology and the full impact matrix for each identified impact is provided in the BAR. Please refer to Section 10, 12 and 16.  The impact assessment is adequate to inform the assessment of risks and impacts associated with the proposed prospecting activities.

<p>Nicholas Smith Attorneys</p> <p>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>Received via email and attached letter on 11 March 2019</p>	<p>38. In the absence of a proper and legally compliant assessment of the ecological attributes of the subject-properties, ABS Africa is simply not able to conduct a comprehensive environmental assessment of the potential impacts. This is particularly relevant given the CBA status on portions of the subject-properties, as clearly demarcated by ABS Africa in the map appended to the DBAR and titled "<i>NC Critical Biodiversity Areas</i>". The mitigation measures proposed are therefore also broad and generic, and will in all reasonable likelihood do little to meaningfully address the (as yet unknown) site-specific impacts which may be experienced should invasive prospecting be undertaken.</p>	<p>The assessment of the ecological attributes is deemed to be adequate to inform the assessment of risks and impacts associated with the proposed prospecting activities.</p> <p>Mitigation measures for impacts to biodiversity are specially dealt with in the BAR. These include avoidance of CBA and ESA areas.</p>
<p>Nicholas Smith Attorneys</p> <p>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>Received via email and attached letter on 11 March 2019</p>	<p>39. In our view, a proper assessment of the environmental attributes of the subject-properties (and consequent impacts which may arise), which includes the appropriate onsite monitoring, must be conducted by ABS Africa and reported on to the competent authority as part of the basic assessment process, rather than deferred to a later stage (i.e. after the grant of environmental authorisation). In the absence of this substantively relevant and material information, the environmental assessment process is fatally flawed, and the DMR is simply not in a position to make an informed (and therefore lawful) decision regarding the environmental authorisation sought.</p>	<p>A proper assessment, to the extent necessary for the low impact, small scale and short duration activity proposed has been undertaken. The requirement for the survey is an additional management control to ensure that impacts to sensitive environmental and heritage features are avoided. It is a standard and accepted practice for additional controls to be implemented as a condition of an authorisation.</p>
<p>Nicholas Smith Attorneys</p> <p>On behalf of Mulilo Prieska PV (RF) (Pty) Ltd; Mulilo</p>		<p>Received via email and attached</p>	<p>40. The primary concern with the findings contained in the draft Heritage Impact Assessment compiled by HCAC Heritage Consultants, dated January 2019, and the</p>	<p>Given the significant extent 8938 ha of the prospecting rights area and the intention to temporarily disturb approximately 0.15 ha as part of the prospecting activities, it is impractical to</p>

<p>Renewable Energy Solar PV Prieska (RF) (Pty) Ltd and Mulilo Sonnedix Prieska PV (RF) (Pty) Ltd</p>		<p>letter on 11 March 2019</p>	<p>Palaeontological Study prepared by Prof. Marion Bamford, dated 10 January 2019, is that both studies comprise desktop reviews of existing information and reports, 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>subject the entire proposed area to a detailed specialist study. Sensitive heritage areas have been identified and excluded from invasive prospecting. Furthermore, the EMP 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>The desktop study was undertaken by a qualified archaeologist and palaeontologist. The approach to the study was also discussed and agreed with SAHRA prior to the study commencing.</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>Received via email and attached letter on 11 March 2019</p>	<p>41. The findings in relation to heritage and palaeontological impacts have purportedly been informed by "<i>several heritage studies conducted in the greater study area.</i>" However, the DBAR also records that "<i>although the current area under investigation does not seem to have been covered by heritage surveys the wealth of recorded sites to the south and southwest of the area (Figure 8-2) indicates that a similar high frequency of sites can be expected in the study area</i>" (emphasis added).</p>	<p>Please refer to the response for comment 40 above.</p>
<p>Nicholas Smith Attorneys On behalf of Mulilo Prieska PV (RF) (Pty) Ltd; Mulilo Renewable Energy Solar PV</p>		<p>Received via email and attached</p>	<p>42. At paragraph 26(2) of the DBAR (under the heading "Impact on any national estate referred to in section 3(2) of the National Heritage Resources Act") the following is recorded:</p>	<p>No response necessary.</p>

<p>Prieska (RF) (Pty) Ltd and Mulilo Sonnedix Prieska PV (RF) (Pty) Ltd</p>		<p>letter on 11 March 2019</p>	<p><i>"The <u>desktop heritage specialist study</u> compiled for the application <u>concluded that it is anticipated that any heritage sites that occur within the project area will have a Generally Protected B (GP. B) or lower field rating, all sites should be mitigatable, and no red flags have been identified. It is therefore recommended that <u>non-invasive exploration can commence (based on approval from SAHRA) with the following conditions of authorisation in the EMPr:</u></u></i></p> <ul style="list-style-type: none"> <li>• <i>Before commencing invasive prospecting activities, the impact areas should be subjected to a heritage walk down.</i></li> </ul> <p>43. <i>Inclusion of a chance find protocol (both archaeology and paleontology)."</i></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>Received via email and attached letter on 11 March 2019</p>	<p>44. The desktop report by HCAC describes the assumptions and limitations pertaining to that report as follows:</p> <p>45. <i>"The study area <u>was not subjected to a field survey at this stage in the environmental process, it is recommended that this will be done when the actual exploration localities are fixed. It is assumed that information obtained for the wider area is applicable to the study area. Additional information could become available in the future that could change the results of this report. It is assumed that the EAP will upload all relevant documents to the SAHRIS.</u>" (Emphasis supplied.)</i></p>	<p>The approach to the study was discussed and agreed with SAHRA prior to the study commencing.</p>

<p>Nicholas Smith Attorneys</p> <p>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>Received via email and attached letter on 11 March 2019</p>	<p>46. On page 25 of the HCAC report and under the heading "Gaps in knowledge and recommendations for further study" the following is recorded:</p> <p>47. <i>"Based on the information obtained from SAHRIS the study area has not been subjected to heritage resource surveys and it is assumed that information obtained for the wider region is applicable to the study area. It is recommended that prior to invasive prospecting, impact areas should be subject to a field study to confirm the presence of heritage resources after which mitigation measures will be recommended (if needed)."</i> (Emphasis supplied.)</p>	<p>The approach to the study was discussed and agreed with SAHRA prior to the study commencing.</p>
<p>Nicholas Smith Attorneys</p> <p>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>Received via email and attached letter on 11 March 2019</p>	<p>48. In the DBAR, ABS Africa concedes that although heritage studies have been conducted previously in what ABS Africa refers to as "... the greater study area ..." similar studies do not appear to have been undertaken in the area that comprises the subject-properties. That is stated, in terms, as follows:</p> <p>49. <i>"Although the current area under investigation does not seem to have been covered by heritage surveys the wealth of recorded sites to the south and south west of the area (Figure 8-2) indicates that a similar higher frequency of sites can be expected in the study area. An Early Stone Age site occurred in the study area but was mitigated (sic) and subsequently destroyed."</i> (Emphasis supplied.)</p>	<p>The approach to the study was discussed and agreed with SAHRA prior to the study commencing.</p>



<p>Nicholas Smith Attorneys</p> <p>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>Received via email and attached letter on 11 March 2019</p>	<p>50. It therefore appears that not only has a site-specific assessment of heritage and palaeontological attributes and impacts not been conducted, but that the information relied on by ABS Africa to inform their assessment does not directly pertain to a physical assessment of the subject-properties. In our view, desktop analysis is wholly inadequate in the circumstances.</p>	<p>The approach to the study was discussed and agreed with SAHRA prior to the study commencing.</p>
<p>Nicholas Smith Attorneys</p> <p>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>Received via email and attached letter on 11 March 2019</p>	<p>51. 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</p> <p>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>Received via email and attached letter on 11 March 2019</p>	<p>52. The DBAR notes that invasive prospecting, <u>including the preparation of access tracks and drilling areas; drilling and trenching</u>, will result in increased dust fall (PM10 and PM2.5 Levels). These impacts are assessed as having a low-medium impact with the recommended mitigation measures being to control dust emissions through design and operational controls. We fail to understand how the negative impacts on air quality <i>qua</i> Mulilo's operations can be understood and/or quantified without a full and proper understanding of exactly what those impacts entail.</p>	<p>The impacts have been identified and assessed in Section 16 of the BAR. The impact assessment methodology is explained in Section 10 of the BAR.</p>

<p>Nicholas Smith Attorneys</p> <p>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>Received via email and attached letter on 11 March 2019</p>	<p>53. The relevant mitigation measures relating to impacts on air quality are described in the EMPr as being at least the following:</p>	<p>No response necessary.</p>
<p>Nicholas Smith Attorneys</p> <p>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>Received via email and attached letter on 11 March 2019</p>	<p>54. <u>Any agreement pertaining to dust mitigation measures between Orion and Mulilo must be implemented during prospecting activities.</u> (Emphasis supplied.)</p>	<p>No response necessary.</p>
<p>Nicholas Smith Attorneys</p> <p>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>Received via email and attached letter on 11 March 2019</p>	<p>55. Stockpiled soil or sand utilised during the drilling operations for borehole establishment ("Stockpiles") will be covered in windy conditions.</p>	<p>No response necessary.</p>
<p>Nicholas Smith Attorneys</p> <p>On behalf of Mulilo Prieska PV (RF) (Pty) Ltd; Mulilo Renewable Energy Solar PV Prieska (RF) (Pty) Ltd and</p>		<p>Received via email and attached letter on 11 March 2019</p>	<p>56. Stockpiles will not exceed 2m in height.</p>	<p>No response necessary.</p>

Mulilo Sonnedix Prieska PV (RF) (Pty) Ltd				
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		Received via email and attached letter on 11 March 2019	57. Wind breaks/demarcation with wind protective covers will be considered in case dust generation becomes a continuous issue.	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		Received via email and attached letter on 11 March 2019	58. Cement will be stored in weather proof containers to prevent the wind from blowing cement dust.	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		Received via email and attached letter on 11 March 2019	59. There are several fundamental deficiencies with the assessment of air quality impacts, and the (incomplete and inadequate) mitigation measures proposed:	Responses are provided to each specific comment below.
Nicholas Smith Attorneys On behalf of Mulilo Prieska PV (RF) (Pty) Ltd; Mulilo		Received via email and attached	60. The DBAR is silent on the likelihood and nature of impacts associated with the prospecting activities,	The nearest prospective and operating solar PV plants are more than 5 km from the nearest boundary of the proposed prospecting right area. Any dustfall generated by the proposed

<p>Renewable Energy Solar PV Prieska (RF) (Pty) Ltd and Mulilo Sonnedix Prieska PV (RF) (Pty) Ltd</p>		<p>letter on 11 March 2019</p>	<p>specifically as a result of increased dust fall, which may affect the aforementioned operations:</p>	<p>prospecting activities will settle within hundreds of meters of the dust emission source. At more than 5 km, there will be no dustfall impact to the solar PV facilities as a result of the proposed prospecting 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>Received via email and attached letter on 11 March 2019</p>	<p>60.1. The following is recorded in the DBAR regarding dominant wind conditions in the area under consideration:</p> <p><i>"Annual average wind direction is dominant from the west and west-west-south ..... Wind is a characteristic of the region, with calm conditions (wind speed less than 1m/s) only being present for 1.58% of the time.</i></p> <p><i>In summer, the predominant wind direction is from the west and west-west-south with south-easterly winds also important."</i></p> <p>61. Mulilo's solar PV facilities (both operational; and those that are authorised but not yet constructed) on the abovementioned farms lie to the east and north-east of the subject-properties. Given the wind conditions described in the DBAR being predominantly from the west, it appears highly likely that dust generated as a result of prospecting activities will be blown directly towards (and onto) Mulilo's solar PV facilities. This may be aggravated by the fact that wind is characteristic of the region.</p>	<p>Please refer to the response to comment 60 above.</p>

<p>Nicholas Smith Attorneys</p> <p>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>Received via email and attached letter on 11 March 2019</p>	<p>61.1. Without a comprehensive air quality impact assessment having been conducted to determine current and potential PM2.5 and PM10 exceedance, and the impact thereof on Mulilo's solar PV facilities, we are unable to comment on the extent of this impact. An air quality impact assessment must be conducted as part of the basic assessment process, and included with the next iteration of the DBAR.</p>	<p>There is sufficient information available to inform the impact without the need for a comprehensive air quality impact assessment.</p> <p>PM2.5 and PM10 refer to the fractions of dust which have a human health impact. PM2.5 and PM10 should not be confused with dustfall and the impact of the latter on the efficiency of solar PV facilities.</p> <p>The diamond core-drilling technology does not generate dust and the prospecting right area is more than 5 km from the nearest solar PV facility.</p>
<p>Nicholas Smith Attorneys</p> <p>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>Received via email and attached letter on 11 March 2019</p>	<p>61.2. In terms of proposed mitigation measures, no provision is made for the additional cleaning (or financing of additional cleaning) of the solar PV panels at Mulilo's facilities.</p>	<p>The diamond core-drilling does not generate dust and the prospecting right area is more than 5 km from the solar PV facilities. No dustfall impact from the proposed prospecting activities is expected at these facilities.</p>
<p>Nicholas Smith Attorneys</p> <p>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>Received via email and attached letter on 11 March 2019</p>	<p>61.3. Against the backdrop of ABS Africa's suggestion that the applicant should consider concluding an agreement with Mulilo pertaining to dust mitigation measures, which "must be implemented during prospecting activities" we submit that it now behoves the applicant to prepare such an agreement and to transmit the draft thereof to Mulilo. The conclusion of an appropriate agreement will ensure that the measures proposed for air quality impact mitigation is appropriately regulated between the parties. Concerns regarding the impact of dust generated by</p>	<p>The EMPr only states that "<i>Any agreement pertaining to dust mitigation measures between Orion and Mulilo must be implemented during prospecting activities</i>". This should not be regarded as a recommendation by the EAP that such an agreement is required or that it should be a condition of the authorisation.</p> <p>The diamond core-drilling does not generate dust and the prospecting right area is more than 5 km from the solar PV facilities. No dustfall</p>

			<p>prospecting activity on Mulilo’s existing and approved facilities (and in particular the latter’s solar PV facilities) is a real and substantive concern that should properly be addressed by the applicant, insofar as it proposes burdening the subject-properties (and proximate operations, like those undertaken by Mulilo) with negative impacts occasioned by dust generation. In the circumstances it is insufficient merely to make passing reference to Mulilo’s facilities without properly taking account of the applicant’s likely impacts on the sustainable operation of those facilities because of increased dust emissions caused by prospecting activities.</p>	<p>impact from the proposed prospecting activities is expected at these facilities.</p>
<p>Nicholas Smith Attorneys</p> <p>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>Received via email and attached letter on 11 March 2019</p>	<p>61.4. The applicant clearly understands (and anticipates) some impact on Mulilo’s facilities from dust generated by prospecting and related activities. The applicant also envisages an agreement between the parties that regulates (as yet unidentified) dust mitigation measures to be agreed between the applicant and Mulilo, which agreement must be implemented during prospecting activities. Mulilo would reasonably expect the applicant now to provide such an agreement (at least in draft at this stage) in order to deal with this aspect.</p>	<p>Please refer to the response to comment 61.3 above.</p>
<p>Nicholas Smith Attorneys</p> <p>On behalf of Mulilo Prieska PV (RF) (Pty) Ltd; Mulilo Renewable Energy Solar PV Prieska (RF) (Pty) Ltd and</p>		<p>Received via email and attached letter on 11 March 2019</p>	<p>61.5. Mulilo also suggests that the agreement proposed by ABS Africa as a mitigation measure should be <u>concluded</u> before prospecting is permitted to commence (on the assumption that it is authorised by the competent authority). The conclusion of an appropriate agreement (i.e. one to the satisfaction of the parties) should also be</p>	<p>Please refer to the response to comment 61.3 above.</p>

<p>Mulilo Sonnedix Prieska PV (RF) (Pty) Ltd</p>			<p>made a condition of any EA that the competent authority is minded to grant in the circumstances. Compliance with that condition should be met before authorised listed activities can commence.</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>Received via email and attached letter on 11 March 2019</p>	<p>61.6. We also point out that the DBAR is silent on the cumulative air quality impacts associated with the proposed prospecting activities, an assessment of which is required by Appendix 1 (3)(1)(j)(i) of the EIA Regulations, 2014. In this regard:</p>	<p>Cumulative impacts have been considered as part of the impact assessment. Responses are provided to each specific comment below.</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>Received via email and attached letter on 11 March 2019</p>	<p>61.7. An entity styled Bartotrax (Pty) Ltd was granted an environmental authorisation for prospecting activities on <i>Farm 117 Klipgatspan and Farm 105 Smous Pan</i>. Increased dust fall will in all reasonable likelihood already occur as a result of these authorised prospecting activities, the impacts of which must be considered as part of the current assessment process under consideration.</p>	<p>Cumulative impacts were considered through the application of the impact assessment methodology described in Section 10 of the BAR. In applying the impact ratings, consideration is given to the possible cumulative impacts on the environment from other existing or planned activities in the area and the extent to which the specific prospecting activity may influence this. The assigned impact rating then reflects this.</p> <p>In this regard, it should be noted that the diamond core-drilling does not generate dust and the prospecting right area is more than 5 km from the solar PV facilities.</p> <p>No additive cumulative dustfall impact from the proposed prospecting activity is therefore anticipated.</p>

				Specific mitigation measures have been recommended for managing the impacts from the prospecting activities so that there is no significant detrimental impact, cumulative or otherwise, to the environment.
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		Received via email and attached letter on 11 March 2019	<p>61.7.1. A report was prepared for ABS Africa by Airshed Planning Professionals as part of the EIA process for the Prieska Zinc Copper Mine. This report notes that PM2.5 and PM10 concentrations for the mine's operations are likely to exceed current and 2030 National Ambient Air Quality Standards in both the construction and operational phases. This report concludes that:</p> <p>61.8. <i>"The proposed Prieska Zinc Copper Mine (PCM) operations are likely to result in ground level PM concentrations which will exceed the daily SA NAAQS at the nearby receptors, specifically the solar PV plant downwind of the two TSFs [tailings storage facilities] even with design mitigation measures in place."</i></p>	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		Received via email and attached letter on 11 March 2019	61.8.1. The cumulative impacts of dust fall on Mulilo's solar PV facilities as a result of the above (already authorised) activities cannot be overlooked, and they clearly warrant comprehensive cumulative assessment <u>before</u> the DMR can be expected to render a decision on the merits of the application.	Cumulative impacts were considered through the application of the impact assessment methodology described in Section 10 of the BAR. In applying the impact ratings, consideration is given to the possible cumulative impacts on the environment from other existing or planned activities in the area and the extent to which the specific prospecting activity may influence this. The assigned impact rating then reflects this.



				<p>In this regard, it should be noted that the diamond core-drilling does not generate dust and the prospecting right area is more than 5 km from the solar PV facilities.</p> <p>No additive cumulative dustfall impact from the proposed prospecting activity is therefore anticipated.</p> <p>Specific mitigation measures have been recommended for managing the impacts from the prospecting activities so that there is no significant detrimental impact, cumulative or otherwise, to the environment.</p>
<p>Nicholas Smith Attorneys</p> <p>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>Received via email and attached letter on 11 March 2019</p>	<p>61.8.2. ABS Africa's purported conclusion that "<i>surrounding land users [are] minimally affected by prospecting activities</i>" cannot be sustained on the facts, as a proper assessment of <u>all</u> impacts relating to dust fall (including cumulative impacts of other prospecting activities envisaged for the area) has not been conducted and included in the DBAR. We also point out that ABS Africa's conclusion does not stand scrutiny when considered against the recommendations pertaining to dust mitigation strategies and in particular, the agreement envisaged between the applicant and Mulilo, in the latter's capacity as a surrounding land user.</p>	<p>Please refer to the responses to comment 61.8.1 above.</p>
<p>Nicholas Smith Attorneys</p>		<p>Received via email and attached</p>	<p>61.8.3. In the event that Mulilo was minimally affected as asserted by ABS Africa, then the need for such an agreement would not arise, and accordingly, would</p>	<p>The EMPr only states that "Any agreement pertaining to dust mitigation measures between Orion and Mulilo must be implemented during</p>

<p>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>letter on 11 March 2019</p>	<p>not be contemplated as a mitigation measure included in terms in the EMP. 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>prospecting activities". This should not be regarded as a recommendation by the EAP that such an agreement is required or that it should be a condition of the authorisation.</p> <p>Accordingly, there is no need for a further draft of the DBAR to be circulated for 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>Received via email and attached letter on 11 March 2019</p>	<p>61.8.4. 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 "<i>limited</i>". 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>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>Received via email and attached letter on 11 March 2019</p>	<p>61.8.5. 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 significant investment in the operational solar PV facilities in the vicinity of the subject-properties. Similarly, no mention is made of the further socio-economic benefits which will flow should the authorised but as yet unconstructed Mulilo solar PV facilities be developed.</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</p>		<p>Received via email and attached</p>	<p>61.8.6. In fact, the DBAR is entirely silent on the cumulative socio-economic impacts associated with the proposed</p>	<p>Please refer to the responses to comment 61.8.5 above.</p>

<p>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>letter on 11 March 2019</p>	<p>prospecting activities. The EIA is therefore inadequate, as it has failed to consider existing, positive socio-economic impacts. 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>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>Received via email and attached letter on 11 March 2019</p>	<p>61.8.7. 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 negative medium high significance.</p>	<p>No response necessary. The impact significance rating quoted in the comment is the impact before mitigation. The post mitigation impact significance is Low.</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>Received via email and attached letter on 11 March 2019</p>	<p>61.8.8. 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. Insufficient information regarding the cumulative EM &amp; RFI effect of: Mulilo's solar PV Facilities (both operational, and authorised but not yet constructed); the two wind farms under construction on the neighbouring properties; Orion's mining and related activities; and</p>	<p>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.</p>

			<p>this application's prospecting activities has been provided and/or considered. Furthermore, insufficient information regarding 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.</p>	
<p>Nicholas Smith Attorneys</p> <p>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>Received via email and attached letter on 11 March 2019</p>	<p>61.8.9. The DBAR concludes that five stipulated conditions should be included in any environmental authorisation that the competent authority might be minded to grant.</p>	<p>No response necessary.</p>
<p>Nicholas Smith Attorneys</p> <p>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>Received via email and attached letter on 11 March 2019</p>	<p>61.8.10. The relevant paragraphs of the DBAR read as follows (with our comments in respect of those conditions included in italics against each of the proposed conditions):</p>	<p>No response necessary.</p>
<p>Nicholas Smith Attorneys</p>		<p>Received via email and attached</p>	<p>61.8.11. The following conditions should be included in the authorisation:</p>	<p>No response necessary.</p>

<p>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>letter on 11 March 2019</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>Received via email and attached letter on 11 March 2019</p>	<p>61.8.12. The applicant must continue to reassess the risks and impacts of the prospecting activities for the duration of the prospecting programme. Should any change in the risk and impact profile of the development be determined, additional management controls and mitigation measures must be implemented and the EMPr amended to reflect these changes. <i>[We point out that there cannot be talk of “reassessment” when, as pointed out in the body of these comments, there has not been an assessment ab initio in relation to the aspects traversed in these comments.]</i></p>	<p>Please refer to the earlier responses relating to the comments raised with respect to the adequacy and sufficiency of the assessment undertaken.</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>Received via email and attached letter on 11 March 2019</p>	<p>61.8.13. The EMPr, including all management and monitoring measures must be implemented. <i>[To the extent that this condition is defensible and is included in an environmental authorisation granted <u>after</u> the further assessment that must be undertaken to remedy the current flaws in the assessment process, as identified in these comments, it is clear that the EMPr includes a condition that prescribes the implementation of whatsoever agreement is concluded between the applicant and Mulilo and pertaining to dust mitigation measures. We submit that the conclusion of that</i></p>	<p>Please refer to the earlier responses relating to the comments raised with respect to the adequacy and sufficiency of the assessment undertaken and the response to comment 4.5 relating to the agreement.</p>

			<i>agreement must be obliged of the applicant before the listed activities can commence.]</i>	
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		Received via email and attached letter on 11 March 2019	61.8.14. No drilling may take place within 100m of a watercourse or within 500m of a wetland, unless prior approval has been obtained from the relevant authorities, should this be required. <i>[The purpose of the environmental assessment process is to identify ecologically sensitive areas and to ensure that those are excluded from the areas on which the listed activities can be undertaken.]</i>	All sensitive areas have been mapped in Appendix B, described in Section 6 of the BAR and excluded from any proposed invasive prospecting area.
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		Received via email and attached letter on 11 March 2019	61.8.15. Once the preliminary drilling locations have been established (following the non-invasive prospecting phase), a heritage and ecological site assessment must be undertaken to establish any sensitive fauna, flora or heritage attributes of significance which may be associated with intended drilling locations and associated access routes. <i>[As supported by the submissions made in these comments, we are of the considered opinion that the necessary in-field assessments must be undertaken before an environmental authorisation can be granted, rather than as conditions in such an authorisation.]</i>	Given the significant extent of the prospecting rights area and the intention to temporarily disturb approximately 0.15 ha as part of the prospecting activities, it is impractical to subject the entire proposed area of more than 8000 ha to a detailed ecological specialist study.  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.
Nicholas Smith Attorneys  On behalf of Mulilo Prieska PV (RF) (Pty) Ltd; Mulilo Renewable Energy Solar PV Prieska (RF) (Pty) Ltd and		Received via email and attached letter on 11 March 2019	61.8.16. The drilling site locations must avoid disturbance to any identified sensitive environmental features. <i>[In the event that "identified sensitive environmental features" are detailed and described in the next draft of the DBAR (rather than relegated to the status of a</i>	Please refer to the earlier responses relating to the comments raised with respect to the adequacy and sufficiency of the assessment undertaken.

<p>Mulilo Sonnedix Prieska PV (RF) (Pty) Ltd</p>			<p><i>condition) the necessary site assessments should be undertaken before the grant of environmental authorisation.]</i></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>Received via email and attached letter on 11 March 2019</p>	<p>61.8.17. The specialist reports and updated site layout map showing the drilling site locations must be submitted to the DMR, together with an updated EMPr, as may be required. <i>[Again, the correct approach by the applicant and/or ABS Africa would be to commission the necessary reports as a precursor to the grant of environmental authorisation, rather than to suggest that they can be dealt with by way of conditions in due course.]</i></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>Received via email and attached letter on 11 March 2019</p>	<p>61.8.18. 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 assessment are incomplete and do not comply fully with the EIA Regulations, 2014, this statement cannot be supported. To the extent that the current findings of the impact assessment are incomplete and/or flawed, there cannot be a suggestion that the correct mitigation measures have been identified at this juncture. It follows that we deny that the EAP's opinion is well-founded as matters stand.</p>	<p>Please refer to the earlier responses relating to the comments raised with respect to the adequacy and sufficiency of the assessment undertaken.</p>

<p>Nicholas Smith Attorneys</p> <p>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>Received via email and attached letter on 11 March 2019</p>	<p>62. 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:</p> <p style="padding-left: 40px;">62.1.1. <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. The PKSD SDF (2013 to 2018) identifies mining as one of the economic sectors which has historically contributed the most to regional gross domestic product and identifies the sector as having further development potential. Similarly, the SLM IDP (2017 to 2018) identifies the potential for new mining development within the municipality as an economic opportunity.”</i> (Emphasis supplied.)</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</p> <p>On behalf of Mulilo Prieska PV (RF) (Pty) Ltd; Mulilo Renewable Energy Solar PV Prieska (RF) (Pty) Ltd and</p>		<p>Received via email and attached letter on 11 March 2019</p>	<p>63. The analysis of need is entirely superficial and serves the applicant’s purported need only. As such, it 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>.</p>	<p>The need analysis in the BAR is adequate for informing an activity that is small-scale, temporary and low-impact.</p> <p>The 2017 version of the guideline has not been gazetted and its status as an official guideline</p>



<p>Mulilo Sonnedix Prieska PV (RF) (Pty) Ltd</p>			<p>The SDF and IDP to which ABS Africa refer appear to relate to development imperatives that are articulated in documents that do not necessarily find application in 2019. It ought also to be noted that ABS Africa has relied on an outdated version of the <i>Guideline on Need and Desirability</i>, namely the 2012 Information Series version, rather than the more recent 2017 version. The 2017 version is published on DEA’s website. To the extent that its contents have effectively supplanted those in the earlier version of the <i>Guideline on Need and Desirability</i> the former guideline is a centrally relevant consideration. Furthermore, ABS Africa has entirely failed objectively to consider the <u>desirability</u> of the proposed prospecting activities, given the existing (and prospective) solar PV facilities located proximate to the subject-properties. The passing references in the DBAR to several “... <i>operating and proposed renewable energy developments (wind and solar) [being] located on surrounding properties to the east, with the nearest operating solar PV plant (Mulilo Prieska PV) being approximately 5km from the eastern boundary of the proposed prospecting right area</i>” is insufficient and superficial in the context of a proper and objective analysis of need and desirability.</p>	<p>and associated commencement date is thus uncertain. The requirements of this guideline have in any event been complied with.</p> <p>There are no solar PV facilities within the development footprint under consideration for this prospecting right application. The nearest solar PV facilities are approximately 5 km from the nearest boundary of the prospecting right area.</p> <p>There is no rationale for discussing the solar PV facilities as part of the desirability of the prospecting activities as the prospecting activities will not compete, displace or otherwise impact on the 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</p>		<p>Received via email and attached letter on 11 March 2019</p>	<p>64. “Need” is not the same as “the general purpose or 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</p>	<p>No response necessary.</p>

<p>Mulilo Sonnedix Prieska PV (RF) (Pty) Ltd</p>			<p>public. The Guideline on Need and Desirability notes as follows with regards to such an assessment:</p> <p>65. <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></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>Received via email and attached letter on 11 March 2019</p>	<p>66. The need and desirability of a proposed development within a particular context is primarily informed by strategic planning documents, including the currently applicable municipal Integrated Development Plan (“IDP”) and Spatial Development Framework (“SDF”).</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>Received via email and attached letter on 11 March 2019</p>	<p>67. ABS Africa has failed to have proper regard to the applicable strategic planning documents, noting only the following:</p> <p>68. <i>“The SLM Spatial Development Framework (SDF) was compiled in 2006 and, according to the SLM IDP (2017-2018), is no longer used for guiding for development planning in the municipality. <u>No development planning</u></i></p>	<p>Both the Pixley Ka Seme SDF and the Northern Cape SDF are considered in section 8.1.14.2 of the BAR.</p> <p>It is not clear where the cited text has been drawn from. Section 8.1.14.2 actually states:</p> <p><i>No specific development planning guidelines or objectives have been defined by the SLM for</i></p>

			<i>guidelines or objectives have therefore been defined for Copperton or the proposed prospecting right area."</i>	<i>Copperton or the proposed prospecting right area.</i>
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		Received via email and attached letter on 11 March 2019	<p>69. The latter statement is not correct, as the Pixley Ka Seme SDF is applicable to the area under consideration, which falls within its jurisdiction. Paragraph 8.1.14.2 of the DBAR then also refers to the Northern Cape Provincial SDF (dated 2012) and its provision of a composite spatial plan for the province, based on various spatial planning categories (including agricultural areas). Again, the relevance of the SDF (generated in 2012) is not fully explained by ABS Africa, although the following is stated:</p> <p>70. <i>"The proposed prospecting right area is situated within the Agricultural spatial planning category, outside of the high potential agricultural land spatial designation. The implementation guidelines make provision for the rezoning of low-potential agricultural land for non-agricultural development."</i></p>	Please refer to Section 8.1.14.2 of the BAR where it is stated that the Northern Cape SDF is one of two spatial development frameworks relevant to the study area.
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		Received via email and attached letter on 11 March 2019	<p>71. The 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 Mulilo'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</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 are no operating or prospective solar PV facilities within the development footprint under consideration for this prospecting right application. The nearest solar PV facilities are approximately 4 km from the nearest boundary of the prospecting right area.</p>

			assessment of need and desirability is therefore superficial at best, and at worst misleading.	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.
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		Received via email and attached letter on 11 March 2019	72. Upon a proper consideration of desirability of the proposed prospecting activities, it ought to be 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 proximate to Mulilo's operational and prospective solar PV facilities (the closest operational Mulilo facility is approximately 5km from the subject-properties). The impacts likely to be caused by prospecting activities, particularly an increase in dust, will in all reasonable likelihood compromise the functioning of Mulilo's operations (as detailed in the preceding section of these comments). Consequently, it is important that Mulilo's operations be considered as part of an assessment of need and desirability in the study area.	No dustfall impacts from the proposed prospecting activities can be expected at a distance of 5 km.  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.  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.
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		Received via email and attached letter on 11 March 2019	73. Renewable energy is included in the " <i>Priority List for Siyathemba as identified in the IDP</i> ". Neither prospecting nor 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 operational and prospective solar PV facilities detailed in paragraphs 6 and 7 above fall within the identified hubs, a map of which is attached hereto as	It is important to recognise that this application pertains to prospecting only. 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 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

			<p>Annexure "B". Renewable energy development is therefore clearly designated as eminently desirable in the relevant area, while mining is not so designated.</p>	<p>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>Section 8.1.14.12 of the BAR notes that the SLM IDP (2017-2018) specifically identifies new mining development opportunities as an economic opportunity. 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>The proposed prospecting right area is not within the proposed Renewable Energy Hub.</p>
<p>Nicholas Smith Attorneys On behalf of Mulilo Prieska PV (RF) (Pty) Ltd; Mulilo Renewable Energy Solar PV</p>		<p>Received via email and attached</p>	<p>74. 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</p>	<p>Please refer to the responses to comment 73 above.</p>

<p>Prieska (RF) (Pty) Ltd and Mulilo Sonnedix Prieska PV (RF) (Pty) Ltd</p>		<p>letter on 11 March 2019</p>	<p>Development is identified as an “anchor economic activity”. This is noted in the <i>Siyathemba Local Municipality IDP</i>. In fact, certain of Mulilo’s projects (those on <i>Farm 117 Klipgatspan; Farm 104 Vogelstruisbult; and Farm 146 Hoekplaas</i>, 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 <u>declared</u> its municipal area as a Nodal Point for growth to participate and develop in the proposed Solar Park and Secondary Stream Developments to enhance poverty and unemployment reduction.”</i></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>Received via email and attached letter on 11 March 2019</p>	<p>75. Mulilo’s solar PV operations have therefore been recognized as being of significant strategic importance to the Siyathemba Local Municipality, as well as to the 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. The future operations by Mulilo should consequently remain unimpeded by other activities proposed pursuant to the approval of Mulilo’s facilities and in particular, when</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>

			other proposed activities create impacts that are directly negative to Mulilo's current and future 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		Received via email and attached letter on 11 March 2019	76. 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 relevant responses to these comments will be material in nature, and will amount to new information.	The need and desirability analysis in the BAR is adequate for informing an activity that is small-scale, temporary and low-impact.  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 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		Received via email and attached letter on 11 March 2019	77. 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.

<p>Nicholas Smith Attorneys</p> <p>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>Received via email and attached letter on 11 March 2019</p>	<p>78. <u>Appendix 1 (3)(1)(c)</u> stipulates that the DBAR must include <i>“a plan which locates the proposed activity or activities applied for as well as associated structures and infrastructure at an appropriate scale.”</i> No such plan has been provided by ABS Africa. The latter notes that: <i>“the site layout of the prospecting activities is largely determined by the orebody of interest. The <u>proposed drilling programme will be refined based on the information derived from the non-invasive prospecting activities, including geological mapping and EM surveys.</u>”</i> In our view this statement is misleading. Given that no detail as to the layout of intrusive prospecting activities has been provided to date, we fail to see how there can be suggestion of a “revision” thereof.</p>	<p>Appendix B of the BAR provides a locality map of the proposed prospecting right area in relation to surrounding land uses.</p> <p>The statement is not misleading. The drilling locations within the broader prospecting right area will be identified through the information obtained from the non-invasive prospecting activities.</p>
<p>Nicholas Smith Attorneys</p> <p>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>Received via email and attached letter on 11 March 2019</p>	<p>79. <u>Appendix 1 (3)(1)(d)</u> requires <i>“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.”</i> In our view, and based on the information provided in the DBAR, this requirement has not been complied with due to the following:</p>	<p>Responses have been provided below for each of the specific comments submitted in support of this comment.</p>
<p>Nicholas Smith Attorneys</p> <p>On behalf of Mulilo Prieska PV (RF) (Pty) Ltd; Mulilo Renewable Energy Solar PV Prieska (RF) (Pty) Ltd and</p>		<p>Received via email and attached letter on 11 March 2019</p>	<p>80. The development of access tracks may trigger Activity 24 on Listing Notice 1, or Activity 4 on Listing Notice 3 (listed activities principally concerning the development of roads) and this is not mentioned in Table 4-2, nor is sufficient information provided by ABS Africa for us to determine whether in fact either of these activities are</p>	<p>Section 3.2 of the BAR identifies the listed and non-listed activities applicable to the proposed prospecting activities.</p>



<p>Mulilo Sonnedix Prieska PV (RF) (Pty) Ltd</p>			<p>triggered on the jurisdictional requirements of the respective activities identified in this paragraph.</p>	<p>No access tracks will be established to the extent that the thresholds of Activity 24 (LN1) and Activity 4 (LN3) are exceeded.</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>Received via email and attached letter on 11 March 2019</p>	<p>81. No provision is made in Table 4-2 for the settling ponds described in the EMP. The Listed Activities that are or might be triggered by the excavation `development of the settling ponds, and consequently the impacts thereof, have not been assessed in the DBAR. To the extent that ABS Africa might argue that the settling ponds constitute part of the drilling activities and are included within the demarcated surface disturbance area of each drilling site (and have thus been described and their impacts assessed as part of the consideration of the drilling activity) that would not constitute a substantive and appropriate response in the circumstances. The central issue for consideration is whether the settling ponds' construction constitutes a listed activity as described in the EIA Regulations, 2014 (Listing Notices 1 to 3).</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 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>Received via email and attached letter on 11 March 2019</p>	<p>82. <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 <u>identification</u> 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) <u>how the proposed activity complies with and responds to the legislation and</u></i></p>	<p>Responses have been provided below for each of the specific comments submitted in support of this comment.</p>

			<p><i>policy context, plans, guidelines, tools frameworks, and instruments</i>". This requirement has not been met for the following reasons:</p>	
<p>Nicholas Smith Attorneys</p> <p>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>Received via email and attached letter on 11 March 2019</p>	<p>83. Firstly, ABS Africa has not considered all applicable legislation. The EMPr notes inter alia that "<i>Stockpiled soil or sand utilised during the drilling operations for borehole establishment ("Stockpiles") will be covered in windy conditions.</i>" The MPRDA defines a "residue stockpile" as "<i>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 in all reasonable likelihood constitute a "stockpile" for the purpose of the MPRDA. Accordingly, the <i>Regulations regarding the planning and management of residue stockpiles and residue deposits from a prospecting, mining, exploration or production operation</i> would be applicable. ABS Africa has neither considered nor described compliance with the aforementioned Regulations.</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</p> <p>On behalf of Mulilo Prieska PV (RF) (Pty) Ltd; Mulilo Renewable Energy Solar PV Prieska (RF) (Pty) Ltd and</p>		<p>Received via email and attached letter on 11 March 2019</p>	<p>84. 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. It is imperative, in order to facilitate informed decision-</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>

Mulilo Sonnedix Prieska PV (RF) (Pty) Ltd			making, that the most up-to-date guidelines are used in preparation of a basic assessment report.	
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		Received via email and attached letter on 11 March 2019	85. Thirdly, ABS Africa has considered municipal development planning frameworks, including the <i>Pixley Ka Seme SDF</i> and the <i>Siyathemba Local Municipality IDP</i> that appear now to be outdated. This aspect has been dealt with in Section D above.	Please refer to the earlier responses to these comments.
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		Received via email and attached letter on 11 March 2019	86. 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> in the DBAR. It is therefore unclear whether this Guideline was considered during the basic assessment process that preceded the publication of the DBAR for comment. However, given the information presented in the DBAR, we are of the view that this is probably not the case. For example, the Guideline 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 context of Mulilo's operational and prospective solar PV facilities on the subject-properties, has not been properly examined.	The guideline was considered but has not been referenced as a final version has not been gazetted at this stage.  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.  Please refer to the earlier responses regarding the need and desirability of the prospecting in relation to the Mulilo solar PV facilities.

<p>Nicholas Smith Attorneys</p> <p>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>Received via email and attached letter on 11 March 2019</p>	<p>87. Fourth, the DBAR does not address how the proposed activity complies with <i>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.</i></p>	<p>This has been addressed in Section 4 of the BAR.</p>
<p>Nicholas Smith Attorneys</p> <p>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>Received via email and attached letter on 11 March 2019</p>	<p>88. <u>Appendix 1 (3)(1)(f)</u> requires “<i>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.</i>” Such a motivation has not been provided by ABS Africa. This has been dealt with in section D above.</p>	<p>Please refer to Section 5 of the BAR.</p>
<p>Nicholas Smith Attorneys</p> <p>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>Received via email and attached letter on 11 March 2019</p>	<p>89. <u>Appendix 1 (3)(1)(g) and (h)</u> require “<i>a motivation for the preferred site, activity and technology alternative,</i>” and “<i>a full description of the process followed to reach the preferred alternative within the site.</i>” As described in Section B above, ABS Africa has not complied with this requirement.</p>	<p>Please refer to Section 6 of the BAR.</p>
<p>Nicholas Smith Attorneys</p> <p>On behalf of Mulilo Prieska PV (RF) (Pty) Ltd; Mulilo Renewable Energy Solar PV Prieska (RF) (Pty) Ltd and</p>		<p>Received via email and attached letter on 11 March 2019</p>	<p>90. <u>Appendix 1 (3)(1)(h)(ii)</u> requires a basic assessment report to contain “<i>details of the public participation process undertaken in terms of regulation 41 of the [EIA] Regulations, including copies of the supporting documents and inputs.</i>” While Appendix C2 contains the text of the notice of the application purportedly placed</p>	<p>Please refer to Section 7 and Appendix 7 of the BAR.</p>

<p>Mulilo Sonnedix Prieska PV (RF) (Pty) Ltd</p>			<p>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>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>Received via email and attached letter on 11 March 2019</p>	<p>91. <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>Please refer to the earlier responses to 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>Received via email and attached letter on 11 March 2019</p>	<p>92. <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>" This is copied directly from the Klipgatspan DBAR. No additional summary is provided in respect of the DBAR under consideration.</p>	<p>The summary of findings from the specialist report is included in Section 17. The cited text does not appear in the BAR for this application for environmental authorisation.</p>

<p>Nicholas Smith Attorneys</p> <p>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>Received via email and attached letter on 11 March 2019</p>	<p>93. <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:</p> <p><i>“Sufficient and appropriate information on the proposed development and the receiving environment was available for conducting the impact assessment;</i></p> <p><i>With mitigation measures applied, the proposed development is compatible with current land uses; and</i></p> <p>94. <i>No significant negative impacts have been identified. Impacts identified have been assessed to be reversible and can be satisfactorily mitigated.”</i></p>	<p>No response needed.</p>
<p>Nicholas Smith Attorneys</p> <p>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>Received via email and attached letter on 11 March 2019</p>	<p>95. 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. Most notably, much of the information relied on by ABS Africa relates not to the subject-properties, but other properties in the Copperton area, and is consequently insufficient.</p>	<p>The EAP considers the statements to be valid. Please refer to the earlier responses to this issue.</p>
<p>Nicholas Smith Attorneys</p> <p>On behalf of Mulilo Prieska PV (RF) (Pty) Ltd; Mulilo Renewable Energy Solar PV Prieska (RF) (Pty) Ltd and</p>		<p>Received via email and attached letter on 11 March 2019</p>	<p>96. <u>Appendix 1 (3)(1)(o)</u> requires a <i>“description of any assumptions, uncertainties and gaps in knowledge which relate to the assessment and mitigation measures proposed.”</i> ABS Africa notes in this regard that the contents of the DBAR <i>“reflect the best judgement of ABS Africa in light of the information available at the time of</i></p>	<p>The use of desktop information to inform a basic assessment for an activity that is small-scale, temporary and low-impact is considered to be acceptable.</p> <p>Please refer to the earlier responses to this issue.</p>

<p>Mulilo Sonnedix Prieska PV (RF) (Pty) Ltd</p>			<p><i>preparation.</i>" This section should specifically record that the information in the DBAR is based purely on a desktop review of existing information, some of which does not relate directly to the subject-properties. The section should further explain why sufficient time was not allocated to the project in order to secure more and better information, and particularly so that ecological site assessments and heritage and palaeontological walk-throughs could occur.</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>Received via email and attached letter on 11 March 2019</p>	<p>97. <u>Appendix 1 (3)(1)(p)</u> requires <i>"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."</i> In this regard, ABS Africa notes as follows:</p> <p>98. <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></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</p>		<p>Received via email and attached letter on 11 March 2019</p>	<p>99. 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</p>	<p>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>

Mulilo Sonnedix Prieska PV (RF) (Pty) Ltd			properties close to the subject-properties, have not been properly assessed.	
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		Received via email and attached letter on 11 March 2019	100. 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:	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		Received via email and attached letter on 11 March 2019	101. The composite map (Sensitivity Map) purports to delineate <i>"areas to be avoided by the proposed prospecting activities."</i> However, no walk-through / field survey was conducted to determine definitively the existence and location of heritage resources on the subject-properties. Instead, it is proposed that before the applicant commences with <i>"invasive prospecting activities, the impact areas should be subjected to a heritage walk-down"</i> . Similarly, no site assessment was conducted to properly identify ecological attributes, including species of particular sensitivity. The information in respect of both heritage and ecological attributes was obtained from desktop reviews of information not directly related to the subject-properties. The Sensitivity Map therefore cannot be deemed to be accurate and complete. It therefore does not comply with Appendix 4 (1)(1)(c) of the EIA Regulations, 2014.	<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>The rationale and suitability of a desktop assessment, for the type of activity envisaged, has been explained in earlier responses.</p> <p>Please note that the desktop heritage specialist study specifically considered the subject properties within the proposed prospecting right area.</p> <p>Importantly, through the requirement for specialist ecology and heritage survey of the drilling site locations prior to drilling commencing, it will be ensured that impacts to sensitive environmental resources will be avoided.</p>



<p>Nicholas Smith Attorneys</p> <p>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>Received via email and attached letter on 11 March 2019</p>	<p>102. The EMPr refers to Table 19-1 of the DBAR as specifying income management <u>objectives</u> and <u>outcomes</u>. However, Appendix 4 (1)(1)(d) and (e) of the EIA Regulations, as amended in 2017, require a description of impact management <u>objectives</u> and <u>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>Please refer to Table 32-1 and 32-2 where the impact management objectives and actions have been addressed in the prescribed format required by the DMR.</p>
<p>Nicholas Smith Attorneys</p> <p>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>Received via email and attached letter on 11 March 2019</p>	<p>102.1. 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).</p> <p>103. Paragraph 29.1 of the EMPr refers only to closure objectives. 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.</p> <p>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</p> <p>On behalf of Mulilo Prieska PV (RF) (Pty) Ltd; Mulilo Renewable Energy Solar PV Prieska (RF) (Pty) Ltd and</p>		<p>Received via email and attached letter on 11 March 2019</p>	<p>103.1. 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 three settling ponds to treat the water by-product. These ponds have not been included in the list of <i>Listed and</i></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>Mulilo Sonnedix Prieska PV (RF) (Pty) Ltd</p>			<p><i>Specified Activities</i> triggered 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>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>Received via email and attached letter on 11 March 2019</p>	<p>103.2. Table 29-1 entitled "<i>Impacts to be mitigated in their respective phases</i>" is problematic in that it is incomplete, as it does not properly address the impacts of dust on existing and prospective solar PV facilities operated by Mulilo, and specifically measures to be put in place should the PV panels be soiled or otherwise compromised by dust emissions from prospecting activities. There is merely a passing reference to the implementation of any agreement that might be concluded between the applicant and Mulilo pertaining to agreed dust mitigation measures. As already pointed out, we submit that the conclusion of such an agreement before invasive prospecting activities can commence should be included as a condition in whatever environmental authorisation the competent authority is minded to grant in the circumstances.</p>	<p>Please refer to the earlier responses to the issues raised regarding the agreement as well as the response to comment 4.5.</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>Received via email and attached letter on 11 March 2019</p>	<p>103.3. In respect of impacts to terrestrial ecology, as discussed in Section C above, an inadequate assessment of impacts has resulted in proposed mitigation measures which are largely superficial and generic. A site visit <u>must</u> be conducted in addition to the desktop review of the available</p>	<p>Given the significant extent of the prospecting rights area and the intention to temporarily disturb approximately 0.15 ha as part of the prospecting activities, it is impractical to subject the entire proposed area of more than 8000 ha to a detailed ecological specialist study.</p>

<p>Mulilo Sonnedix Prieska PV (RF) (Pty) Ltd</p>			<p>ecological information for the area in order to identify and characterise the ecological features of the subject-properties and develop an ecological sensitivity map.</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>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>Received via email and attached letter on 11 March 2019</p>	<p>103.4. In respect of mitigation of heritage impacts, in our view a walk down <u>must</u> be conducted as part of the initial basic assessment process, and not in the future and only prior to intrusive prospecting after an environmental authorisation has been granted. The mitigation measures proposed are therefore ineffectual in the absence of a complete and proper physical assessment (rather than a desktop assessment as is currently the case) 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 0.15 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 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 and agreed with SAHRA prior to the study commencing.</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>Received via email and attached letter on 11 March 2019</p>	<p>103.5. In terms of potential socio-economic impacts, negative socio-economic impacts may flow as a result of increased dust fall on Mulilo's operational (and prospective) solar PV panels on the properties on which Mulilo's activities have been authorised. Increased dust fall could compromise the</p>	<p>It is noted that the nearest proposed or operational solar PV facility (to the proposed prospecting right area) is approximately 5 km from the nearest boundary of the prospecting right area. No dustfall impacts to Mulilo can be expected at this distance.</p>

Mulilo Sonnedix Prieska PV (RF) (Pty) Ltd			functioning of Mulilo's facilities (particularly in the summer months), thereby adversely affecting both the productivity and the financial viability of Mulilo's operations. This impact has not been considered by ABS Africa and as a consequence of that omission, adequate mitigation measures have not been proposed.	The applicant will also 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.
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		Received via email and attached letter on 11 March 2019	103.6. Table 30-2 details the mechanism for monitoring compliance with the EMPr and assigns roles and responsibilities respectively to a site manager; an environmental manager; the environmental control officer and/or safety health and environment representatives; the external auditor; and independent specialists. In relation to increased dust fall, PM10 and PM2.5 levels no mention is made of the possible impact on Mulilo's current and future activities.	Please refer to the earlier responses to the impact of dust on Mulilo's 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		Received via email and attached letter on 11 March 2019	103.7. 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 Mulilo's current (and future) authorised activities on the subject-properties has been provided in a manner that will allow the competent authority to render an informed decision on the application.	Mulilo's activities, to the extent that that may be affected by the proposed prospecting activities, have been identified in the BAR and reflected in Appendix B of the BAR..
Nicholas Smith Attorneys		Received via email and attached	103.8. The determination of appropriate financial provisioning is regulated by the <i>Regulations</i>	No response needed.

<p>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>letter on 11 March 2019</p>	<p><i>pertaining to the Financial Provision for Prospecting, Exploration, Mining or Production Operations. Regulation 4 stipulates that "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>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>Received via email and attached letter on 11 March 2019</p>	<p>103.9. 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 remediation may be necessary in the event of damage to solar PV panels as a result of dust emissions caused by the proposed activities, or reduced profitability of Mulilo's operational and proposed solar PV facilities as a result of increased dust fall caused and/or occasioned by prospecting activities and related activities that could or will give rise to dust emissions.</p>	<p>It is noted that the nearest proposed or operational solar PV facility (to the proposed prospecting right area) is approximately 5 km from the nearest boundary of the prospecting right area. No dustfall impacts to Mulilo can be expected at this distance.</p> <p>The applicant will also 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.</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>Received via email and attached letter on 11 March 2019</p>	<p>103.10. 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</p>	<p>The rehabilitation plan is deemed to be appropriate for the nature and extent of the proposed prospecting activities which comprise of 5 drilling sites with a total surface area disturbance of approximately 0.15 ha.</p>

			bullet point list of action items and contains insufficient information to properly be considered as meeting the requirements for a “plan” for purposes of compliance with Regulation 10.	
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		Received via email and attached letter on 11 March 2019	103.11. Regulation 6 also requires an applicant to determine financial provision through “ <i>a detailed itemization of all activities and costs.</i> ” 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.	These are the only items applicable to the proposed 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		Received via email and attached letter on 11 March 2019	103.12. The list also does not detail for how many years the financial provision of R34,886.00 is allocated. Regulation 7 requires financial provision to be “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 <u>of at least 10 years.</u> ” In our view, the amount proposed does not appear to be sufficient for the 10-year period contemplated by law, particularly considering the potentially significant financial remediation which may be required should Mulilo’s solar PV operations be compromised; the latter eventuality is one for which no cost has been	The financial provision is linked to the prospecting work programme, which is expected to be complete within a period of 5 years.

			calculated in the current calculation of financial provision.	
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		Received via email and attached letter on 11 March 2019	103.13. In our view, the DBAR in its current form falls short of the requirements of the EIA Regulations, 2014, and contains inadequate information to enable us, on behalf of Mulilo, 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 Mulilo's operational and prospective solar PV facilities in proximity to the subject-properties, and how the impacts associated with particularly intrusive prospecting activities will affect this existing land use.	Adequate information has been presented in the BAR and the EIA Regulations, 2014 (as amended) have been complied with.  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.  The potential impacts to Mulilo's prospective and operating solar PV plants (the nearest of which is 5 km from the nearest boundary of the proposed prospecting right area) have been assessed.
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		Received via email and attached letter on 11 March 2019	103.14. 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.	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		Received via email and attached	103.15. Given that a proper supplementation of the DBAR in order to deal with the substantive deficiencies identified herein will by definition	

Renewable Energy Solar PV Prieska (RF) (Pty) Ltd and Mulilo Sonnedix Prieska PV (RF) (Pty) Ltd		letter on 11 March 2019	comprise the production (by ABS Africa) of material new 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.	
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## APPENDIX C5 – I&AP REGISTER

SURNAME	FIRST NAME	ORGANISATION
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**Landowners**

Matsapola	Phaphedi	Armcor Defence Institutes / Alkantpan Test Range
de Jager	Cornelius Frans	(Azuntie Straat) Independent Homeowner
Bernard	Jemima Josina	Private Landowner

**Occupiers of the site**

**Adjacent Landowners**

Visagie	Andre	
Matsapola	Phaphedi	Armcor Defence Institutes / Alkantpan Test Range
Matsapola	Phaphedi	Armcor Defence Institutes / Alkantpan Test Range
Matsapola	Phaphedi	Armcor Defence Institutes / Alkantpan Test Range
Buys	P.J	Private Landowner
Van Wyk	hans Jurgens (Jurie)	unknown
Smit	Petrus Willem	Willem died last year. Son in Law Morne Ross farms now
Ekkard	Frans	Uitspan Trust
Jordaan	Abrie	

**Adjacent Occupiers of the Site**

**Municipal Councillor**

Speelman	Gloria	Siyathemba Local Municipality: Ward 4 Councillor
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**Local and District Municipality**

Tsume	H	Siyathemba Local Municipality
Stadhouer	IWJ	Siyathemba Local Municipality
Basson	J	Siyathemba Local Municipality
Kibi	MT	Pixley ka Seme District Municipality

**Organs of State with Jurisdiction**

Kgampe	M	D: Department of Science and Technology
Gumbi	N	DD: Department of Science & Technology
Nemaungani	T	CD: Department of Science & Technology
Sebueng	V	Department of Science and Technology: Admin Officer
Mazibuko	B	SKA SA - Spectrum
Matlhane	S	SKA SA - Spectrum
Monama	T	SKA SA - GIS
Mohapi	S	Department of Science & Technology - Legal Services
Moonsamy	S	Department of Science & Technology - Legal Services
Nape	T	SARAO - Permit Coordinator
Sethole	B	SKA SA - Analyst
Monyamane	Ezekiel	Transnet SOC LTD.
Reddy	Krishna	Transnet SOC LTD.
Papenfus	Norman	Transnet SOC LTD.
Hamman	J.N	Provincial Government: Northern Cape

Timothy	A	South African Heritage Resource Agency
Nogwili	K	Northern Cape Department of Transport, Roads & Public Works
Abrahams	A	Department of Water & Sanitation: Kimberley
Khutjo	Sekwaila	Department of Water & Sanitation: Northern Cape Region
Govender	M	Department of Environmental Affairs
Swart	P	Department of Mineral Resources: Northern Cape
Shandukani	Patricia	Department of Mineral Resources: Northern Cape
Mashau	Humbulani	Department of Mineral Resources: Northern Cape
de Kock	Rene	SANRAL SOC LTD.
Moholo	Sylvia	Department of Public Works: Kimberley
Moeketsi	Kgotso	Provincial Head: NC Department of Agriculture, Land Reform and Rural Devel
Dikeni	T	CEO: Northern Cape Economic Development, Trade and Investment Promotic
Lucas	S	Northern Cape Office of the Premier
Moleko	D	Northern Cape Provincial Government
Ravhugoni	Ntsundeni	Department of Mineral Resources: Northern Cape - Environment
Mthonbeni	Thulani	Northern Cape Department of Environmental Affairs and Nature Conservatio
Kgosi	Dineo	Northern Cape Department of Environmental Affairs and Nature Conservatio
Cloete	Shaun	Department of Water & Sanitation: Kimberley
Mahlako	R	Department of Water & Sanitation: Kimberley
Dlamini	Bonginkosi	Department of Environmental Affairs - Hazardous Waste Management and Li
Mahlangu	Lucas	Department of Environmental Affairs - Hazardous Waste Management and Li
Sefako	Dr Ramotholo	South African Astronomical Observatory
Kekana	David	Northern Cape Department of Environmental Affairs and Nature Conservatio
Nkoane	Cynthia	Depratment of Rural Development
Hlengani	A	Department of Water & Sanitation UPT
Shimbabu	S	Department of Water & Sanitation UPT
Other		
Shamu	Walter	Orion Minerals
Birch	Marcus	Orion Minerals
Brown	Robyn	Mulilo Renewable Project Developments
Liebenberg	Schalk	GWK Group
Brooks	Llewellyn	GWK Group
Kotze	Juan	GWK Group
van Zyl	Wiehann	Solek Renewable Energy Engineers
Botha	Simon	Interested Party
Dean	David	Mainstream Renewable Power South Africa
Papier	Piet	Interested Party
Potgieter	Izak	Duncan & Rothman Attorneys
Steenkamp	Lucas Petrus	Interested Party
Diuger	Edward	Boer/ Landboukamdige
Wessels	D.C	Steenkop Boerdery
de Jager	Cornelius Frans	(Azuntie Straat) Independent Homeowner
Gainsford	Percy	Prieska Black Business Forum
de Jager	Sandra	Interested Party
Human	Wynand	Interested Party
Human	Johannes	Agri Prieska
Dwyer	Dulcken	Agri Prieska
Botha	JP	Agri Prieska
Hamman	Hano	Prieska Copper Mines Ltd
Venturi	Fabio	Terramanzi
Parra	Rodrigo	Elawan
Holland	Nicole	Holland Associates
Meyer	Pieter-Mike	Request Trust
Cullum	John	Mulilo Renewable Energy Solar PV (RF) (Pty) Ltd
Tredoux	Henri	Tenant
Meyer	Pieter-Mike	Request Trust

Jenkins	Michelle	Prieska Copper Mines Ltd
Van Wyk	Helen Cathren Louise	Gemeend Trust
Fourie	Wilhette	Private Landowner
Human	Christina Susanna	Private Landowner
Human	Hendrik Gideon	Private Landowner
Ekkart	Frans	Tenant
Rudolph	Gerhardus Jacobus	Private Landowner
Bernard	Jemima Josina	Private Landowner
van Zyl	Salmon Jacobus	Private Landowner
Mdunyelwa	Nomzamo	Eskom Holdings SOC LTD
Meyer	Hester Cecilia	Copperton Development CC
Meyer	Hester Cecilia	Interested Party
Bekebeke	Justice	Provincial Government of Northern Cape
Nyker	Jasandra	BioTherm Energy (Pty) Ltd
Cope	Jason	Veld Renewables (Copperton Wind Farm)
Parra	Rodrigo	Elawan
van der Westhuizen	Corne	Kronos Solar Farm 1 (Pty) Ltd
Peinke	David	Atlantic Renewable Energy Partners
Miszczak	Sonia	Atlantic Renewable Energy Partners
Wolmarans	Johannes	Humansrus Solar Projects / Solek
Dean	David	Mainstream Renewable Power South Africa
Arthur		Alkantpan Test Range - Lodge
Loots	Tharina	Alkantpan Test Range - Lodge
Venturi	Fabio	Terramanzi
Stadhouer	Ronny	Stadhouer Trust
Matsapola	Phaphedi	Arm Scor Defence Institutes / Alkantpan Test Range
Matsapola	Phaphedi	Arm Scor Defence Institutes / Alkantpan Test Range
Moeketsi	Kgotso	Depratment of Rural Development
Moeketsi	Kgotso	Depratment of Rural Development
van Zyl	Andre	unknown
Stadhouer	Ronny	Stadhouer Trust
Matsapola	Phaphedi	Arm Scor Defence Institutes / Alkantpan Test Range
Matsapola	Phaphedi	Arm Scor Defence Institutes / Alkantpan Test Range
Matsapola	Phaphedi	Arm Scor Defence Institutes / Alkantpan Test Range
Matsapola	Phaphedi	Arm Scor Defence Institutes / Alkantpan Test Range
Crafford	Danie	Arm Scor Defence Institutes / Alkantpan Test Range
Van Zyl	Salmon	unknown
Conradie	Bundu	unknown
Matsapola	Phaphedi	Arm Scor Defence Institutes / Alkantpan Test Range
Moeketsi	Kgotso	Depratment of Rural Development
Matsapola	Phaphedi	Arm Scor Defence Institutes / Alkantpan Test Range
Crafford	Danie	Arm Scor Defence Institutes / Alkantpan Test Range
Buys	P.J	Private Landowner
de Jager	Justina	Agent to the Executor of the Estate of Mr. C.J de Jager
de Jager	Aletta	Executor of the Estate of Mr.C.J de Jager (Surface owner according to title der
de Jager	Cornelius Frans	(Azuntie Straat) Independent Homeowner
Moeketsi	Kgotso	National Government of South Africa
Conradie	Bundu	
Meyer	Hester Cecilia	Copperton Development CC
Van Zyl	Andre	
Bernard	Jemima Josina	Private Landowner
Cullum	John	Mulilo Renewable Energy Solar PV (RF) (Pty) Ltd
Cope	Jason	Veld Renewables (Copperton Wind Farm)
Low	Karen	Mulilo Renewable Project Developments