



## **environmental affairs**

Department:  
Environmental Affairs  
REPUBLIC OF SOUTH AFRICA

Private Bag X 447 · PRETORIA · 0001 · Environment House · 473 Steve Biko, Arcadia · PRETORIA  
Tel (+ 27 12) 399 9372

**DEA Reference:** 14/12/16/3/3/2/988

**Enquiries:** Ms Thulisile Nyalunga

**Telephone:** 012-399-9405 **E-mail:** TNyalunga@environment.gov.za

Mr Willem Weber  
Mobile Telephone Network (Pty) Ltd  
216-14<sup>th</sup> Avenue Fairland  
**JOHANNESBURG**  
2195

Tel: 011 912 3000  
E-mail: willem.weber@mtn.com

### **PER MAIL / EMAIL**

Dear Mr Weber

### **APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998: GN R. 982/983/984/985: THE MARINE TELECOMMUNICATIONS SYSTEM (ACE CABLE SYSTEM) TO BE LANDED AT VAN RIEBEECKSTRAND ON THE WEST COAST OF SOUTH AFRICA, WESTERN CAPE PROVINCE**

With reference to the above application, please be advised that the Department has decided to grant authorisation. The Environmental Authorisation (EA) and reasons for the decision are attached herewith.

In terms of regulation 4(2) of the Environmental Impact Assessment Regulations, 2014 (the Regulations), you are instructed to notify all registered interested and affected parties, in writing and within 14 (fourteen) days of the date of the EA, of the Department's decision in respect of your application as well as the fact that an appeal may be lodged against the decision in terms of the National Appeals Regulations, and the provisions regarding the submission of appeals as contained in the Regulations.

Your attention is drawn to Chapter 2 of Government Notice No. R. 993, which prescribes the appeal procedure to be followed. An appellant must submit an appeal to the appeal administrator, and a copy of the appeal to the applicant, any registered interested and affected party and any organ of state with interest in the matter within 20 days from the date that the notification of the decision was sent to the registered interested and affected parties by the applicant.

#### **By post:**

Private Bag X447,  
Pretoria, 0001; or

#### **By hand:**

Environment House  
473 Steve Biko Street,  
Arcadia,  
Pretoria, 0083

*M.S*

If the applicant wishes to lodge an appeal, it must also serve a copy of the notice of intention to appeal on all registered interested and affected parties as well as a notice indicating where, and for what period, the appeal submission will be available for inspection, should you intend to submit an appeal.

**Appeals must be submitted in writing to:**

Mr Z Hassam, Director: Appeals and Legal Review, of this Department at the above mentioned addresses. Mr Hassam can also be contacted at:

Tel: (012) 399 9356

Email: Appealsdirector@environment.gov.za

Please note that in terms of section 43(7) of the National Environmental Management Act, 1998, an appeal under section 43 of that Act will suspend the environmental authorisation or any provision or condition attached thereto. In the instance where an appeal is lodged, you may not commence with the activity until such time that the appeal is finalised.

For guidance on appeals submitted to the Minister in terms of NEMA and the SEMAs, please find a copy of the guideline on the administration of appeals on the Department's website: ([https://www.environment.gov.za/documents/forms#legal\\_authorisations](https://www.environment.gov.za/documents/forms#legal_authorisations)).

Kindly include a copy of this document with the letter of notification to all registered interested and affected parties.

Yours faithfully



**Mr Sabelo Malaza**  
**Chief Director: Integrated Environmental Authorisations**  
**Department of Environmental Affairs**

Date: 11/09/2017

CC:	Mr G Churchill	ACER (Africa) Environmental Consultants	Tel: 035 3402715	Email: giles.churchill@acerafrica.co.za
	Ms P Titmuss	City of Cape Town Metropolitan Municipality	Tel: 021 807 4705	Email: andrek@drakenstein.gov.za
	Ms M Schippers	DEA&DP	Tel: 021 483 5829	Email: Melanese.Schippers@westerncape.gov.za



## **environmental affairs**

Department:  
Environmental Affairs  
REPUBLIC OF SOUTH AFRICA

# **Environmental Authorisation**

**In terms of regulation 25 of the Environmental Impact Assessment Regulations, 2014**

**The Marine Telecommunications System (Ace Cable System) to be landed at Van Riebeeckstrand on the West Coast of South Africa, Western Cape Province**

**City of Cape Town Metropolitan Municipality**

<b>Authorisation register number:</b>	<i>14/12/16/3/3/2/988</i>
<b>Last amended:</b>	<i>First issue</i>
<b>Holder of authorisation:</b>	<i>Mobile Telephone Network (Pty) Ltd</i>
<b>Location of activity:</b>	<i>WESTERN CAPE PROVINCE: Within City of Cape Town Metropolitan Municipality, Ward 23</i>

This environmental authorisation does not negate the holder of the authorisation's responsibility to comply with any other statutory requirements that may be applicable to the undertaking of the activity.

## Decision

The Department is satisfied, on the basis of information available to it and subject to compliance with the conditions of this environmental authorisation, that the applicant should be authorised to undertake the activities specified below.

Non-compliance with a condition of this environmental authorisation may result in criminal prosecution or other actions provided for in the National Environmental Management Act, 1998 and the EIA regulations.

Details regarding the basis on which the Department reached this decision are set out in Annexure 1.

## Activities authorised

By virtue of the powers conferred on it by the National Environmental Management Act, 1998 (Act No.107 of 1998) and the Environmental Impact Assessment Regulations, 2014 as amended, the Department hereby authorises –

### **MOBILE TELEPHONE NETWORK (PYT) LTD**

(hereafter referred to as the **holder of the authorisation**)

with the following contact details –

Mr Willem Weber  
Mobile Telephone Network (Pty) Ltd  
216-14<sup>th</sup> Avenue Fairland  
**JOHANNESBURG**  
2195

Tel: 011 912 3000

Cell: 083 2128029

E-mail: willem.weber@mtn.com

to undertake the following activities (hereafter referred to as "the activity") as indicated in Listing Notice 1, 2, 3 (GN R. 983, GN R. 984 and GN R. 985):

Listed activities	Activity/Project description
<p><u>GN R. 983 Item 15</u></p> <p><i>"The development of structures in the coastal public property where the development footprint is bigger than 50 square metres".</i></p>	<p>The project will entail the landing of a marine telecommunications cable at Van Riebeeckstrand Beach. This will entail the digging of a trench down the beach (coastal public property) into the intertidal zone and the installation of the underground telecommunications cable.</p>
<p><u>GN R. 983 Item 17:</u></p> <p><i>"Development-</i></p> <p><i>(i) in the sea;</i></p> <p><i>(iii) within the littoral active zone;</i></p> <p><i>(iv) in front of a development setback; or</i></p> <p><i>(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 in respect of</i></p> <p><i>(f) infrastructure with a development footprint of 50 square metres or more".</i></p>	<p>The project will entail the landing of a marine telecommunications cable at Van Riebeeckstrand Beach. This will entail the digging of a trench down the beach into the intertidal zone and the installation of the underground telecommunications cable.</p>
<p><u>GN R. 983 Item 18:</u></p> <p><i>"The planting of vegetation or placing of any material on dunes or exposed sand surfaces of more than 10 square metres, within the littoral active zone, for the purpose of preventing the free movement of sand, erosion or accretion".</i></p>	<p>The project will entail the rehabilitation of the primary dune belt along Van Riebeeckstrand Beach where construction activities associated with the laying of the underground telecommunications cable will disturb vegetation on the primary dune. In addition to the above, the project will involve</p>

Listed activities	Activity/Project description
	the planting of vegetation and material to aid in dune rehabilitation once construction is complete.
<p><u>GN R. 983 Item 19:</u>  <i>"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-</i>  <i>(ii) the seashore; or</i>  <i>(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".</i></p>	<p>The project will entail the excavation and deposition of more than 5 m<sup>3</sup> of material within 100 m of the high water mark of the sea when trenching for, and backfilling of, the marine telecommunications cable takes place.</p>
<p><u>GN R. 984 Item 14:</u>  <i>"The development and related operation of-</i>  <i>(ii) anchored platform; or</i>  <i>(iii) any other structure or infrastructure on, below or along the sea bed".</i></p>	<p>The ACE Cable System will be placed on the sea bed once it enters the marine environment. In shallow waters (less than 1,500 m in depth) the cable will be buried under the sea bed to provide extra protection to the cable system.</p>
<p><u>GN R. 984 Item 26:</u>  <i>"Development--</i>  <i>(i) in the sea;</i>  <i>(iii) within the littoral active zone;</i>  <i>(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;</i>   <i>in respect of -</i>  <i>(c) inter- and sub-tidal structures for entrapment of sand;</i>  <i>(h) underwater channels".</i></p>	<p>Although unlikely, the trench for the marine cable may result in the entrapment of sand within the inter- and sub-tidal zones. In addition, the trench created to bury the cable may be construed as an underwater channel.</p>

Listed activities	Activity/Project description
<p><u>GN R. 985 Item 12:</u></p> <p><i>"The clearance of an area of 300 square metres or more of indigenous vegetation</i></p> <p><i>a) In Western Cape province:</i></p> <p><i>iii. 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 erven in urban areas; or</i></p> <p><i>iv. On land, where, at the time of the coming into effect of this Notice or thereafter such land was zoned open space, conservation or had an equivalent zoning".</i></p>	<p>The development will require the removal of indigenous primary dune vegetation where the cable system lands at Van Riebeeckstrand as well as along the existing beach pathway along Van Riebeeckstrand which is located within 100m of the high water mark of the sea.</p>
<p><u>GN R. 985 Item 15:</u></p> <p><i>"The transformation of land bigger than 1000 square metres in size, to residential, retail, commercial, industrial or institutional use, where, such land was zoned open space, conservation or had an equivalent zoning, on or after 02 August 2010.</i></p> <p><i>(c) In Western Cape:</i></p> <p><i>ii. Inside urban areas in:</i></p> <p><i>(aa) Areas zoned for conservation use or equivalent zoning, on or after 02 August 2010".</i></p>	<p>The development of the marine telecommunications cable will require trenching of approximately 900 m through areas zoned as public open space and conservation near Van Riebeeckstrand. It is anticipated that servitudes will have to be registered with the City of Cape Town.</p>

as described in the Environmental Impact Assessment Report (EIAr) dated May 2017 at:

Coordinates of cable route:

<b>Alternative A (preferred alternative) Off shore alignment</b>	<b>Latitude</b>	<b>Longitude</b>
Start point	23°25'53.00"S	10°44'22.89"E
Middle point	30° 7'50.89"S	13°21'54.08"E
End point	33° 41'42.48"S	18°26'11.11"E
<b>Onshore alignment</b>	<b>Latitude</b>	<b>Longitude</b>
Start point	33° 41'42.48"S	18°26'11.11"E
Middle point	33° 41'41.33"S	18°26'38.14"E
End point (alternative Discharge point 3)	33° 41'35.34"S	18°26'59.52"E

- for the construction of the Marine Telecommunication System (Ace Cable System) to be landed at Van Riebeeckstrand on the West Coast of South Africa, Western Cape Province hereafter referred to as "the property".

The ACE Cable System will comprise of the following project components from when it enters South Africa's Exclusive Economic Zone (EEZ) until it reaches the MTN Cable Landing Station (CLS) site in Duynefontein:

- Marine Fibre Optic Cable (marine environment to the Beach Man Hole).
- Beach Man Hole (BMH) located behind the coastal dune cordon near Van Riebeeckstrand.
- Terrestrial Fibre Optic Cable (Beach Man Hole to the CLS site in Duynefontein)



## Conditions of this Environmental Authorisation

### Scope of authorisation

1. The following preferred alternatives are approved for the Marine Telecommunication System (Ace Cable System) to be landed at Van Riebeeckstrand on the West Coast, Western Cape Province: the northern shallow water marine cable alignment alternative; Landing Alternative A; the terrestrial cable alignment Alternative A from landing Alternative A to Otto du Plessis drive; and thereafter either the terrestrial cable alignment Alternative A or Alternative B from Otto du Plessis Drive to the CLS site in Duynfontein (i.e. Alternative C).
2. Terrestrial cable alignment Alternative A from Otto du Plessis Drive to the CLS site is authorised subject to an agreement being reached with Eskom on the servitude. Should Eskom not grant servitude rights, to the holder of the authorisation, then only terrestrial cable Alternative A will be deemed as authorised and only this option must be constructed.
3. The CLS site is not approved as part of this authorisation. Construction activities, on the telecommunication cable, must only commence once the all negotiations and legal requirements on the final location of the CLS has been finalised.
4. Authorisation of the activity is subject to the conditions contained in this environmental authorisation, which form part of the environmental authorisation and are binding on the holder of the authorisation.
5. The holder of the authorisation is responsible for ensuring compliance with the conditions contained in this environmental authorisation. This includes any person acting on the holder's behalf, including but not limited to, an agent, servant, contractor, sub-contractor, employee, consultant or person rendering a service to the holder of the authorisation.
6. The activities authorised may only be carried out at the property as described above.
7. Any changes to, or deviations from, the project description set out in this environmental authorisation must be approved, in writing, by the Department before such changes or deviations may be effected. 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 deviations and it may be necessary for the holder of the authorisation to apply for further environmental authorisation in terms of the regulations.

8. The holder of an environmental authorisation must apply for an amendment of the environmental authorisation with the competent authority for any alienation, transfer or change of ownership rights in the property on which the activity is to take place.
9. This activity must commence within a period of five (05) years from the date of issue of this environmental authorisation. If commencement of the activity does not occur within that period, the authorisation lapses and a new application for environmental authorisation must be made in order for the activity to be undertaken.
10. Construction must be completed within five (05) years of the commencement of the activity on site.
11. Commencement with one activity listed in terms of this environmental authorisation constitutes commencement of all authorised activities.

#### **Notification of authorisation and right to appeal**

12. The holder of the authorisation must notify every registered interested and affected party, in writing and within 14 (fourteen) calendar days of the date of this environmental authorisation, of the decision to authorise the activity.
13. The notification referred to must –
  - 13.1. specify the date on which the authorisation was issued;
  - 13.2. inform the interested and affected party of the appeal procedure provided for in the National Appeal Regulations, 2014;
  - 13.3. advise the interested and affected party that a copy of the authorisation will be furnished on request; and
  - 13.4. give the reasons of the competent authority for the decision.

#### **Commencement of the activity**

14. The authorised activity shall not commence until the period for the submission of appeals has lapsed as per the National Appeal Regulations, 2014 and no appeal has been lodged against the decision. In terms of section 43(7), an appeal under section 43 of the National Environmental Management Act, 1998 will suspend the environmental authorisation or any provision or condition attached thereto. In the instance where an appeal is lodged you may not commence with the activity until such time that the appeal has been finalised.

### **Management of the activity**

15. The Environmental Management Programme (EMPr) submitted as part of the application for EA is hereby approved. This EMPr must be implemented and adhered to.

### **Frequency and process of updating the EMPr**

16. The EMPr must be updated where the findings of the environmental audit reports, contemplated in Condition 21 below, indicate insufficient mitigation of environmental impacts associated with the undertaking of the activity, or insufficient levels of compliance with the environmental authorisation or EMPr.
17. The updated EMPr must contain recommendations to rectify the shortcomings identified in the environmental audit report.
18. The updated EMPr must be submitted to the Department for approval together with the environmental audit report, as per Regulation 34 of GN R. 982. The updated EMPr must have been subjected to a public participation process, which process has been agreed to by the Department, prior to submission of the updated EMPr to the Department for approval.
19. In assessing whether to grant approval of an EMPr which has been updated as a result of an audit, the Department will consider the processes prescribed in Regulation 35 of GN R.982. Prior to approving an amended EMPr, the Department may request such amendments to the EMPr as it deems appropriate to ensure that the EMPr sufficiently provides for avoidance, management and mitigation of environmental impacts associated with the undertaking of the activity.
20. The holder of the authorisation may apply for an amendment of an EMPr, if such amendment is required before an audit is required. The holder must notify the Department of its intention to amend the EMPr at least 60 days prior to submitting such amendments to the EMPr to the Department for approval. In assessing whether to grant such approval or not, the Department will consider the processes and requirements prescribed in Regulation 37 of GN R. 982.

### **Monitoring**

21. The holder of the authorisation must appoint an experienced independent Environmental Control Officer (ECO) for the construction phase of the development that will have the responsibility to ensure

that the mitigation/rehabilitation measures and recommendations referred to in this environmental authorisation are implemented and to ensure compliance with the provisions of the approved EMPr.

- 21.1. The ECO must be appointed before commencement of any authorised activities.
- 21.2. Once appointed, the name and contact details of the ECO must be submitted to the *Director: Compliance Monitoring* of the Department at [Directorcompliance@environment.gov.za](mailto:Directorcompliance@environment.gov.za).
- 21.3. The ECO must keep record of all activities on site, problems identified, transgressions noted and a task schedule of tasks undertaken by the ECO.
- 21.4. The ECO must remain employed until all rehabilitation measures, as required for implementation due to construction damage, are completed and the site is ready for operation.

### **Recording and reporting to the Department**

22. All documentation e.g. audit/monitoring/compliance reports and notifications, required to be submitted to the Department in terms of this environmental authorisation, must be submitted to the *Director: Compliance Monitoring* of the Department at [Directorcompliance@environment.gov.za](mailto:Directorcompliance@environment.gov.za).
23. The holder of the environmental authorisation must, for the period during which the environmental authorisation and EMPr remain valid, ensure that project compliance with the conditions of the environmental authorisation and the EMPr are audited, and that the audit reports are submitted to the *Director: Compliance Monitoring* of the Department at [Directorcompliance@environment.gov.za](mailto:Directorcompliance@environment.gov.za).
24. The frequency of auditing and of submission of the environmental audit reports must be as per the frequency indicated in the EMPr, taking into account the processes for such auditing as prescribed in Regulation 34 of GN R. 982.
25. The holder of the authorisation must, in addition, submit an environmental audit report to the Department within 30 days of completion of the construction phase (i.e. within 30 days of site handover) and a final environmental audit report within 30 days of completion of rehabilitation activities.
26. The environmental audit reports must be compiled in accordance with Appendix 7 of the EIA Regulations, 2014 and must indicate the date of the audit, the name of the auditor and the outcome of the audit in terms of compliance with the environmental authorisation conditions as well as the requirements of the approved EMPr.
27. Records relating to monitoring and auditing must be kept on site and made available for inspection to any relevant and competent authority in respect of this development.

### **Notification to authorities**

28. A written notification of commencement must be given to the Department no later than fourteen (14) days prior to the commencement of the activity. Commencement for the purposes of this condition includes site preparation. The notice must include a date on which it is anticipated that the activity will commence, as well as a reference number.

### **Operation of the activity**

29. A written notification of operation must be given to the Department no later than fourteen (14) days prior to the commencement of the activity operational phase.

### **Site closure and decommissioning**

30. Should the activity ever cease or become redundant, the holder of the authorisation must undertake the required actions as prescribed by legislation at the time and comply with all relevant legal requirements administered by any relevant and competent authority at that time.

### **Specific conditions**

31. Residents adjacent to the areas where construction will be taking place must be informed a week prior to any construction activities taking place.
32. Prior to any construction activity that may cause damage to private property, the applicant must ensure that there is a photographic record of all areas that may be damaged.
33. The applicant must ensure that any damaged property is repaired immediately and returned to its previous condition.
34. Damage to the existing pathway on public open space Erf 3094 (between Dunker Street and Edward Crescent) must be addressed in terms of a rehabilitation plan, which must be submitted to the City of Cape Town: Recreation and Parks Department for approval prior to the commencement of construction work.
35. Construction teams must be clearly identified by wearing uniforms and/or wearing identification cards that must be exhibited in a visible place on their body.

36. The applicant must encourage contractors to make use of local labour as far as possible.
37. The applicant must provide notice boards at beach access points detailing the construction period and a map with details of the working areas.
38. The applicant must clearly demarcate the construction site and any temporary exclusion zones on the beach.
39. The applicant must engage with the fishing industry representative prior to the commencement of the construction process in order to ensure that they are aware of the exclusion zones.
40. The applicant must align the new cable as close as possible to the existing cables in order to prevent the exclusion zone from expanding and limiting potential cumulative impacts.
41. A detailed survey must be undertaken of the route in order to identify the extent of the wet dune slack and the topography of the affected dune environment, in order to allow for the reinstatement of these systems to mimic the present morphology, once the cable has been laid.
42. The cable must be aligned with the present semi-formal walkway where possible, to avoid excavating through the wet dune slack.
43. Trenching and excavation to a depth greater than 5 m (and as deep as 10 m) must apply at points above the high-water mark (back beach, frontal dune cordon and dune heel) during the establishment phase to avoid exposure where dune mobility arises.
44. Once all trenching and backfilling has been completed, following the laying of the cable, the dune must be reinstated and sculpted to mimic the pre-construction state.
45. An alternative pedestrian walkway must be established during the restoration stage of the project to prevent foot traffic across the destabilised area of dune.
46. Stabilisation of the dune must be undertaken on a temporary basis utilising geofabric or related materials.
47. Existing pathways must be used for the section of the cable route that passes through the dune slack wetland, to avoid the destruction of natural vegetation.
48. Any areas of intact natural vegetation within the dune slack wetland or its adjacent buffer area that are unavoidably disturbed when the cable is laid must be rehabilitated, under the guidance and supervision of a botanist with knowledge of wetland and Strandveld rehabilitation.
49. The site office and construction camp, and all temporary toilets and solid waste disposal facilities, must be located at least 20 m from the edge of the dune slack wetland.
50. The dune slack wetland outside of the development footprint must be treated as a "no-go" area and appropriately demarcated as such (using "danger tape", for example) when construction work is carried out.

51. No vehicles, machinery, personnel, construction material, cement, fuel, oil, bitumen or waste must be allowed into this area, unless express permission is granted by the Environmental Control Officer (ECO) for specific activities and such work is carried out under close supervision of the ECO.
52. Mechanical diggers and all other machinery and vehicles that are to be used in close proximity to the dune slack wetland must be checked for oil and fuel leaks every day, before they are allowed to enter the wetland or a buffer area of 10 m around the edge of the wetland.
53. If any machinery or vehicles are found to have an oil or fuel leak, they must not be allowed to enter within 10 m of the edge of the dune slack wetland until the leaks have been rectified.
54. No fuel storage, refuelling, vehicle maintenance or vehicle depots must be allowed within 20m of the edge of the dune slack wetland.
55. Refuelling and fuel storage areas, and areas used for the servicing or parking of vehicles and machinery, must be located on impervious bases and must have bunds around them (sized to contain 110% of the tank capacity) to contain any possible spills.
56. Vehicles and machinery must not be washed within at least 20 m of the dune slack wetland.
57. No discharge of effluents or polluted water, including sediment-laden water from the dewatering of trenches (if carried out), must be allowed to enter into the dune slack wetland.
58. No spoil material, including excavated soil, must be temporarily stockpiled within at least 10 m of the dune slack wetland. Where this is unavoidable, soil stockpiles must be covered (e.g. with geotextile or plastic sheeting) and shored up with wooden structures to prevent slumping and blowing of soil into the wetland, following a Method Statement that has been approved by the ECO.
59. Stock piles and/or exposed earth must be watered in order to reduce dust.
60. The dune slack wetland must be inspected on a regular basis (at least weekly) by the ECO for signs of disturbance, sedimentation and pollution during the construction phase. If signs of disturbance, sedimentation or pollution are noted, immediate action must be taken to remedy the situation and, if necessary, a freshwater ecologist must be consulted for advice on the most suitable remediation measures.
61. An off-road vehicle permit (ORV) permit must be obtained in terms of the Control of the Use of Vehicles in the Coastal Zone. The City of Cape Town: TDA: Coastal Management must be given an opportunity to comment on the permit application in order to determine the conditions of the permit.
62. No activities, which require a Water Use Authorisation, will be allowed to encroach into a water resource without a water use authorisation being in place from the Department of Water and Sanitation.

63. Excavations must be monitored by a palaeontologist or archaeologist with appropriate paleontological knowledge. The frequency of these inspections must be worked out with the contractor to minimise time spent on site.
64. Should any archaeological or cultural heritage resources, including human remains / graves as defined and protected under the National Heritage Resources Act, 1999, be identified during the construction phase, construction activities within the vicinity of the findings must immediately cease and be reported to Heritage Western Cape (Tel: 021 483 9685) and should human remains be found on site, the South African Police Service must also be notified.
65. Should any shipwreck or cultural heritage material be detected below the high water mark via sonic scanning or other means, the position must be recorded and SAHRA must be notified immediately. Work must cease and may not commence until feedback has been received from SAHRA.
66. An integrated waste management approach must be implemented that is based on waste minimisation and must incorporate reduction, recycling, re-use and disposal where appropriate. Any solid waste, which will not be recycled, must be disposed of at a landfill licensed in terms of section 20 (b) of the National Environment Management Waste Act, 2008 (Act No.59 of 2008).

#### **General**

67. A copy of this environmental authorisation, the audit and compliance monitoring reports, and the approved EMPr, must be made available for inspection and copying-
  - 67.1. at the site of the authorised activity;
  - 67.2. to anyone on request; and
  - 67.3. where the holder of the environmental authorisation has a website, on such publicly accessible website.
68. National government, provincial government, local authorities or committees appointed in terms of the conditions of this authorisation or any other public authority shall not be held responsible for any damages or losses suffered by the holder of the authorisation or his/her successor in title in any instance where construction or operation subsequent to construction be temporarily or permanently stopped for reasons of non-compliance by the holder of the authorisation with the conditions of authorisation as set out in this document or any other subsequent document emanating from these conditions of authorisation.



Date of environmental authorisation: 11/09/2017



Mr Sabelo Malaza

Chief Director: Integrated Environmental Authorisations

Department of Environmental Affairs

## Annexure 1: Reasons for Decision

### 1. Information considered in making the decision

In reaching its decision, the Department took, *inter alia*, the following into consideration –

- a) The information contained in the EIAr dated May 2017;
- b) The comments received from interested and affected parties as included in the EIAr dated May 2017;
- c) Mitigation measures as proposed in the EIAr dated May 2017 and the EMPr;
- d) The information contained in the specialist studies; and
- e) 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).

### 2. Key factors considered in making the decision

All information presented to the Department was taken into account in the Department's consideration of the application. A summary of the issues which, in the Department's view, were of the most significance is set out below.

- a) The findings of all the specialist studies conducted and their recommended mitigation measures.
- b) The need for the project was clearly indicated. Submarine telecommunication cables are essential for international telecommunications as they currently transport almost 100% of transoceanic internet traffic throughout the world. It is widely recognised that access to affordable international bandwidth is key to unlocking economic development in every country. As such, the 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 within South Africa and the African continent as a whole.
- c) The EIAr dated May 2017 identified all relevant environmental legislation and guidelines that have been considered in the preparation of the EIAr dated May 2017.
- d) The methodology used in assessing the potential impacts identified in the EIAr dated May 2017 and the specialist studies have been adequately indicated.

- e) A sufficient public participation process was undertaken and the applicant has satisfied the minimum requirements as prescribed in the EIA Regulations, 2014 for public involvement.

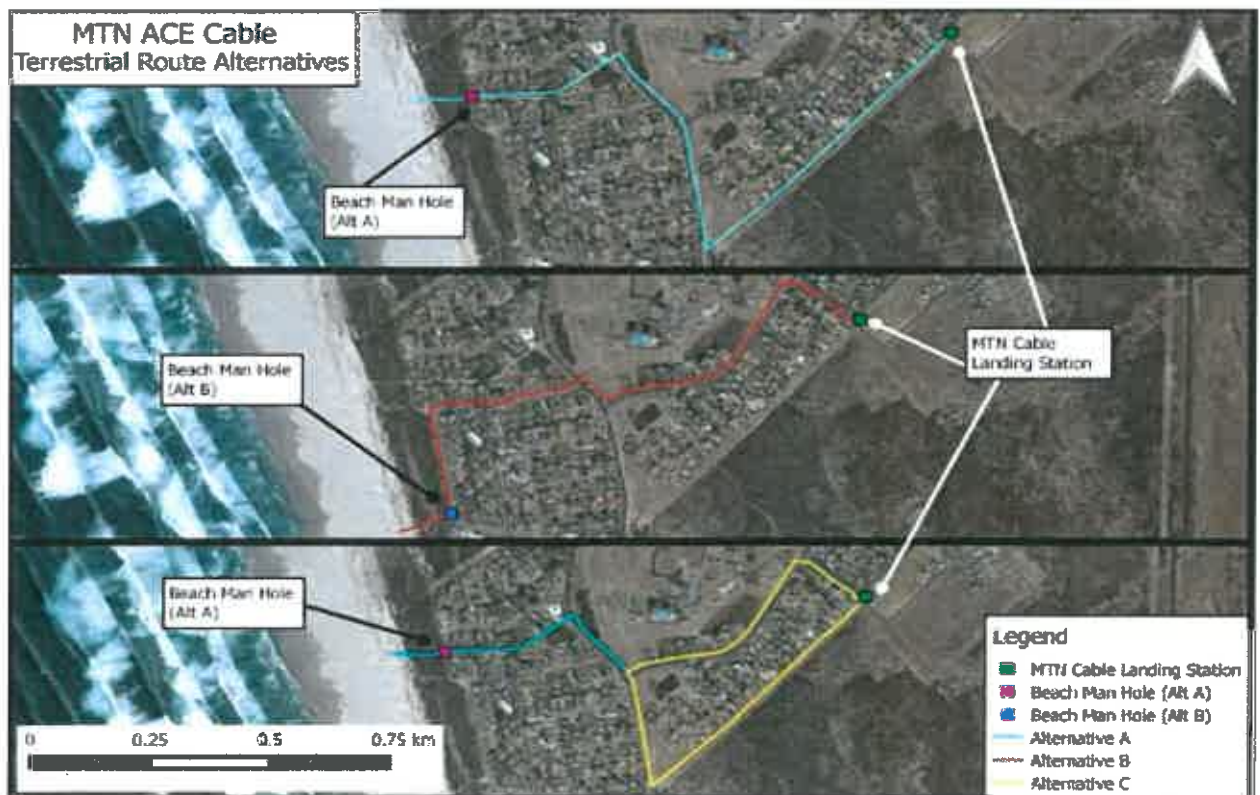
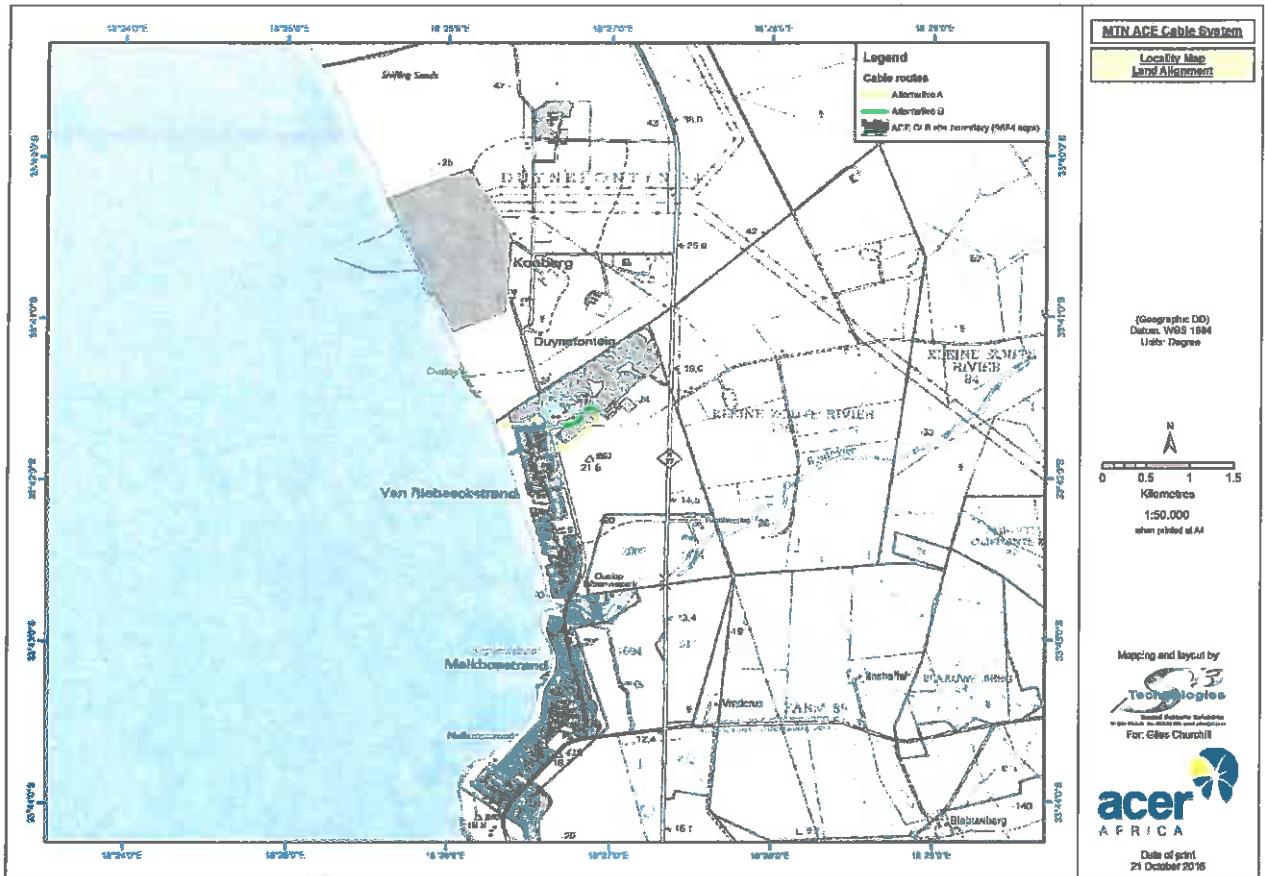
### 3. Findings

After consideration of the information and factors listed above, the Department made the following findings -

- a) The identification and assessment of impacts are detailed in the EIAR dated May 2017 and sufficient assessment of the key identified issues and impacts have been completed.
- b) The procedure followed for impact assessment is adequate for the decision-making process.
- c) The proposed mitigation of impacts identified and assessed adequately curtails the identified impacts.
- d) According to the independent Environmental Assessment Practitioner (EAP), the information contained in the EIAR dated May 2017 is accurate and credible.
- e) EMPr measures for the pre-construction, construction and rehabilitation phases of the development were proposed and included in the EIAR and will be implemented to manage the identified environmental impacts during the construction phase.

In view of the above, the Department is satisfied that, subject to compliance with the conditions contained in the environmental authorisation, the authorised activities will not conflict with the general objectives of integrated environmental management laid down in Chapter 5 of the National Environmental Management Act, 1998 and that any potentially detrimental environmental impacts resulting from the authorised activities can be mitigated to acceptable levels. The environmental authorisation is accordingly granted.

## Annexure 2: Locality Plan



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