



mineral resources & energy

Department:
Mineral Resources and Energy
REPUBLIC OF SOUTH AFRICA

Private Bag X 6093 Kimberley, 8300; Tel: 0538071700; Fax: 0538311314
41 Schmdtsdrift Road, Old Telkom Building, Kimberley 8301

Enquiries: Ndidzulafhi.Mavhungu Ref No: NC 30/5/1/3/3/2/1/ 12924 PR

E-mail address: Ndidzulafhi.Mavhungu@dmre.gov.za

Mine Environmental Management

The Director

Ken C Diamonds (Pty) Ltd

No. 4 Chapel Street

Kimberley

8301

Attention: Barry Lethohonolo Oliphant

By-E-mail. info@engedime.co.za

ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 of 1998) AS AMENDED (NEMA) AND THE ENVIRONMENTAL IMPACT ASSESSMENT (EIA) REGULATIONS, 2017: ACTIVITY RELATED TO MINE PRODUCTION AND ASSOCIATED INFRASTRUCTURE FOR A PROSPECTING RIGHT TO PROSPECT DIAMONDS (GENERAL AND ALLUVIAL), SITUATED IN THE MAGISTERIAL DISTRICT OF HERBERT, NORTHERN CAPE REGION.

With reference to the abovementioned application, please be advised that the Department has decided to **grant** an environmental authorisation in terms of Section 24 L of National Environmental Management Act (Act 107 of 1998). The environmental authorisation and reasons for the decision are attached herewith.

In terms of Regulation 4 (2) of the Environmental Impact Assessment Regulations of 2017, you are instructed to notify all registered interested and affected parties, in writing

within 14 (Fourteen) calendar days, from the date of the Department's decision in respect of your application and the relevant provisions regarding the lodgement of appeal must be provided for in terms of the National Appeal Regulations of 2014.

Should you wish to appeal any aspect of the decision, you must submit the appeal to the Minister of Environmental Affairs and a copy of such appeal to the Department of Mineral Resources (Northern Cape Regional Office), within 20 days from the date of notification, and such appeal must be lodged as prescribed in by Chapter 2 of the National Appeal Regulations of 2014, by means of the methods as per prescribed below:

Appeal to the Department of Environmental Affairs

Attention : Directorate Appeals and Legal Review

Email : appealsdirector@environment.gov.za

By post : Private Bag X 447, PRETORIA, 0001

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

Copy of the lodged appeal to the Department of Mineral Resources

Attention : Regional Manager: Northern Cape Region

By facsimile :(053) 8328 593

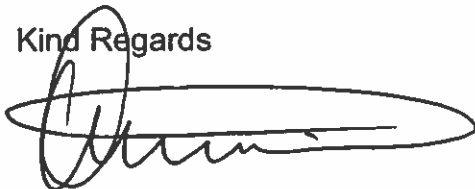
E-mail : Ntombi.Mayekiso@dmre.gov.za

By post : Private Bag X 6093, Kimberley, 8300

By hand : 41 Schmdtsdrift Road, Old Telkom Building, Kimberley 8301

Should you decide to appeal, you must comply with the National Appeal Regulation of 2014 in relation to notification of all registered interested and affected, and a copy of the official appeal form can be obtained from the Department of Environmental Affairs.

Kind Regards



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**REGIONAL MANAGER: MINERAL REGULATION
NORTHERN CAPE REGIONAL OFFICE**

DATE: 21/11/2022



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Mineral Resources and Energy
REPUBLIC OF SOUTH AFRICA

Private Bag X 6093 Kimberley, 8300; Tel: 0538071700; Fax: 0538311314

41 Schmdtsdrift Road , Old Telkom Building, Kimberley 8301

ENVIRONMENTAL AUTHORISATION

Reference number:	NC 30/5/1/1/3/2/1/12924 EM
Last amended:	First Issue
Holder of authorisation:	Keno C Diamonds (Pty) Ltd
Location of activities:	Diamonds (General and Alluvial), on the remainder of Klein Torquay No.246, situated in the magisterial district of Herbert.

DECISION

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 Programme
BAR:	Basic Assessment Report
I&AP:	Interested and Affected Parties
ECO:	Environmental Control Officer
SAHRA:	South African Heritage Resources Agency
EIA REGULATIONS:	EIA Regulations, 2017
MPRDA:	Mineral and Petroleum Resources Development Act, 2002 (Act 28 of 2002), as amended
EIA:	Environmental Impact Assessment.

The Department is satisfied, on the basis of information availed to it and subject to compliance with the conditions of this environmental authorisation, that the applicant should be authorised to undertake **NEMA** and **EIA** listed activities specified below. Details regarding the basis on which the Department reached this granting decision are set out in Annexure "I" of this integrated environmental authorisation.

ACTIVITY APPLIED FOR

By virtue of the powers conferred on it by NEMA the Department hereby grant an application for Environmental Authorization to Paradigm Investment Holdings (Pty) Ltd with the following contact details

The Director
Ken C Diamonds (Pty) Ltd
No. 4 Chapel Street
Kimberley
8301

Attention: Barry Lethohonolo Oliphant

By-E-mail. info@engedime.co.za

To undertake the following activities listed in the NEMA and EIA Regulation.

LIST OF ACTIVITIES AUTHORISED IN TERMS OF NEMA

Listing Notice GRN327 Activity 20

PROPERTY DESCRIPTION AND LOCATION

A listed activity will take place **Diamonds (General and Alluvial), on the remainder of Klein Torquay No.246**, situated in the magisterial district of Herbert.

SG Code

C0320000000024900000

D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER

Responsible Person: Tshimangadzo Mulaudzi

Company: Engedi Mineral and Energy (Pty) Ltd

Tell: 051 430 1748

Fax: 086 556 2568

Email: info@engedime.com

E. CONDITIONS OF AUTHORISATION

1. SCOPE OF AUTHORISATION

- 3.18 The comments from SAHRA, is still your responsibility to ensure compliance.
- 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 authorized 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 authorized 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 activities. 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 authorization pending appeal procedure, you may not commence/continue with the activities until such time that the Minister allows you to commence with such activities in writing.
- 3.30 The Department reserves the right to audit and/or inspect the activities 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 prospecting 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 prospecting activity must take place within the phases and timeframes as set out in EMP or EMPr.
- 3.36 The listed activities, 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. In the event that 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 prospecting 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 activities.
- 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, EIAR and EMPr must be kept at the property or on-site office where the activity (lies) will be undertaken. The EA and EMPr must be produced to any authorized 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. Access to the site must be granted to any authorized official representing a competent authority. The environmental authorization and EMP must be available on site to the aforesaid authorized official on request at all times.
- 4.2 The content of the EIAR 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 EIAR must be submitted to the Department for approval.
- 4.3 Regular monitoring and maintenance of storm water drainage facilities must be conducted at all times, if damaged as directed by the Department or any other relevant authority.
- 4.4 A buffer zone of 100 meters between the activities and the residential areas, cemeteries or burial grounds must be clearly demarcated and maintained.

- 4.5 The holder of the EA must prevent nuisance conditions or health hazards, or the potential creation of nuisance conditions or health hazards.
- 4.6 The holder of the EA must ensure that all non-recyclable waste are 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.
- 4.7 The holder of the EA must ensure that all liquid wastes, whose emissions to water or land could cause pollution are diverted to sewer, after testing water quality and receiving written approval from the relevant local authority.
- 4.8 prospecting vehicles must be serviced and maintained in a manner whereby excessive smoke and noise production is reduced to acceptable levels, and to prevent oil leaks. Drip trays must be placed under each stationary equipment or vehicles to avoid soil contamination which may lead to water pollution.
- 4.9 Non-compliance with any condition of this EA or EIAR/EMPR may result in the issuing of a directive in terms of section 28 and or a compliance notice in terms of section 31L of NEMA.
- 4.10 Should it be discovered or come to the attention of the Department that the EA has been obtained through fraud, non-disclosure of information or misrepresentation of a material fact, the Department will suspend your EA in terms of the provisions of regulation 38(1) of the EIA Regulations.
- 4.11 Only listed activities that are expressly specified in the section B that forms part of this EA may be conducted. Additional or new activities not specified herein must be applied for by the holder of the EA and authorised by the Department before such activities may be commenced with. This condition is also applicable in the case of the amendment, addition, substitution, correction, and removal or updating of any detail in the aforesaid EIAR and EMPR.
- 4.12 Any changes to or deviations from the activity description set out above must be approved in writing by the competent authority before such changes or deviations may be effected. In assessing whether to grant such approval or not, the competent authority may request information as it deems necessary to evaluate the significance and impacts of such changes or deviation and it

may be necessary for the EA holder to apply for further authorization in terms of the regulations.

- 4.13 Rehabilitation of the disturbed surface caused by the operation always must comply with the conditions set in the approved EIAR & EMPR. The historical liability in the prospecting area form part of prospecting area.
- 4.14 The holder of the EA must ensure that the names and contact details of the ECO is made available to the Regional Manager within 30 days of commencement. The holder of EA must also ensure that an ECO is always available on site to ensure that activity at all times comply with the issued EA and approved EIAR & EMPR.
- 4.15 The holder must obtain Under Policy and Legislative Context e) please send proof application for section 21 especially (c) and (i) of the National Water Act (Act 36 of 1998) and regulation as amended, inter alia Government Notice No. 704 of 1999.

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5.1 The ECO must:

- 5.1.1 Keep and maintain a detailed incidents register (including any spillages of fuels, chemicals or any other material.
- 5.1.2 Keep a complaint register on site indicating the complaint and how the issues were addressed, what measures were taken and what the preventative measures were implemented to avoid re-occurrence of complaints.
- 5.1.3 Keep records relating to monitoring and auditing on site and avail them for inspection to any relevant authorised officials.
- 5.1.4 Keep copies of all environmental reports submitted to the Department.
- 5.1.5 Keep the records of all permits, licences and authorisations required by the operation; and
- 5.1.6 Compile a monthly monitoring report and make it available to the Department if requested.

- 5.2 The duties and responsibilities of the ECO should not be exempting the holder of the EA from the legal obligations in terms of the NEMA and NEMWA.
- 5.3 The footprint of the activities must be limited on the areas authorised for the actual construction works and operational activities and all areas outside of the footprint must be regarded as a "no go" areas.
- 5.4 Erosion and soil loss must be prevented by minimizing the construction site exposed to surface water run-off. Where necessary erosion stabilizing action such as gabions or re-vegetation must be implemented to prevent further habitat deterioration.
- 5.5 The holder of the EA must ensure that all personnel who work with hazardous waste are trained to deal with these potential hazardous situations so as to minimise the risk involved. Records of training and verification of competence must be kept by the holder EA.
- 5.6 To prevent nuisance conditions, the holder of the EA must ensure that all storage skips and bins are not overfilled.
- 5.7 The holder of the environmental authorization must annually assess the environmental liabilities of the operation by using the master rates in line with the applicable Consumer Price Index (CPI) at the time and address the shortfall on the financial provision submitted in terms of section 24P of NEMA.
- 5.8 The holder is responsible for ensuring compliance with the conditions EA by any person acting on his/her behalf, including an agent, servant, contractor, sub-contractor, employee, consultant or any person rendering a service to the holder of the EA.
- 5.9 A person convicted of an offence of failure to comply with compliance notice is liable to a fine not exceeding five million rand or to imprisonment for a period not exceeding 10 years or to be both such fine and such imprisonment.
- 5.10 The applicable requirements with respect to relevant legislation pertaining to occupational health and safety must be adhered to.

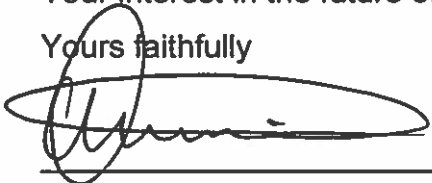
- 5.11 Should the holder of the Authorisation ever cease, he/she must take required actions as prescribed by legislation at the time and comply with all the relevant legal requirements administered by any relevant and competent authority at that time.
- 5.12 If any soil contamination is noted during prospecting period of the proposed activities, the contaminated soil must be removed to a suitable waste disposal facility and the site must be rehabilitated to the satisfaction of the competent authority and Department of Water and Sanitation. The opportunity for the on-site remediation and re-use of contaminated soil must be investigated prior to disposal and this competent authority must be informed in this regard.
- 5.13 Notwithstanding the Companies Act, 2009 (Act No.71 of 2008) or the Close Corporations Act, 1984 (Act No.69 of 1984), the directors of a company or members of a close corporation are jointly and severally liable for any negative impact on the environment whether advertently or inadvertently caused by the company or close corporation which they represent including damage, degradation, or pollution.

F. DISCLAIMER

The Department of Mineral Resources and Energy in terms of the conditions of this environmental authorisation shall not be responsible for any damages or losses suffered by the holder, developer, or his/her successor in any instance where construction or operation after construction is temporarily or permanently stopped for reasons of non-compliance with the conditions as set out herein or any other subsequent document or legal action emanating from this decision.

Your interest in the future of our environment is appreciated.

Yours faithfully



Regional Manager: Mineral Regulation (Northern Cape)

DATE OF DECISION: 21/11/2022

FOR OFFICIAL USE ONLY:

EIA REFERENCE NUMBER:

NC 30/5/1/1/3/2/1/12924PR

ANNEXURE 1:

REASONS FOR THE DECISION

In reaching its decision, the competent authority, inter alia, considered the following:

- a) The information contained in the, Environmental Authorisation application form received by the competent authority on the **22nd April 2021**.
- b) Relevant information contained in the Departmental information base, including, the Department's circular on the One Environmental Management System dated 8 December 2014.
- c) The objectives and requirements of relevant legislation, policies and guidelines, including Section 2 of the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA");
- d) The public participation process which includes site notices and newspaper advertisement in the local newspaper.
- e) The comments received from Interested and Affected Parties ("I&APs") and the responses provided thereon, as included in the BAR submitted on **25th January 2022**.
- f) This application was submitted in terms of the 2017 NEMA Environmental Impact Assessment Regulations ("EIA Regulations").
- g) The sense of balance of the negative and positive impacts and proposed mitigation measures.
- h) Financial provision to the value of **R100,099.49** was paid in a form of cash deposit to the DME Rehabilitation trust account.

- i) No site visits were conducted. The competent authority had sufficient information before it to make an informed decision without conducting a site visit; and

All information presented to the competent authority was considered in the consideration of the application for environmental authorisation. A summary of the issues which, according to the competent authority, were the most significant reasons for the decision is set out below.

1. Exemption

No Exemption from NEMA and its Regulation was granted to the applicant by the competent authority. No Public Participation Process ("PPP") in accordance with Regulation 4(3) in terms of the National Exemption Regulations and Regulation 41 in terms of the EIA Regulation 2017 was conducted by the Department of Mineral Resources; the applicant and the Environmental Assessment Practitioner did the PPP, and the Department was satisfied with the documentation that was submitted as a proof of the whole process.

2. Public Participation

No deviations requested and accepted by the Department from certain requirements of Regulation 41 of Government Notice No. R. 326.

The PPP conducted as part of the BAR process included:

- Notification to landowner and adjacent landowners.
- Newspaper advert
- fixing a notice board at the site and any alternative site where the listed activities.

All the concerns raised by I&APs were responded to and adequately addressed during the PPP. Specific management and mitigation measures have been considered in this environmental authorisation and in the EMP/closure plan to adequately address the concerns raised.

The Department concurs with the Environmental Assessment Practitioner's responses to the issues raised during the PPP and has included appropriate conditions in this environmental authorisation.

3. Alternatives

No other alternatives regarding the preferred site, activities and technology is considered as the current planning is to be best possible option at this stage to ensure minimal environmental disturbance and cost-effective prospecting operation.

4. Impacts, assessment, and mitigation measures

All the negative impacts identified and assessed shall be mitigated in accordance with the Environmental Management plan mitigation measures.

5. NEMA Principles

The NEMA Principles (set out in Section 2 of NEMA, which apply to the actions of all Organs of State, serve as guidelines by reference to which any Organ of State must exercise any function when taking any decision, and which must guide the interpretation, administration and implementation of any other law concerned with the protection or management of the environment), inter alia, provides for:

- the effects of decisions on all aspects of the environment to be considered.
- the consideration, assessment, and evaluation of the social, economic, and environmental impacts of activities (disadvantages and benefits), and for decisions to be appropriate in the light of such consideration and assessment.
- the co-ordination and harmonisation of policies, legislation and actions relating to the environment.
- the resolving of actual or potential conflicts of interest between Organs of State through conflict resolution procedures; and
- the selection of the best practicable environmental option.

6. Conclusion

In view of the above, the NEMA principles, compliance with the conditions stipulated in this environmental authorisation, and compliance with the EMP/closure plan, the competent authority is satisfied that the proposed listed activities will not conflict with the general objectives of Integrated Environmental Management stipulated in Chapter 5 of NEMA and that any potentially detrimental environmental impacts resulting from the listed activities can be mitigated to acceptable levels.

-END-