



mineral resources & energy

Department:
Minerals Resources and Energy
REPUBLIC OF SOUTH AFRICA

Private Bag X 6093 Kimberley, 8300; Tel: 0538071700; Fax: 0538328593 Telkom Building, 41 Schmidtsdrift Street, Kimberley 8300 Enquiries: Kgaudi Shapo Ref No: NC 30/5/1/1/2/ (12720PR)
E-mail address: kgaudi.shapo@dmr.gov.za Mine Environmental Management

REGISTERED MAIL

The Directors

Vutomi Mining (Pty) Ltd

P. O. Box 95037

Waterkloof

Pretoria

0145

For attention: Jacques Nienaber

E-mail: jacques@vutomi.co.za

klaaskraalbos@gmail.co.za

Tel: 0827718883

Fax: 0129960823

Dear Sir/ Madam

APPLICATION FOR AN ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AS AMENDED (“NEMA”) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014 FOR ACTIVITIES RELATED TO PROSPECTING RIGHT AND ASSOCIATED INFRASTRUCTURE IN RESPECT OF DIAMOND (IN KIMBERTLE) ON PORTION OF FARM 21, SITUATED IN THE MAGISTERIAL DISTRICT OF BARKLY WEST, NORTHERN CAPE REGION.

With reference to the above-mentioned application, please be advised that the Department has decided to grant an environmental authorisation in terms of regulation 20(1) (a)/24(1) (b) of the Environmental Impact Assessment Regulations, 2017 as amended (“EIA Regulations”). The environmental authorisation and reasons for the decision are attached herewith.

In terms of regulation 4(2) of the EIA Regulations, you are instructed to notify all registered interested and affected parties, in writing within 14 (fourteen) calendar days, of the date of the

Department's decision in respect of your application and the provisions regarding the making of appeals must be provided for in terms of the National Appeal Regulations, 2014.

Should you wish to appeal any aspect of the decision, you must submit the appeal to the Minister of Environmental Affairs, within 20 days from the date of notification, and such appeal must be lodged as prescribed by Chapter 2 of the National Appeal Regulation, 2014 by means of one of the following methods:

By post: Attention: Appeals Directorate and Legal review
The Minister of Department of Environmental Affairs
Private Bag X 447
PRETORIA
0001

By facsimile: (012) 359 3609; or

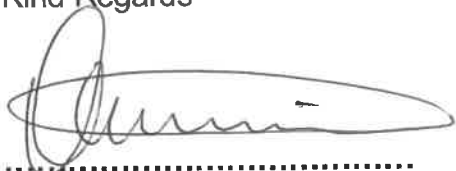
By hand: Environmental House, Corner Steve Biko and Soutspanberg,
Arcadia, Pretoria, 0083

An electronic copy (word document format) of the appeal and its supporting documents must also be submitted to Mr Ziyaad Hassam (appealsdirector@environment.gov.za).

A prescribed appeal form, as well as assistance regarding the appeal processes is obtainable from the office of the appeal authority/ at: Tel. (012) 359 3609, E-mail: appealsdirector@environment.gov.za

Should you decide to appeal, you must comply with the National Appeal Regulations, 2014 in relation to notification of all registered interested and affected.

Kind Regards



.....
REGIONAL MANAGER: MINERAL REGULATION
NORTHERN CAPE REGION
DATE.....24/08/2021



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Minerals Resources and Energy
REPUBLIC OF SOUTH AFRICA

Private Bag X 6093 Kimberley, 8300; Tel: 0538071700; Fax: 0538328593, Telkom Building, 41 Schmidtsdrift Street, Kimberley 8300

ENVIRONMENTAL AUTHORISATION

Reference number: NC30/5/1/1/2/12720PR
Commodity: DIAMOND (IN KIMBERTLE)
Last amended: First issue
Applicant of authorisation: Vutomi Mining (Pty) Ltd
Location of activity: PORTION OF FARM 21, SITUATED IN THE MAGISTERIAL DISTRICT OF BARKLY WEST, NORTHERN CAPE REGION.

ACRONYMS

NEMA: The National Environmental Management Act, 1998 (Act 107 of 1998), as amended
DEPARTMENT: Department of Mineral Resources.
EA: Environmental Authorisation.
EMPr: Environmental Management Programmer
BAR: Basic Assessment Report
I&AP: Interested and Affected Parties
ECO: Environmental Control Officer
SAHRA: South African Heritage Resources Agency
EIA REGULATIONS: Environmental Impact Assessment Regulations, 2014
MPRDA: Mineral and Petroleum Resources Development Act, 2002 (Act 28 of 2002), as amended
NEMA:WA: National Environmental Management: Waste Act, 2008 (Act 59 of 2008), as amended
EIA: Environmental Impact Assessment.

The Department is satisfied, based on information available to it and subject to compliance with the conditions of this environmental authorisation, that the applicant should be authorised to undertake **NEMA EIA** listed activity (ies) specified below. Details regarding the basis on which the Department reached this granting decision are set out in **Annexure "1"** of this environmental Authorisation.

ACTIVITY APPLIED FOR

By virtue of the powers conferred on it by NEMA, the Department hereby Grant an application for EA by **Vutomi Mining (Pty) Ltd** with the following contact details–

A. DETAILS OF THE APPLICANT FOR THIS ENVIRONMENTAL AUTHORISATION

Vutomi Mining (Pty) Ltd
P. O. Box 95037
Waterkloof

Pretoria

0145

For attention: Jacques Nienaber

E-mail: jacques@vutomi.co.za and klaaskraalbos@gmail.co.za

Tel: 0827718883

Fax: 0129960823

to undertake the following activities listed in the NEMA EIA Regulation-

B. LIST OF ACTIVITIES AUTHORISED

Government Notice No. R.983 of 07 April 2017 –

Listing Notice 1: Activity Number: 20

Description:

“Any activity including the operation of that activity which requires a prospecting right in terms of section 16 of the Mineral and Petroleum resources Development Act, 2002 (Act No. 28 of 2002), including= (a) associated infrastructure, structures and earthworks, directly related to or (b) the primary processing of a petroleum resources including winning, extraction, classifying, concentrating or water removal; but excluding the secondary processing of a petroleum resource, including the beneficiation or refining of gas, oil or petroleum products in which case activity 5 in this Notice applies.”

PROPERTY DESCRIPTION AND LOCATION

A listed activity will take place on a portion of Farm 21, situated in the Magisterial District of Barkly West, Northern Cape Region.

Co-ordinates of the boundary of the property are those that are described in the final site layout map attached hereto hereinafter referred to as “the site”.

D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER

N. J. van Zyl

P. O. Box 255

Springbok,

8240

For attention: N.J. Van Zyl

Email: klaaskraalbos@gmail.com

Tell: 0828898696

Fax:08665562942

E. CONDITIONS OF AUTHORISATION

1. SCOPE OF AUTHORISATION

- 1.1. The holder of the EA shall be responsible for ensuring compliance with the conditions contained in the EA. This includes any person acting on the holder's behalf, including but not limited to an agent, servant, contractor, subcontractor, employee, consultant or any person rendering a service to the holder of EA.
- 1.2. Any changes to, or deviation from the project description set out in this EA must be approved in writing by this Department before such changes or deviation may be affected. In assessing whether to grant such approval or not, the Department may request such information as it deems necessary to evaluate the significance and impacts of such changes or deviation and it may be necessary for the holder of the IEA to apply for further authorisation in terms of the EIA Regulations.
- 1.3. The activities, which are authorised, may only be carried out at the property (ies) indicated in the EA and or on the approved EMPr.
- 1.4 Where any of the holders of the EA contact details change including the name of the responsible person, physical/postal address or telephonic details, the holder of the EA must notify the Department as soon as the new details become known to the holder of the EA.
- 1.5 The EA does not negate the responsibility of the holder to comply with any other statutory requirements that may be applicable to the undertaking of such activity (ies).
- 1.6. The holder of the EA must ensure that all areas where the authorised activities occur have controlled access to ensure safety of people and animals.
- 1.7. The holder of the EA must implement an Emergency Preparedness Plan and review it bi-annually when conducting audit and after each emergency and major incident. The holder must notify the competent authority in writing, within 24 hours thereof of the occurrence.
- 1.8. The holder of an authorisation, must apply for a closure certificate upon the lapsing, abandonment or cancellation of the right in question, cessation of the mining, the relinquishment of the portion of the mining of the land to which a right. An application

for a closure certificate must be made to the Regional Manager in whose region the land in question is situated within 180 days of the occurrence of the lapsing, abandonment, cancellation, cessation, and relinquishment.

- 1.9. The holder of the EA is not authorised to conduct prospecting activities that required bulk sampling on the prospecting area. If there is any need or interest for activities that require bulk sampling the holder of the EA should lodge application for amendment.

2 APPEAL OF AUTHORISATION

- 2.1 The holder of EA must in writing, within 14 (fourteen) calendar days of the date of this decision and in accordance with EIA Regulation 4(2)-

- 2.2 Notify all registered I&APs of –

- 2.2.1 The outcome of the application;

- 2.2.2. The date of the decision;

- 2.2.3. The date of issue of the decision and;

- 2.2.4 The reasons for the decision as included in Annexure 1 and this Annexure 2 (Departmental Standard Conditions).

- 2.3 Draw the attention of all registered I&APs to the fact that an appeal may be lodged against the decision in terms of the National Appeals Regulations,

- 2.4 Draw the attention of all registered I&APs to the manner in which they may access the decision.

3 COMMENCEMENT OF THE ACTIVITY (IES)

- 3.1 In order to ensure safety, all employees must be given the necessary personnel protective equipment (PPE).

- 3.2 This EA must be provided to the site operator and the requirements thereof must be made fully known to him or her.

- 3.3 Hauling routes for construction vehicles and machinery must be clearly marked and appropriate signaling must be posted to that effect. Furthermore, movement of construction vehicles and machinery must be restricted to areas outside of the drainage line or wet areas.

- 3.4 Appropriate notification sign(s) must be erected at the construction site, warning the public (residents, visitors etc.) about the hazard around the construction site and presence of heavy vehicles and machinery.
- 3.5 Construction must include design measures that allow surface and subsurface movement of water along the drainage lines so as not to impede natural surface and subsurface water flow, and drainage measures must promote the dissipation of storm water runoff.
- 3.6 Vegetation clearance must be limited areas where the individual activities will occur, and mitigation measures must be implemented to reduce the risk of erosion and alien species invasion.
- 3.7 The holder of EA must note that in terms of the National Forest Act, 1998 (Act No .84 of 1998) protected plant species, also listed in Northern Cape Nature Conservation (NCNCA) Act no. 9 of 2009 must not be cut, disturbed, damaged, destroyed and their products must not be possessed, collected, removed, transported, exported, donated, purchased or sold unless permission is granted by the Department of Agriculture, Forestry and Fisheries.
- 3.8 Construction areas (e.g. material lay down areas), topsoil and subsoil must be protected from contamination or pollution. Stockpiling must not take place in drainage lines or areas where it will impede surface water runoff.
- 3.9 If any soil contamination is noted at any phase of the proposed activity (ies), the contaminated soil must be removed to a licensed waste disposal facility and the site must be rehabilitated to the satisfaction of the Department and Department of Water and Sanitation. The opportunity for the onsite remediation and re-use of contaminated soil must be investigated prior to the disposal and this Department must be informed in this regard.
- 3.10 An integrated waste management approach must be implemented that is based on waste minimization and must incorporate avoidance, reduction, recycling, treat, reuse and disposal where appropriate. Uncontaminated rubble generated on the premises can be re-used as back filling material on site. Ensure that no refuse or rubble generated on the premises is placed, dumped or deposited on the adjacent properties or public places and open space.
- 3.11 In terms of sections 28 and 30 of NEMA, and sections 19 and 20 of the National Water Act, 1998 (Act No. 36 of 1998), any costs incurred to remedy environmental

damage must be borne by the person responsible for the damage. It is therefore imperative that the holder of the IEA reads through and understand the legislative requirements pertaining to the operation. It is the applicant's responsibility to take reasonable measures which include informing and educating contractors and employees about environmental risks of their work and training them to operate in an environmentally acceptable manner.

- 3.12 Construction vehicle must be serviced and maintained in the manner whereby no excessive smokes is released, noise production is reduced to acceptable levels, and to prevent oil leaks. Contaminated soil must be remediated on site or removed to an authorised landfill site.
- 3.14 Residents (if any) on the property (ies) and surrounding areas must be informed if any unusually noisy activities are planned.
- 3.15 Dust suppression measures must be implemented on all exposed surface to minimize and control airborne dust.
- 3.16 Mixing of cement, concrete, paints, solvent, sealants and adhesive must be done in specified areas on concrete aprons or on protected plastic linings to contain spillage or overflow onto soil to avoid contamination of underground water and environmental damage.
- 3.17 Should any heritage remains be exposed during operation or any actions on the site, these must immediately be reported to the South African Heritage Resource Agency (SAHRA) and or Northern Cape Heritage Resource Agency (NCHRA) (in accordance with the applicable legislation). Heritage remains uncovered or disturbed during earthworks must not be further disturbed until the necessary approval has been obtained from the South African Heritage Resource Agency (SAHRA) and or Northern Cape Heritage Resource Agency (NCHRA).

Heritage remains include: archaeological remains (including fossil bones and fossil shells); coins; middens, indigenous and/or colonial ceramics; any articles of value or antiquity; marine shell heaps; stone artifacts and bone remains; structures and other built features; rock art and rock engravings; shipwrecks; and graves or unmarked human burials. A qualified archaeologist must be contracted where necessary (at the expense of the applicant and in consultation with the relevant authority) to remove any human remains in accordance with the requirements of the relevant authority.

- 3.18 Since the Department did not receive the comment from SAHRA, is still your responsibility to ensure compliance regarding any comment that SAHRA can issue after the granting of this EA.
- 3.19 Care must be taken to ensure that the material and excavated soil required for backfilling are free of contamination from hydrocarbons.
- 3.20 Hydraulic fluids or chemicals required during construction must be stored in a concrete lined surface with bund walls and shall be designed in such a manner that any spillage can be contained and reclaimed without any impact on the surrounding environment. Should any spills occur it should be cleaned immediately by removing spillage together with the polluted solids and dispose it in the authorised disposal site permitted of such waste. The regional office of the Department of Water and Sanitation must be notified within 24 hours of an incident that may pollute surface and underground water resources.
- 3.21 Chemical sanitation facilities or system such as toilets that do not rely on the seepage of liquids must be provided with a ratio of 1 for every 15 workers. These must be placed such that they prevent spills or leaks to the environment and must be maintained according to the operating instructions and the content thereof must be disposed of at an authorised wastewater treatment works.
- 3.22 The holder of EA must ensure that any water uses listed in terms of section 21 of National Water Act, 1998 (Act 36 of 1998) must get authorization from Department of Water and Sanitation prior to the commencement of such activity (ies). The holder of the EA shall note that in terms of Section 19 (1) of the national Water Act, 1998 (Act No. 36 of 1998).” An owner of land, a person who occupies or uses the land on which – (a) any activity or process is or was performed or undertaken; or (b) any other situation exists, which caused or is likely to cause pollution of a water source must take all reasonable measures to prevent any such pollution from occurring, continuing or recurring.”
- Therefore, any pollution incident (s) associated with the proposed project shall be reported to the relevant Regional Office of the DMR and Department of Water and Sanitation within 24 hours.
- 3.23 This EA does not purport to absolve the holder of EA from its common law obligations towards the owner of the surface of land affected.

- 3.24 The holder of EA must ensure that rehabilitation of the disturbed areas caused by operation(s) always comply with the approved EMPr.
- 3.25 This EA may be amended or withdrawn at any stage for non-compliance and provides no relief from the provisions of any other relevant statutory or contractual obligations.
- 3.26 The holder of EA must note that in terms section 43A of the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008), residue deposit and residue deposit must be deposited and managed in a prescribed manner on any site demarcated for that purpose in the approved EMPr. No person may temporary or permanently deposits residue stockpile or residue deposit on any area or site other than on site indicated on the approved EMPr.
- 3.27 The holder of EA must note that in terms section 20 of the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008), no person may commence, undertake or conduct a waste management activity, except in accordance, with the requirements of norms and standards determined in terms of section 19(3) for that activity or a waste management license is issued in respect of that activity if license is required.
- 3.28 An appeal under section 43(7) of the National Environmental Management Act (NEMA), Act 107 of 1998 (as amended) suspend an EA or exemption or any provisions of conditions attached hereto, or any directive unless the Minister directs otherwise.
- 3.29 Should you be notified by the Minister of a suspension of the authorisation pending appeal procedure, you may not commence/continue with the activity (ies) until such time that the Minister allows you to commence with such activity (ies) in writing.
- 3.30 The Department reserves the right to audit and/or inspect the activity (ies) without prior notification at any reasonable time and at such frequency as may be determined by the Regional Manager. Environmental Management Inspector or Environmental Management Resource Inspector within his or her mandate in terms of section 31D, may – question any person; issue a written notice inspect any document (books or record or any written or electronic information); copy or make extracts from any document (book or record or written or electrical information); take photographs or make audio- visual recordings; dig or bore into the soil or take samples and carry out any other prescribed duty not inconsistent with this Act and any other duty that may be prescribed in terms of a specific environmental

management Act. Environmental Management Inspector or Environmental Management Resource Inspector without a warrant may enter and search any vehicle, vessel or aircraft or search any pack-animal or any other mechanism of transport, on reasonable suspicion.

- 3.31 The waste storage site must have a firm, impermeable, chemical resistant floors and a roof to prevent direct sunlight and rainwater from getting in contact with the waste.
- 3.32 The storage of hydrocarbons must have bund walls with adequate capacity to contain the maximum volume that is stored in the area. Uncontaminated storm water must be prevented from coming into contact with the waste and must be diverted away from the storage site.
- 3.33 You shall not store any fuel either above or underground, with a combined capacity of 80 cubic metres or more without an authorisation in each of the above-mentioned sites. All fuels and lubricants that can be stored in the sites must be stored inside a bounded area.
- 3.34 Subject to the commencement and duration requirements of the MPRDA and NEMA for the listed mining activity is valid for the period for which the aforesaid right is issued provided that this activity must commence within 10 years. If the commencement of the proposed activity does not occur within the specified period, the EA lapses and a new application for EA in terms of the NEMA and the EIA Regulations should be made for the activity to be undertaken.
- 3.35 The commissioning and decommissioning of individual activity within the overall listed mining activity must take place within the phases and timeframes as set out in EMP or EMPr.
- 3.36 The listed activity (ies), including site preparation, must not commence within 20 (twenty) calendar days of the date of the notification of the decision being sent to the registered I&APs. If an appeal is lodged with the appeal administrator, the effect of this environmental authorization is suspended until such time as the appeal is finalized.
- 3.37 Should there be any conflicting conditions between this EA and other approval granted by other authorities, it is upon the holder of EA to bring it to the attention of the Department for resolution.

3.38 If the EA holder is not the surface owner must before commencement of the mining activities consult with the landowners for reasonable compensation of damages such as loss of grazing, stock theft, fire hazard that may be associated with the listed activity/ies.

3.39 Notwithstanding the provision of any other law, no person is civilly or criminally liable or may be dismissed, disciplined, prejudiced or harassed on account of having refused to perform any work if the person is good faith and reasonable believed at the time of the refusal that the performance of the work would result in an imminent and serious threat to the environment.

4 MANAGEMENT OF ACTIVITY (IES)

4.1. A copy of the EA and EMPr must be kept at the property or on-site office where the activity (ies) will be undertaken. The EA and EMPr must be produced to any authorised officials of the Department who request to see it and must be made available for inspection by any employee or agent of the holder of the EA who works or undertakes work at the property (ies). Access to the site must be granted to any authorised official representing a competent authority. The environmental authorisation and EMP must be available on site to the aforesaid authorised official on request at all times.

4.2. The content of the EMPr and its objectives must be made known to all contractors, subcontractors, agent and any other people working on the site, and any updates or amendments to the EMPr must be submitted to the Department for approval.

4.4. Regular monitoring and maintenance of storm water drainage facilities must always be conducted, if damaged as directed by the Department or any other relevant authority.

4.5 A buffer zone of 100 meters between the activity (ies) and the residential areas, cemeteries or burial grounds must be clearly demarcated and maintained.

4.6 The holder of the EA must prevent nuisance conditions or health hazards, or the potential creation of nuisance conditions or health hazards.

4.7 The holder of the EA must ensure that all non-recyclable waste is disposed of at waste management facilities licensed to handle such wastes and all recyclable waste are collected by licensed waste management facilities for recycling, reuse or treatment.