

MEMO

TO: Marius Diemont

FROM: Jacqui Fincham

SUBJECT: Robben Island proposed PV Plant NEMA EIA Triggers

DATE: 02 December 2015

1. Project background

NDT with Robben Island Museum (RIM) proposes to install a photovoltaic (PV) “farm” to improve sustainability efforts and reduce power generation costs on the Island. The proposed location covers at least 8000m² of relatively flat area with minimal threats to the biodiversity.

Four alternative sites have been investigated, with two preferred sites being progressed to the next stage. The first site is the Cricket Pitch located within the Village Precinct. The second site is located inland in close proximity to the landing strip and is located adjacent to the old agricultural buildings related to the hydroponics and piggery. Both sites will need to be assessed and authorisation sought in order to ensure there is a back-up site available should one of the sites be technically not feasible. See Figure 1 below showing the alternative sites.

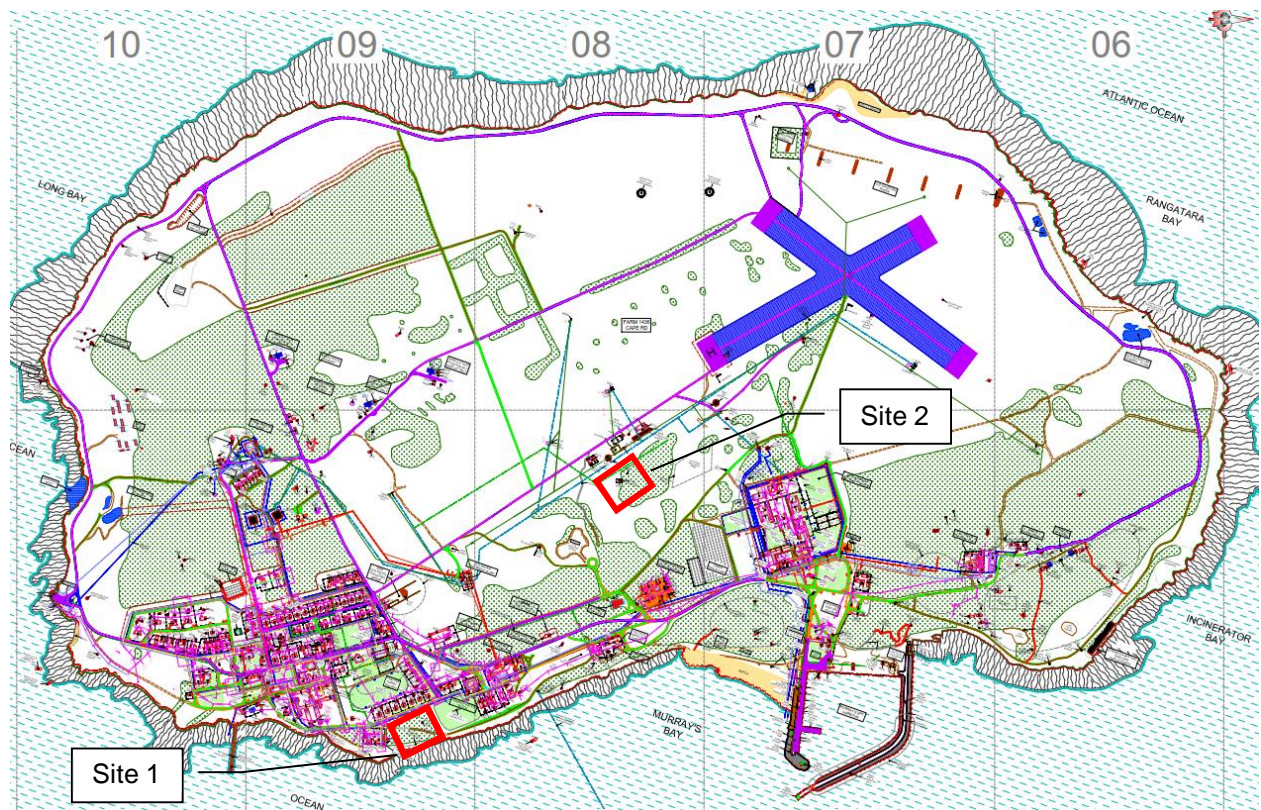


Figure 1: Location plan of alternative sites

WSP|PB therefore proposed to run a Basic Assessment process for each site until a preferred site is selected and detailed design commences. At the point of preferred site selection, the preferred site will be progressed to application.

2. National Environmental Management Act (No. 107 of 1998)

In terms of Section 24(2) of the NEMA, the Minister of the Department of Environmental Affairs (DEA) may identify activities that may not commence without prior authorisation and make regulations in accordance with the procedures required for such authorisations. Activities identified were published in Government Notice Regulation (GNR) 983, 984 and 985 (4 December 2014), and the regulation outlining the procedures required for authorisation was published in GNR 982 (4 December 2014). The regulations require that an independent EAP be appointed to manage the impact assessment process.

The listed activities identified as potentially applicable to the proposed project will trigger the need for a Basic Assessment (BA) process in terms of GNR 982 is noted in Table 0-1.

Table 0-1: Potentially Applicable Listed Activities Identified in terms of GNR 984

Regulation	Listed Activity Description	Applicability to the proposed development
LN1	1 The development of facilities or infrastructure for the generation of electricity from a renewable resource where- (i) the electricity output is more than 10 megawatts but less than 20 megawatts; or (ii) the output is 10 megawatts or less but the total extent of the facility covers an area in excess of 1 hectare ; excluding where such development of facilities or infrastructure is for photovoltaic installations and occurs within an urban area .	Currently the proposals are below 1ha. Not applicable.
LN1	9 The development of infrastructure exceeding 1000 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 (b) where such development will occur within an urban area .	It is possible that the desalination plant is located more than 1km away, however if a pipeline is required it is likely this will remain within the existing road reserve. Applicable.
LN1	11 The development of facilities or infrastructure for the transmission and distribution of electricity- (i) outside urban areas or industrial complexes with a capacity of more than 33 but less than 275 kilovolts; or (ii) inside urban areas or industrial complexes with a capacity of 275 kilovolts or more.	It is anticipated that the capacity of the cabling will be below this threshold. Not applicable.

<p>LN1</p>	<p>12 The development of-</p> <ul style="list-style-type: none"> (i) canals exceeding 100 square metres in size; (ii) channels exceeding 100 square metres in size; (iii) bridges exceeding 100 square metres in size; (iv) dams, where the dam, including infrastructure and water surface area, exceeds 100 square metres in size; (v) weirs, where the weir, including infrastructure and water surface area, exceeds 100 square metres in size; (vi) bulk storm water outlet structures exceeding 100 square metres in size; (vii) marinas exceeding 100 square metres in size; (viii) jetties exceeding 100 square metres in size; (ix) slipways exceeding 100 square metres in size; (x) buildings exceeding 100 square metres in size; (xi) boardwalks exceeding 100 square metres in size; or (xii) infrastructure or structures with a physical footprint of 100 square metres or more; <p>where such development occurs-</p> <ul style="list-style-type: none"> (a) within a watercourse; (b) in front of a development setback; or (c) if no development setback exists, within 32 metres of a watercourse, measured from the edge of a watercourse; - <p>excluding-</p> <ul style="list-style-type: none"> (aa) the development of infrastructure or structures within existing ports or harbours that will not increase the development footprint of the port or harbour; (bb) where such development activities are related to the development of a port or harbour, in which case activity 26 in Listing Notice 2 of 2014 applies; (cc) activities listed in activity 14 in Listing Notice 2 of 2014 or activity 14 in Listing Notice 3 of 2014, in which case that activity applies; (dd) where such development occurs within an urban area; or (ee) where such development occurs within existing roads or road reserves. 	<p>There is no defined development set backline on the island.</p> <p>Applicable.</p> <p>It is possible to undertake a screening exercise and include a motivation to adopt a development setback line which could remove the applicability of this trigger.</p>
<p>LN1</p>	<p>15 The development of structures in the coastal public property where the development footprint is bigger than 50 square metres, excluding -</p> <ul style="list-style-type: none"> (i) the development of structures within existing ports or harbours that will not increase the development footprint of the port or harbour; (ii) the development of a port or harbour, in which case activity 26 in Listing Notice 2 of 2014 applies; (iii) the development of temporary structures within the beach zone where such structures will be removed within 6 weeks of the commencement of development and where indigenous vegetation will not be cleared; or (iv) activities listed in activity 14 in Listing Notice 2 of 2014, in which case that activity applies. 	<p>Based on the definition contained within the Integrated Coastal Management Act, Robben Island does form part of Coastal Public Property.</p> <p>Applicable.</p> <p>It is possible to challenge this on the basis that the island is a key point service and has operated as a limited access facility as a hospital, corectional services facility and currently as a</p>

<p>LN1</p>	<p>17 Development-</p> <ul style="list-style-type: none"> (i) in the sea; (ii) in an estuary; (iii) within the littoral active zone; (iv) in front of a development setback; or (v) if no development setback exists, within a distance of 100 metres inland of the high-water mark of the sea or an estuary, whichever is the greater; <p>in respect of-</p> <ul style="list-style-type: none"> (a) fixed or floating jetties and slipways; (b) tidal pools; (c) embankments; (d) rock revetments or stabilising structures including stabilising walls; (e) buildings of 50 square metres or more; or (f) infrastructure with a development footprint of 50 square metres or more - <p>but excluding-</p> <ul style="list-style-type: none"> (aa) the development of infrastructure and structures within existing ports or harbours that will not increase the development footprint of the port or harbour; (bb) where such development is related to the development of a port or harbour, in which case activity 26 in Listing Notice 2 of 2014 applies; (cc) the development of temporary infrastructure or structures where such structures will be removed within 6 weeks of the commencement of development and where indigenous vegetation will not be cleared; or (dd) where such development occurs within an urban area. 	<p>museum.</p> <p>The Cricket pitch site is located within 100m of the high water mark.</p> <p>Applicable.</p> <p>It is possible to motivate that the site is within the Village Precinct and therefore should be seen as part of the urban edge.</p>
<p>LN1</p>	<p>19 The infilling or depositing of any material of more than 5 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 5 cubic metres from-</p> <ul style="list-style-type: none"> (i) a watercourse; (ii) the seashore; or (iii) the littoral active zone, an estuary or a distance of 100 metres inland of the high-water mark of the sea or an estuary, whichever distance is the greater- <p>but excluding where such infilling, depositing , dredging, excavation, removal or moving-</p> <ul style="list-style-type: none"> (a) will occur behind a development setback; (b) is for maintenance purposes undertaken in accordance with a maintenance management plan; or (c) falls within the ambit of activity 21 in this Notice, in which case that activity applies. 	<p>There is no defined development set backline on the island.</p> <p>Applicable.</p> <p>It is possible to undertake a screening exercise and include a motivation to adopt a development setback line which could remove the applicability of this trigger.</p>
<p>LN3</p>	<p>12 The clearance of an area of 300 square metres or more of indigenous vegetation except where such clearance of indigenous vegetation is required for maintenance purposes undertaken in accordance</p>	<p>The inland site may lead to the removal of more than 300m² of indigenous vegetation, however the</p>

	<p>with a maintenance management plan.</p> <p>In Eastern Cape, Free State, Gauteng, Limpopo, North West and Western Cape provinces: Within critical biodiversity areas identified in bioregional plans; Within the littoral active zone or 100 metres inland from high water mark of the sea or an estuarine functional zone, whichever distance is the greater, excluding where such removal will occur behind the development setback line on even in urban areas; or</p>	<p>island is not a critical biodiversity area. The Cricket Pitch site is within 100m of the high water mark, although it is not covered by indigenous vegetation.</p> <p>Potentially Applicable.</p>
<p>LN3</p>	<p>14 The development of-</p> <ul style="list-style-type: none"> (i) canals exceeding 10 square metres in size ; (ii) channels exceeding 10 square metres in size; (iii) bridges exceeding 10 square metres in size; (iv) dams, where the dam, including infrastructure and water surface area exceeds 10 square metres in size; (v) weirs, where the weir, including infrastructure and water surface area exceeds 10 square metres in size; (vi) bulk storm water outlet structures exceeding 10 square metres in size; (vii) marinas exceeding 10 square metres in size; (viii) jetties exceeding 10 square metres in size; (ix) slipways exceeding 10 square metres in size; (x) buildings exceeding 10 square metres in size; (xi) boardwalks exceeding 10 square metres in size; <p>or</p> <ul style="list-style-type: none"> (xii) infrastructure or structures with a physical footprint of 10 square metres or more; <p>where such development occurs-</p> <ul style="list-style-type: none"> (a) within a watercourse; (b) in front of a development setback; or (c) if no development setback has been adopted, within 32 metres of a watercourse, measured from the edge of a watercourse; excluding the development of infrastructure or structures within existing ports or harbours that will not increase the development footprint of the port or harbour. <p>In Western Cape:</p> <ul style="list-style-type: none"> i. Outside urban areas, in: <ul style="list-style-type: none"> (aa) A protected area identified in terms of NEMPAA, excluding conservancies; (bb) National Protected Area Expansion Strategy Focus areas; (cc) World Heritage Sites; (dd) Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act and as adopted by the competent authority; (ee) Sites or areas listed in terms of an International Convention; (ff) Critical biodiversity areas or ecosystem service areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional 	<p>There is no defined development set backline on the island.</p> <p>Applicable.</p> <p>It is possible to undertake a screening exercise and include a motivation to adopt a development setback line which could remove the applicability of this trigger.</p>

plans;
(gg) Core areas in biosphere reserves; or
(hh) Areas on the estuary side of the development setback line or in an estuarine functional zone where no such setback line has been determined.