

## Charlene Weber

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**From:** Adri La Meyer <Adri.LaMeyer@westerncape.gov.za>  
**Sent:** 15 September 2016 03:20 PM  
**To:** Giles Churchill  
**Cc:** charlene.weber@acerafrica.co.za  
**Subject:** RE: Background Information and Invitation to Participate: Proposed Marine Telecommunications System (ACE Cable System) to be landed at Van Riebeeckstrand on the West Coast of South Africa  
**Attachments:** Requirements for development applications 2016\_CN.pdf  
**Categories:** Added/Saved

Hallo Giles,

Many thanks for your e-mail and the clarification. I understand that you will not have a pre-application SR made available and will make the DSR available after submission of the Application Form to DEA.

Thank you for clarification about the wetland. I assume you have contacted Derril Daniels and Warren Dreyer at DWS (Bellville). Can you also confirm that you have contacted CapeNature for their input? Contact person is Rhett Smart (details attached).

DWS officials contact details below:

**Derril Daniels**

**Department of Water and Sanitation : Western Cape Region**

Deputy Director: Berg-Olifants Proto CMA: Berg Area

52 Voortrekker Road

Bellville

7352



: (021) 941 6189



: (021) 941 6077



: 082 908 3236



: [danielsd@dws.gov.za](mailto:danielsd@dws.gov.za)

Warren Dreyer

Assistant Director: Water Use

Berg Water Management Area

Department of Water and Sanitation: Western Cape

Tel: 021 941 6185

Cell: 0826008684

Fax: 086 556 9985

Email: [dreyerw@dwa.gov.za](mailto:dreyerw@dwa.gov.za)

Looking forward to receive the DSR.

Kind regards,

Adri

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**From:** Giles Churchill [mailto:[giles.churchill@acerafrica.co.za](mailto:giles.churchill@acerafrica.co.za)]

**Sent:** 15 September 2016 02:49 PM

**To:** Adri La Meyer <Adri.LaMeyer@westerncape.gov.za>

**Cc:** charlene.weber@acerafrica.co.za

**Subject:** RE: Background Information and Invitation to Participate: Proposed Marine Telecommunications System (ACE Cable System) to be landed at Van Riebeeckstrand on the West Coast of South Africa

Hi Adri

Thankyou for your comments regarding the proposed development and please take note that your department has been registered on our project database. We will make sure that one hard copy and three CD copies of the Scoping Report and any subsequent documentation is made available to you (marked for your attention).

In terms of the listed activity quoted, you are correct and the correct listed activity including others which could potentially be triggered will be included in the Draft Scoping Report and all correspondence going forward.

In terms of the proposed PPP schedule there appears to be some misunderstanding of the proposed process ACER will be following. At present we are in the project announcement phase of the project and the registration of I&APs. Once we have finalised the Draft Scoping Report (including comments from I&APs to date) and the application for authorisation, these documents will be submitted to the DEA. At the same time that the application is submitted to the DEA, I&APs and other commenting authorities will be afforded an opportunity to comment on the Draft Scoping Report. Only once this 30 day comment period has taken place will the Final Scoping report be submitted to the DEA for consideration.

We have confirmed this process with the DEA who stated the following *“Regulation 40 (3) says you may provide I&APs an opportunity to comment prior to the submission of the application to the Competent Authority (CA). The PPP undertaken prior to the submission of the application form is optional. As such, legally you can submit your draft Scoping Report and application form at the same time and this is not a pre-submission. The submitted draft SR must be made available to the I&APs at the same time the SR and application is submitted to the DEA. The review and commenting timeframes must run concurrently.”*

In terms of the requirement of a Water Use License we agree that the sea is not regarded as a watercourse but there is a possibility that the dune slack behind the beach of Van Riebeeckstrand is a wetland. As such, the crossing of this wetland will require a water use license.

Regards  
Giles

**Giles Churchill**  
ACER (Africa) Environmental Consultants

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**From:** Adri La Meyer [<mailto:Adri.LaMeyer@westerncape.gov.za>]  
**Sent:** 14 September 2016 09:31 AM  
**To:** [ace-cable@acerafrica.co.za](mailto:ace-cable@acerafrica.co.za); [publicparticipation@acerafrica.co.za](mailto:publicparticipation@acerafrica.co.za)  
**Subject:** RE: Background Information and Invitation to Participate: Proposed Marine Telecommunications System (ACE Cable System) to be landed at Van Riebeeckstrand on the West Coast of South Africa

Dear Mr Churchill,

I hope this e-mail finds you well. I received notification of the BID from Taryn Dreyer at our EIA section.

Please register the Department of Environmental Affairs and Development Planning as a state Department having an interest in the application. Kindly note that the Directorate: Development Facilitation ("DDF") of the Department coordinates comments from the various directorates on applications where DEA and/or DMR is the competent authority. I would therefore appreciate it if you could make 1 hard copy and 3 CDs of the Scoping Report and any subsequent documentation available (marked for my attention), which will then be distributed internally within the Department for comment. The DDF will then collate the comments and provide you with a uniform set of comments.

I note from the BID (Section 2.2) that the applicable listed activity is identified as Activity 1(m) of GN No. R. 386 of 21 April 2006. I assume you refer to Activity 10 of GN No. R. 984 of 4 December 2014, being "*The development of facilities or infrastructure for marine telecommunication*"?

From the proposed PPP schedule, I note that a pre-application Scoping Report will be made available to registered and potential I&APs. You further indicate that the Final Scoping Report ("FSR") will be submitted to DEA within 44 days after submission of the Application Form. It would be a good idea if the process flow diagram be amended to indicate that another round of public participation (for at least 30 days) will commence after the submission of the Application Form, whereby registered I&APs are afforded an opportunity to comment on the Draft Scoping Report prior to the submission of the FSR to DEA. In this regard, I refer you to regulation 40(3) of the 2014 EIA Regulations, which state: "*Potential or registered interested and affected parties, including the competent authority, may be provided with an opportunity to comment on reports and plans contemplated in subregulation (1) prior to submission of an application but must be provided an opportunity to comment on such reports once an application has been submitted to the competent authority.*"

Your e-mail dated 7 September 2016 further states that "*It is also envisaged that a Water Use Licence will be required from the Department of Water and Sanitation in terms of Chapter 4 of the National Water Act, 1998 (Act No 36 of 1998), in particular, Section 40(4).*" Kindly be advised that unless the proposed development triggers any of the S21 water use activities and impacts on a water resource (i.e. a watercourse, surface water, estuary, or aquifer), a water use licence would not be required. Watercourse mean a river or spring; a natural channel in which water flows regularly or intermittently; a wetland, lake or dam into which, or from which, water flows (as per NWA). The sea is not regarded as a watercourse.

Please do not hesitate to contact me should you have any queries on the above.

Kind regards,  
Adri

Adri La Meyer  
Directorate: Development Facilitation  
Department of Environmental Affairs and Development Planning  
Western Cape Government

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Be 110% Green. Read from the screen.

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**From:** ACER - Public Participation [<mailto:publicparticipation@acerafrica.co.za>]

**Sent:** 07 September 2016 10:09 AM

**To:** Taryn Dreyer <[Taryn.Dreyer@westerncape.gov.za](mailto:Taryn.Dreyer@westerncape.gov.za)>

**Subject:** Background Information and Invitation to Participate: Proposed Marine Telecommunications System (ACE Cable System) to be landed at Van Riebeeckstrand on the West Coast of South Africa

7 September 2016

Dear Ms. Taryn Dreyer

**BACKGROUND INFORMATION AND INVITATION TO PARTICIPATE IN AN ENVIRONMENTAL AUTHORISATION PROCESS (ENVIRONMENTAL IMPACT ASSESSMENT)**

**PROPOSED MARINE TELECOMMUNICATIONS SYSTEM (ACE CABLE SYSTEM) TO BE LANDED AT VAN RIEBEECKSTRAND ON THE WEST COAST OF SOUTH AFRICA**

**Project Background**

Submarine telecommunication cables are important for international telecommunication networks, transporting almost 100% of transoceanic internet traffic throughout the world ([www.iscpc.org](http://www.iscpc.org)). It is widely recognised that access to affordable international bandwidth is key to economic development of every country.

Today, Africa relies primarily on satellites to provide its international communications. Communication via submarine telecommunication cables generally allows for lower cost, better performance, and greater capacity (throughput) than that available via satellite. Improvement in Africa's information technology infrastructure via telecommunication cables will remove one of the current key inhibitors to development in Africa, and support economic growth and opportunities on the continent.

Following installation of the proposed ACE cable system, MTN will become the alternative full service provider of international fibre-optic bandwidth to Telkom along the west coast of Africa. In doing so, the company will facilitate more affordable and effective transport of voice, data, internet and television services. Furthermore, the cable will support the objectives set out by the New Partnership for Africa's Development (NEPAD), and provide a means of fulfilling the SA Government's requirements in terms of digital television broadcasting for South Africa.

The proposed ACE cable system will have the broadband capacity of transmitting over 10 Terabits per second, which is approximately double the current capacity of the existing telecommunications systems within South Africa.

**Current Environmental Legislation**

The current Environmental Impact Assessment Regulations, 2014, published in Government Notices R 982, 983, 984 and 985 of 4 December 2014 under Section 24(5) read with Sections 24, 24D and 44 of the National Environmental Management Act, 1998 (Act No. 107 of 1998) (as amended) apply to this project.

Based on the current regulations, the Environmental Assessment Practitioner (EAP) must complete Scoping and the Impact Assessment within 300 days of acceptance of the Application for Authorisation by the national Department of Environmental Affairs (DEA). It is also envisaged that a Water Use Licence will be required from the Department of Water and Sanitation in terms of Chapter 4 of the National Water Act, 1998 (Act No 36 of 1998), in particular, Section 40(4).

The national Department of Environmental Affairs (DEA) is the competent authority for the issuing of environmental authorisation for this proposed development. On behalf of MTN (Pty) Ltd. ACER will fulfil the role and responsibilities of EAP, undertaking the Environmental Impact Assessment (EIA) and the associated public participation process, and submitting the required application and supporting documentation to DEA for consideration and decision-making.

The purpose of this letter is to invite you, as a potentially Interested & Affected Party to participate in the EIA. A Background Information Document (Appendix 1) and Comment Sheet (Separate Attachment) have been compiled and attached to provide further information on the proposed development and are also available at [www.acerafrica.co.za](http://www.acerafrica.co.za) under the "Current Projects" link (MTN ACE Cable System). Please note that the closing date for initial comments during public announcement of the project is 7 October 2016.

Please contact the Public Participation Office to obtain further information:

Your participation is valued and will be appreciated.

Yours sincerely,

**ACER (Africa) Environmental Consultants**  
**Mr. G Churchill**  
**Environmental Assessment Practitioner**

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