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Environmental Authorisation for the Temo Mine proposed Rail, Road and Pipeline Development, Limpopo Province

Notification of Intent to Develop

Project Number:

NAM5335

Prepared for:

Temo Coal Mining (Pty) Ltd

April 2019

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1 Introduction

Temo Coal Mining (Pty) Ltd (hereinafter Temo Coal), a subsidiary of the Namane Group, propose to construct ancillary infrastructure associated with their approved coal mining operation, the Temo Coal Mine (Temo Mine) near Lephahale in the Limpopo Province (“the Project”). The proposed ancillary infrastructure includes a proposed road diversion, rail loop and water pipeline.

The Project will require Environmental Authorisation (EA). To this effect, Temo appointed Digby Wells Environmental (hereinafter Digby Wells) to undertake an Environmental Impact Assessment (EIA) process in compliance with:

- The National Environmental Management Act, 1998 (Act No. 107 of 1998) (NEMA);
- The NEMA EIA Regulations, 2017 (Government Notice Regulations [GN R] 982 as amended by GN R 326);
- Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002) (MPRDA) and
- The National Water Act, 1998 (Act No. 36 of 1998).

Digby Wells undertook a Heritage Resources Management (HRM) process in support of the aforementioned regulatory processes and to comply with Section 38 of the National Heritage Resources Act, 1999 (Act No. 25 of 1999) (NHRA). This report constitutes the Notification of Intent to Develop (NID) to inform the South African National Heritage Resources Agency (SAHRA) and the Limpopo Heritage Resources Agency (LIHRA).

2 Project details

2.1 Project background and description

Digby Wells undertook the EIA process in 2011 for the development and implementation of the Temo Mine. This included an HRM process comprising an NID and Heritage Impact Assessment (HIA) submitted to SAHRA¹ in terms of Section 38 of the NHRA. Temo received approval for the Temo Mine mining right from the Department of Mineral Resources (DMR) in 2013². Limpopo Department of Economic Development, Environment and Tourism (LEDET) authorised the Temo Mine in terms of the NEMA and NEMA EIA Regulations of 2010, which have since been repealed³.

¹ Digby Wells Project Numbers RSV689 and COM1723, SAHRIS Case ID 4763, accessible at: <https://sahris.sahra.org.za/cases/temo-coal-project>

² Reference Number LP 30/5/1/2/2/199 MR.

³ The Record of Decision is dated 13 July 2015, reference number 12/1/9/2-W55.

After this EIA process, Namane Power Generation (Pty) Ltd (hereinafter Namane Generation) proposed the construction and operation of an Independent Power Producer (IPP) power station on the property adjacent to the Temo Mine. This included a transmission line to connect to the power grid. Digby Wells completed the EIA process, inclusive of a HRM⁴ component to comply with the regulatory framework.

The present Project comprises of ancillary infrastructure which was not considered during the original EIA process but which is deemed necessary for the operation of the Temo Mine. This includes the following infrastructure:

- The diversion of road D175, which is situated above the coal reserves Temo intend to mine out. The proposed new layout will not be affected by activities related to operation of the coal mine;
- A rail loop, which will allow Temp to transport export-grade coal to the Richards Bay Coal Terminal (RBCT); and
- A bulk water pipeline which will transport water to the mine from the Lephalale Waste Treatment Water Works (WWTW).

Temo is presently considering three potential design footprints for the layout of the pipeline. These design layouts are focused within existing servitudes of established roads.

2.2 Project location

The proposed road deviation and rail loop will be developed within the approved MRA. The proposed pipeline will cross several properties and the town of Lephalale between Temo Mine and the Lephalale WWTW. Table 1 presents a summary of the relevant location details regarding the Project and Table 2 presents a summary of the owners of the land directly and potentially affected by the Project.

Table 1: Project location details

Name of property/ies	Temo Mine. Pipeline will affect Lephalale WWTW and Lephalale Town and surrounds.
Street address or location (e.g.: Off R44)	The rail loop is located off the road D175 ("Steenbokpan Road") and the road deviation will affect this same road, approximately
Coordinates of approximate centre of project area	23°35'33.94"S
	27°15'14.09"E

⁴ Case ID 8728, accessible at: <https://sahris.sahra.org.za/cases/namane-ipp-environmental-authorisation>

Town or District	Steenbokpan (approximately 10 km south of Project) Lephalale (approximately 60 km east of Project) Lephalale Magisterial District
Responsible Municipality	Lephalale Local Municipality (LLM) Waterberg District Municipality (WDM)
Erf or farm number/s⁵	Remaining Extent (RE) of Altoostyd 506 RE of Dalyshope 232 RE of Draai Om 244 Portion 1 of Duikerpan 249 RE of Eendracht 505 Portion 1 and RE of Eenzaamheid 687 RE of Groot-Zwart-Bult 290 Portions 1 and 2 and RE of Grootdoorn 292 RE of Groothoek 504 RE of Hieromtrent 460 RE of Hooikraal 315 RE of Houwhoek 270 RE of Kleinpan 269 Portions 2 and 3 of Loopleegte 302 RE of Naauw Ontkomen 509 RE of Nazarov 685 RE of Nieuw Holland 247 Portions 3, 17, 28 and 30 and RE of Onverwacht 503 Portion 1 and RE of Paarl 522 RE of Pontes Estates 712 Portions 23 (Remainder [Rem.]), 25, 26, 27 and 37 of Schaapplaats 524 Portion 2 of Slangkop 296 Portions 1 and 3 and RE of Steenbokpan 295 RE of Swelpan 245 Portions 19 (Rem.), 20, 22 and 25 of Theunispan 293 Portion 1 of Vaalpensloop 313 Portion 1 and RE of Vangpan 294

⁵ Not all these properties will be affected by the Project. This will depend on the final chosen layout for the pipeline.

	RE of Vergulde Helm 321 RE of Vetleegte 304 RE of Verloren Valey 246 Portions 4, 53 (Rem.), 57 (Rem.), 149 (Rem), 158 and 165 of Waterkloof 502 Portion 1 of Wildebeestvlakte 268 RE of Zandbult 300
Extent of property	Several properties are affected. This is dependent on the final footprint chosen for the pipeline.
Maximum extent of proposed development	Road Diversion: 2.8 km (8.4 ha) Road and Rail Loop: 22.25 km (55.6 ha) Pipeline: the longest option is 64.5 km (1.29 ha) Total Project area: 67.8 ha
Current use	Agricultural / tourism (grazing for livestock and game animals, game farms), urban settlement
Predominant land use/s of surrounding properties	Agricultural / tourism (grazing for livestock and game animals, game farms), urban settlement. Mining in greater study area.

Table 2: Landowner details

Name	Property	Notified
Amber Sunrise Properties 96	Portions 19 (Rem.) of Theunispan 293	Yes. Landowners were notified as part of the required Public Participation Process undertaken for the Draft Scoping Report.
Anglo Operations (Pty) Ltd	RE of Dalyshope 232	
Blue Horison INV 11 Pty Ltd	RE of Paarl 522	
Cadvest Trust	Portion 149 (Rem) of Waterkloof 502	
Mr H. de Lange	Portion 25 of Theunispan 293	
Eskom Holdings Ltd	RE of Eenzaamheid 687	
Exxaro Coal Pty	RE of Groothoek 504 RE of Steenbokpan 295 Portion 1 of Vaalpensloop 313	
Mr. A.X. de Vasconcelos Freitas	Portion 3 of Loopleegte 302	
Gabbiano's Restaurant	Portion 4 of Waterkloof 502	
Genecorp	Portion 3 of Steenbokpan 295	
Kenani Boerdery CC	Portion 1 of Paarl 522	

Name	Property	Notified
Mr C.F.G. Kuhn	Portion 1 of Grootdoorn 292	
Jacobus Albertus Le Roux	RE of Grootdoorn 292	
Mr J.J. Lamprecht	RE of Eendracht 505	
Lephalale Property Investments	Portion 20 of Theunispans 293	
Limpopo Provincial Government	RE of Altoostyd 506	
LvP Attorneys	RE of Nieuw Holland 247	
Mr C.J. Maritz	Portion 2 of Grootdoorn 292	
Mr J.F. Pelsler	Portion 1 of Vangpan 294	
Pontes Estate	RE of Pontes Estates 712 Portion 158 of Waterkloof 502	
Resgen South Africa	Portion 2 of Loopleegte 302 Portion 1 of Wildebeestvlakte 268	
Sasol Mafutha (Pty) Ltd	RE of Groot-Zwart-Bult 290 RE of Houwhoek 270 Portion 2 of Slangkop 296	
Mr. P.S. Sauer	RE of Vetleegte 304	
Mr D.H. Steenkamp	Portion 1 of Duikerpan 249	
Mr. and Mrs. Swanepoel	RE of Verloren Valey 246	
Utafutaji Trading 75 Pty Ltd	RE of Hooikraal 315	
Mr and Mrs Visnakova	RE of Nazarov 685	
Waterberg One Coal (Pty) Ltd	RE of Draai Om 244 RE of Kleinpan 269 RE of Swelpan 245	

3 Assessment process

Table 3 summarises the impact assessment processes that are currently being conducted for the proposed project.

Table 3: Current assessment processes

Legislation (e.g. NEMA, MPRDA, etc.)	Current phase of assessment process (e.g. Scoping, EIA, etc.)	Authorities who has / will receive information	Capacity of Authorities
NEMA	Assessment Phase	Department of Mineral Affairs (DMR)	Licencing Authority
MPRDA	Assessment Phase	DMR	Licencing
NHRA	Assessment Phase	South African Heritage Resources Agency (SAHRA)	Commenting
	Assessment Phase	Limpopo Heritage Resources Authority (LIHRA)	Noting

These assessments are required in terms of legislated and / or regulated activities outlined in Sections 3.1 to 3.3 below.

3.1 NHRA Section 38(1) activities

The proposed development will include the following activities listed in Section 38(1) of the NHRA, which generally require heritage assessments be undertaken.

Table 4: NHRA Section 38 triggers

NHRA Section 38 (1) Activities / Triggers		Summary description (e.g. 500 m conveyor belt, open cast pit, etc.)
<input checked="" type="checkbox"/>	a Any linear development or barrier >300 m	All proposed ancillary infrastructure is linear and greater than 300 m.
<input type="checkbox"/>	b Any bridge or similar structure >50 m	
<input type="checkbox"/>	c Any development or activity that will change the character of a site:	
<input type="checkbox"/>	i $\geq 5\ 000\text{m}^2$ in extent	
<input type="checkbox"/>	ii Involving ≥ 3 existing erven/ subdivisions	
<input type="checkbox"/>	iii Involving ≥ 3 or more erven/ divisions consolidated within past 5 years.	
<input type="checkbox"/>	d Rezoning of a site $\geq 10\ 000\text{m}^2$ in extent.	

NHRA Section 38 (1) Activities / Triggers		Summary description (e.g. 500 m conveyor belt, open cast pit, etc.)
<input checked="" type="checkbox"/>	e	Other triggers, e.g.: in terms of other legislation, (i.e.: National Environment Management Act, etc.)
		NEMA, MPRDA

3.2 EIA Regulations listed activities

The proposed development will include the following activities listed in the EIA Regulations, which generally require impact assessments:

Table 5: Identified listed activities

NEMA Activity No.	NHRA Trigger	Description	Expected duration/phase
Listing Notice 1 Activity 9	38(1)(e)	The development of infrastructure exceeding 1 000 metres in length for the bulk transportation of water or storm water: (i) with an internal diameter of 0,36 metres or more; or (ii) with a peak throughput of 120 litres per second or more; excluding where a. such infrastructure is for bulk transportation of water or storm water or storm water drainage inside a road reserve or railway line reserve; or b. where such development will occur within an urban area.	Construction
Listing Notice 1 Activity 12	38(1)(e)	The development of railway lines, stations or shunting yards excluding- (i) railway lines, shunting yards and railway stations in industrial complexes or zones; (ii) underground railway lines in a mining area; or (iii) additional railway lines within the railway line reserve.	Construction
Listing Notice 1 Activity 24	38(1)(e)	Establishment of roads: (ii) with a reserve wider than 13,5 meters, or where no reserve exists where the road is wider than 8 metres; but excluding a road a. which is identified and included in activity 27 in Listing Notice 2 of 2014; b. where the entire road falls within an urban area; or c. which is 1 kilometre or shorter.	Construction

NEMA Activity No.	NHRA Trigger	Description	Expected duration/phase
Listing Notice 1 Activity 27	38(1)(e)	The development of a road- (iii) with a reserve wider than 30 metres; or (iv) catering for more than one lane of traffic in both directions; but excluding a road a. for which an environmental authorisation was obtained for the route determination in terms of activity 5 in Government Notice 387 of 2006 or activity 18 in Government Notice 545 of 2010, in which case activity 24 in Listing Notice 1 of 2014 applies; b. which is 1 kilometre or shorter; or c. where the entire road falls within an urban area.	Construction
Listing Notice 1 Activity 64	38(1)(e)	The expansion of railway lines, stations or shunting yards where there will be an increased development footprint, excluding: (i) railway lines, shunting yards and railway stations in industrial complexes or zones; (ii) underground railway lines in mines; or (iii) additional railway lines within the railway line reserve.	Construction

3.3 Identified and known heritage resources and potential impacts

Certain categories of heritage resource, if existing and identified, generally require heritage assessments to be completed before any development may take place. These categories may be formally or generally protected in terms of the NHRA. Table 6 presents an overview of such heritage resources identified within the Project area.

Table 6: Identified heritage resources in terms of Section 3 of the NHRA

Section	Description
<input type="checkbox"/>	3(2)(a)
	Places, buildings, structures and equipment of cultural significance
	Description of resource: None identified Potential impact: None.
<input type="checkbox"/>	3(2)(b)
	Places to which oral traditions are attached or which are associated with living heritage
	Description of resource: None identified Potential impact: None

	Section	Description
<input checked="" type="checkbox"/>	3(2)(c)	<p>Historical settlements and townscapes</p> <p>Description of resource: The town of Lephalale (Ellisras) was established in 1960 and some buildings may be afforded general protection under Section 34 of the NHRA.</p> <p>Potential impact: None</p>
<input type="checkbox"/>	3(2)(d)	<p>Landscapes and natural features of cultural significance</p> <p>Description of resource: None identified</p> <p>Potential impact: None</p>
<input checked="" type="checkbox"/>	3(2)(e)	<p>Geological resources of scientific or cultural importance</p> <p>Description of resource: The Project area is underlain by geological strata of very high, high, moderate and low palaeontological sensitivity.</p> <p>Potential impact: None</p>
<input checked="" type="checkbox"/>	3(2)(f)	<p>Archaeology and/or palaeontology (Including archaeological sites and material, fossils, rock art, battlefields & wrecks)</p> <p>Description of resource: None identified within the Project area. However, the cultural landscape is predominantly associated with archaeological materials protected under Section 35 of the NHRA.</p> <p>Potential impact: None</p>
<input type="checkbox"/>	3(2)(g)	<p>Graves and burial grounds (e.g. ancestral graves, graves of victims of conflict, historical graves & cemeteries)</p> <p>Description of resource: None identified.</p> <p>Potential impact: None.</p>
<input type="checkbox"/>	3(2)(h)	<p>Other human remains</p> <p>Description of resource: None identified</p> <p>Potential impact: None</p>
<input type="checkbox"/>	3(2)(i)	<p>Sites of significance relating to the history of slavery in South Africa</p> <p>Description of resource: None identified</p> <p>Potential impact: None</p>
<input type="checkbox"/>	3(2)(j)	<p>Movable objects</p> <p>Description of resource: None identified</p> <p>Potential impact: None</p>

4 Illustrative Material

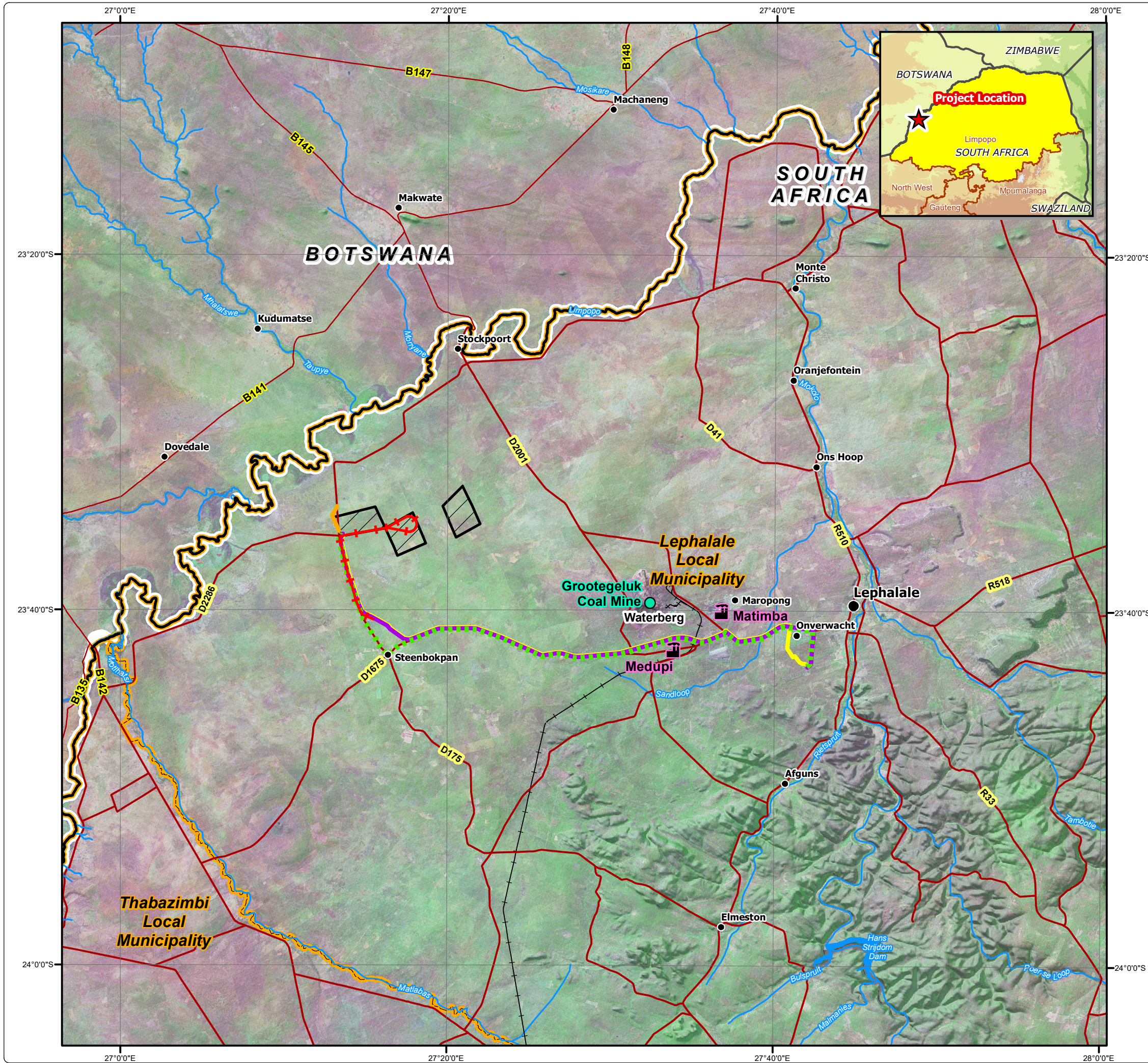
Illustrative material is provided in Plan 1 and Plan 2. The illustrative material demonstrates the general Project locality and provides an overview of the proposed infrastructure, including all three pipeline routing options.

5 Recommendation

Table 7 presents a summary and motivation of the specialist recommendations.

Table 7: Specialist heritage recommendations

Is a Heritage Impact Assessment required?		<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If NO, provide motivation: Not applicable.			
If YES, provide suggested components that may be required or undertaken during HIA.			
<input checked="" type="checkbox"/>	Archaeology	<input type="checkbox"/>	Architecture
<input checked="" type="checkbox"/>	Built Environment	<input type="checkbox"/>	Burial Grounds and Graves
<input checked="" type="checkbox"/>	Palaeontology	<input type="checkbox"/>	Public Participation
<input type="checkbox"/>	Townscapes	<input type="checkbox"/>	Visual Impact
<input type="checkbox"/>	Other:		
Recommendation made by:			
Name: Shannon Hardwick		Name: Justin du Piesanie	
Capacity: Assistant Heritage Resources Management Consultant		Capacity: Divisional Manager: Social and Heritage Services	



Temo Coal Mining

Regional and Local Setting

Legend

- Temo Coal Mining Right
- Power Station
- Grootegeluk Coal Mine
- Major Town
- Settlement
- Main Road
- Railway Line
- Perennial Stream
- Dam
- Waterberg District Municipality
- Local Municipality Boundary
- International Boundary

Infrastructure

- Pipeline Option 1
- Pipeline Option 2
- Pipeline Option 3
- Rail Loop
- Road Deviation

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Projection: Transverse Mercator	Ref #: kam.NAM5335.201809.055
Datum: WGS 1984	Revision Number: 1
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












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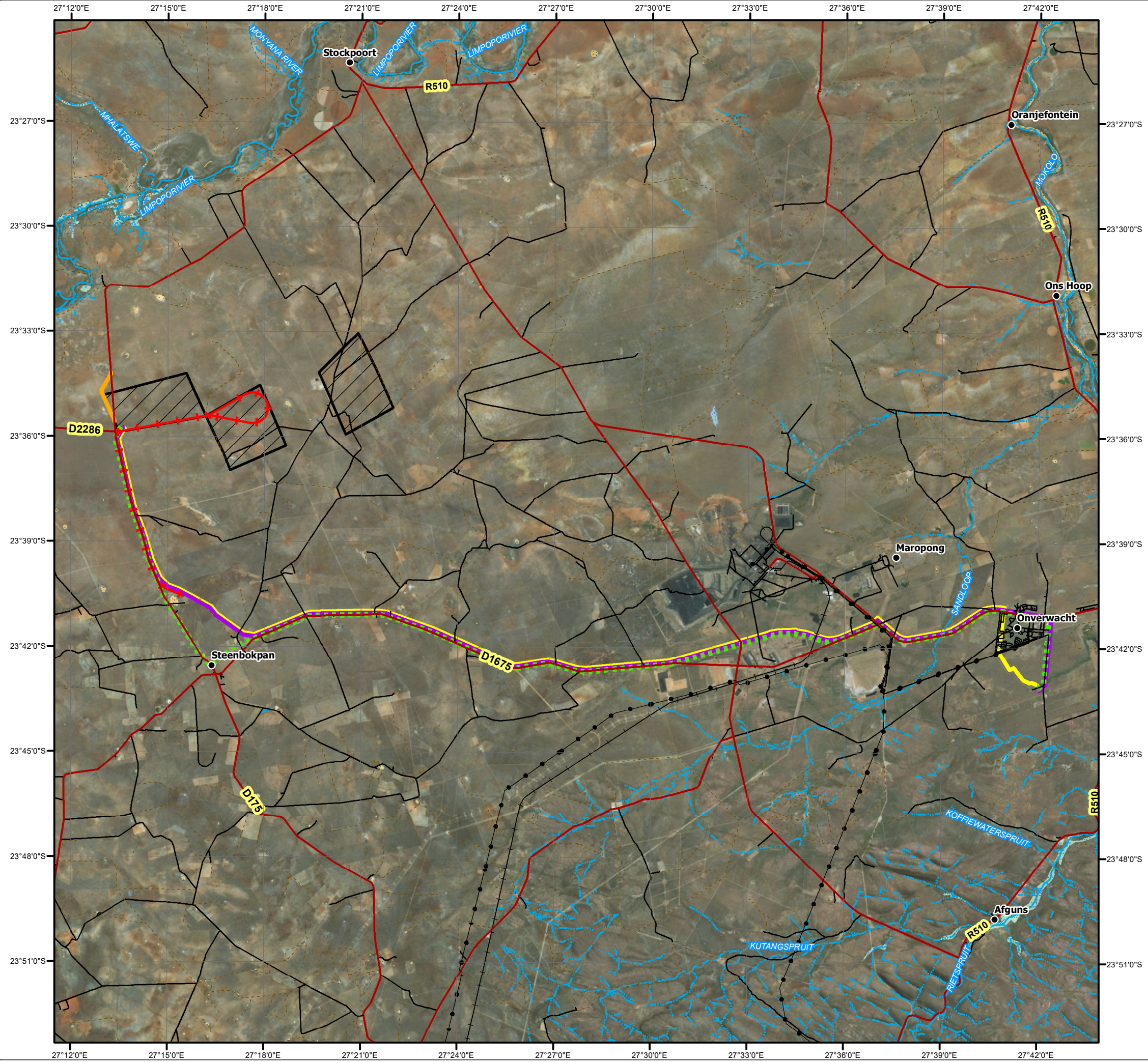
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Temo Coal Mining

Infrastructure Layout

Legend

-  Temo Coal Mining Right
 -  Settlement
 -  Power Line
 -  Main Road
 -  Minor Road
 -  Track
 -  Railway Line
 -  Non-Perennial Stream
 -  Perennial Stream
 -  Dam Wall
- Infrastructure**
-  Pipeline Option 1
 -  Pipeline Option 2
 -  Pipeline Option 3
 -  Rail Loop
 -  Road Deviation



• Sustainability • Service • Positive Change • Professionalism • Future Focused • Integrity

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