



# forestry, fisheries & the environment

Department:  
Forestry, Fisheries and the Environment  
REPUBLIC OF SOUTH AFRICA

Private Bag X 447- PRETORIA 0001- Environment House -473 Steve Biko Road, Arcadia- PRETORIA

DFFE Reference: 14/12/16/3/3/2/2048

Enquirer: Ms Thullile Nyalunga

Telephone: (012) 399 9405 E-mail: [nyalunga@environment.gov.za](mailto:nyalunga@environment.gov.za)

Mobile Telephone Network (Pty) Ltd  
Mr Peet Janse van Rensburg  
216 - 14<sup>th</sup> Avenue  
FAIRLANDS  
2195

Cell Phone Number: 083 222 1880  
E-mail Address: [peet.jansevanrensburg@mtn.com](mailto:peet.jansevanrensburg@mtn.com)

## PER MAIL / EMAIL

Dear Mr Van van Rensburg

### APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, ACT NO. 107 OF 1998, AS AMENDED: FOR THE 2AFRICA/GERA (EAST) SUBMARINE FIBRE OPTIC CABLE SYSTEM TO BE LANDED AT DUYNFONTEIN, CITY OF CAPE TOWN, 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, as amended (the EIA Regulations), you are instructed to notify all registered interested and affected parties, in writing and within fourteen (14) days of the date of the decision, of the decision, as well as the provisions regarding the submission of appeals that are contained in the Regulations.

In terms of the Promotion of Administrative Justice Act, Act No. 3 of 2000, you are entitled to the right to fair, lawful and reasonable administrative action; and to written reasons for administrative action that affects you negatively. Further your attention is drawn to the provisions of the Protection of Personal Information Act, Act No. 4 of 2013 which stipulate that the Department should conduct itself in a responsible manner when collecting, processing, storing and sharing an individual or another entity's personal information by holding the Department accountable should the Department abuse or compromise your personal information in any way.

Your attention is drawn to Chapter 2 of National Environmental Management Act, Act No. 107 of 1998 National Appeal Regulations published under Government Notice R993 in Government Gazette No. 38303 dated 08 December 2014 (National Appeal Regulations, 2014), which prescribes the appeal procedure to be followed. Kindly include a copy of this document (National Appeal Regulations, 2014) with the letter of notification to interested and affected parties in this matter.

*M.S*

Should any person wish to lodge an appeal against this decision, he/she must submit the 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; or the date that the notification of the decision was sent to the applicant by the Department, whichever is applicable.

**Appeals must be submitted in writing in the prescribed form to:**

The Director: Appeals and Legal Review of this Department at the below mentioned addresses.

By email: [appeals@environment.gov.za](mailto:appeals@environment.gov.za);

By hand: Environment House  
473 Steve Biko  
Arcadia  
Pretoria  
0083; or

By post: Private Bag X447  
Pretoria  
0001

Please note that in terms of Section 43(7) of the National Environmental Management Act, Act No. 107 of 1998, as amended, the lodging of an appeal 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.

To obtain the prescribed appeal form and for guidance on the submission of appeals, please visit the Department's website at [https://www.environment.gov.za/documents/forms#legal\\_authorisations](https://www.environment.gov.za/documents/forms#legal_authorisations) or request a copy of the documents at [appeals@environment.gov.za](mailto:appeals@environment.gov.za).

Yours faithfully



**Mr Sabelo Malaza**  
Chief Director, Integrated Environmental Authorisations  
Department of Forestry, Fisheries and the Environment  
Date: 29/10/2021

cc:	Mr Giles John Churchill	ACER (Africa) Environmental Consultants	Email: <a href="mailto:giles.churchill@acerafrica.co.za">giles.churchill@acerafrica.co.za</a>
	Ms Adri La Meyer	DEA&DP	Email: <a href="mailto:Adri.LaMeyer@westerncape.gov.za">Adri.LaMeyer@westerncape.gov.za</a>
	Ms P Titmuss	City of Cape Town	Email: <a href="mailto:Pat.Titmuss@capetown.gov.za">Pat.Titmuss@capetown.gov.za</a>



## forestry, fisheries & the environment

Department:  
Forestry, Fisheries and the Environment  
REPUBLIC OF SOUTH AFRICA

# Environmental Authorisation

In terms of Regulation 25 of the Environmental Impact Assessment Regulations, 2014, as amended

The 2Africa/Gera (East) Submarine Fibre Optic Cable System to be landed at Duynfontein, City of Cape Town, Western Cape Province

City of Cape Town Municipality

<b>Authorisation register number:</b>	<i>14/12/16/3/3/2/2046</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>Van Riebeeckstrand Beach in Duynfontein, Ward 23 of the City of Cape Town Municipality, Western Cape Province</i>

This 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, Act No. 107 of 1998, as amended and the EIA Regulations, 2014, as amended.

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, Act No. 107 of 1998, as amended and the Environmental Impact Assessment Regulations, 2014, as amended, the Department hereby authorises –

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

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

with the following contact details –

Mr Peet Janse van Rensburg  
Mobile Telephone Network (Pty) Ltd  
216 - 14<sup>th</sup> Avenue  
**FAIRLANDS**  
2195

Cell Phone Number: 083 222 1880  
E-mail Address: peet.jansevanrensburg@mtn.com

to undertake the following activities (hereafter referred to as "the activity") indicated in Listing Notice 1 and Listing Notice 2 of the EIA Regulations, 2014 as amended:

Activity number	Activity description
<p><u>Listing Notice 1, Item 15:</u>  <i>The development of structures in the coastal public property where the development footprint is bigger than 50 square metres;</i></p>	<p>The development will entail the landing of a marine telecommunications cable at Van Riebeeckstrand Beach, Duynfontein. This will require digging of a trench across the beach (coastal public property) into the intertidal zone and the installation of the telecommunications cable, system earth and associated activities.</p>
<p><u>Listing Notice 1 Item 17:</u>                      Development-                      (i) <i>in the sea;</i>                      (iii) <i>within the littoral active zone;</i>                      (iv) <i>in front of a development setback; or</i>                      (v) <i>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>                      In respect of-                      (e) <i>infrastructure or structures with a development footprint of 50 square metres or more;</i></p>	<p>The development will entail the landing of a marine telecommunications cable at Van Riebeeckstrand Beach. This will require the digging of a trench across the beach into the intertidal zone and the installation of the telecommunications cable, which will be buried to provide additional protection. In shallow waters (less than 1,500 m in depth) the cable will be buried under the seabed where possible, to provide extra protection.</p>
<p><u>Listing Notice 1 Item 18:</u>  <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 development will require 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 the planting of vegetation and material to aid in dune rehabilitation once construction is complete.</p>

<p><u>Listing Notice 1, Item 19 A:</u></p> <p><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></p> <p><i>(i) the seashore</i></p> <p><i>(ii) 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; or</i></p> <p><i>(iii) the sea;</i></p>	<p>The development will entail the excavation and deposition of more than 5 m<sup>3</sup> of material within 100 m inland of the high-water mark of the sea when trenching for, and backfilling of, the marine telecommunications cable system takes place.</p>
<p><u>Listing Notice 2, Item 14:</u></p> <p><i>The development and related operation of-</i></p> <p><i>(ii) an anchored platform; or</i></p> <p><i>(iii) any other structure or infrastructure on, below or along the sea bed;</i></p>	<p>The 2AFRICA/GERA Cable System will be placed on the surface of the seabed in deep waters. In shallow waters (less than 1,500 m in depth) the cable will be buried under the seabed to provide extra protection, where the substrate allows.</p>
<p><u>Listing Notice 2, Item 26:</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>(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></p> <p><i>In respect of–</i></p> <p><i>(c) inter- and sub-tidal structures for entrapment of sand;</i></p> <p><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 in which to bury the cable may be construed as an underwater channel.</p>

as described in the Environmental Impact Assessment Report (EIAr) dated July 2021 at:

**GPS Co-ordinates of the proposed 2AFRICA/GERA (East) Cable System (Duynefontein landing) infrastructure (approximate)**

Location	Latitude	Longitude
Start of trunk cable at Mozambique/SA Exclusive Economic Zone (EEZ) boundary	27°14'43.97"S	34°56'15.53"E
Mid-point of marine cable	35°55'26.82"S	25°05'54.54"E
ACE Cable System Beach Man Hole (BMH) at Van Riebeeckstrand, Duynefontein (Alternative 1)	33°41'39.96"S	18°26'23.22"E
ACE Cable system beach anchor block	33°41'39.97"S	18°26'20.75"E
Sea Earth Plate at Van Riebeeckstrand, Duynefontein	33°41'42.96"S	18°26'16.44"E
ACE cable landing station (CLS)	33°41'35.81"S	18°26'58.57"E
Approximate length of marine cable	2,800 km	

- for the 2Africa/Gera (East) Submarine Fibre Optic Cable System to be Landed at Duynefontein, City of Cape Town, Western Cape Province, hereafter referred to as "the property".

The 2AFRICA/GERA (East) landing in Duynefontein will include the following project components:

- Pre-installation activities including cable route survey, route engineering, route clearance and Pre-Lay Grapple Run.
- Laying and burial of the cable in the offshore environment within South Africa's Exclusive Economic Zone (EEZ) from the border with Mozambique until it reaches the shore.
- Laying of the cable across the beach up to the position of the existing MTN Beach Man Hole (BMH) (requiring excavations within the intertidal zone to bury the cable before it will be anchored into the BMH) and installation of a sea earth system (System Earth).
- Laying of the cable in the offshore environment, including cable burial at water depths less than 1,500 m.
- The laying of the cable within the shallow water environment is likely to involve a direct shore end operation where the shore end of the subsea cable is installed directly from the main subsea cable installation vessel and floated to the beach landing point using buoys and assisted by small boats and divers. It will then be buried in the seabed using the diver jet burial technique. The cable will be buried in sediment wherever possible, and the route will be adjusted to avoid obvious visible rock. The aim is to bury the cable to a target depth of up to 2 m where possible.

- Excavations within the intertidal zone are to bury the cable before it is anchored into the existing ACE Cable System anchor block and ACE BMH, which is a concrete utility vault where the marine portion of the subsea cable is connected to the terrestrial portion.
- On the beach, the cable will be buried to a depth of 2 meters, substrate permitting.

The 2AFRICA/GERA (East) (Duynefontein landing) will link into the existing ACE Cable System beach anchor block and BMH, thereafter, being accommodated within existing underground ducts which run inland to the existing ACE Cable Landing Station (CLS) owned by MTN.

The 2AFRICA/GERA (East) (Duynefontein landing) will be installed within an approved 500 m offshore corridor (250 m either side of the cable route coordinates, although the cable footprint to be disturbed is only 6 m wide (the width of the sea plough) when cable burial takes place), and a 100m onshore construction corridor (50 m each side of the cable, although the cable trench will be less than 1 m in width).



## Conditions of this Environmental Authorisation

### Scope of authorisation

1. The Installation and operation of the marine cable and the preferred landing Alternative 1 for the 2AFRICA/GERA (East) (Duynefontein landing) at Van Riebeeckstrand Beach, which links up to the existing ACE Cable System infrastructure (beach anchor block to CLS), is approved as per the geographic coordinates cited in the table above.
2. 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.
3. 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.
4. The activities authorised may only be carried out at the property as described above.
5. 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.
6. 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.
7. This activity must commence within a period of ten (10) 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.
8. Construction must be completed within five (05) years of the commencement of the activity on site.

### Notification of authorisation and right to appeal

9. 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.

10. The notification referred to must –
  - 10.1. specify the date on which the authorisation was issued;
  - 10.2. Inform the interested and affected party of the appeal procedure provided for in the National Appeal Regulations, 2014;
  - 10.3. advise the interested and affected party that a copy of the authorisation will be furnished on request; and
  - 10.4. give the reasons of the Competent Authority for the decision.

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

11. 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, Act No. 107 of 1998, as amended 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**

12. The Environmental Management Programme (EMPr) submitted as part of the EIAr dated July 2021 is approved and must be implemented and adhered to.
13. The EMPr must be implemented and strictly enforced during all phases of the project. It shall be seen as a dynamic document and shall be included in all contract documentation for all phases of the development.
14. Changes to the approved EMPr must be submitted in accordance to the EIA Regulations applicable at the time.
15. The Department reserves the right to amend the approved EMPr should any impacts that were not anticipated or covered in the EIAr be discovered.

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

16. The EMPr must be updated where the findings of the environmental audit reports, contemplated in Condition 23 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 the EIA Regulations, 2014 as amended. 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 the EIA Regulations, 2014 as amended. 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 must apply for an amendment of an EMPr, if such amendment is required before an audit is required. The amendment process is prescribed in Regulation 37 of the EIA Regulations, 2014, as amended. The holder of the authorisation must request comments on the proposed amendments to the impact management outcomes of the EMPr or amendments to the closure objectives of the closure plan from potentially interested and affected parties, including the competent authority, by using any of the methods provided for in the Act for a period of at least 30 days.

### **Monitoring**

21. The holder of the authorisation must appoint an experienced 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.
  - 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.
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.
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 the EIA Regulations, 2014 as amended.
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 as amended 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. The 2AFRICA/GERA (East) (Duynfontein Landing) will link into the existing ACE Cable System beach anchor block and BMH, thereafter, being accommodated within existing underground ducts which run inland to the existing ACE Cable Landing Station (CLS) owned by MTN. As such, no construction of a BMH is authorised as part of this environmental authorisation, and no trenching or associated construction works is permitted for the installation of the cable system on land between the BMH and CLS.
32. The holder of the authorisation must ensure the cable laying vessel is well-maintained to minimise noise production from engines.
33. A suitably trained crew member (or an independent Marine Mammal Observer) with relevant experience in marine mammal identification, must be used as a designated Marine Mammal / Protected Species Observer (MMO/PSO), to ensure no mammals are within the potential impact zone of sonars, cables or noise pollution.
34. The holder of the authorisation must ensure, where possible, that the cable laying takes place outside of the main migration seasons for whales.
35. Should any archaeological material be accidentally encountered during the course of cable installation, work must cease in that area until the project archaeologist and the South African Heritage Resources Agency (SAHRA) have been notified, the find has been assessed by the archaeologist, and agreement has been reached on how to deal with it.
36. Should any shipwrecks be identified along the cable alignment, SAHRA must be notified to enable the information to be added to the national shipwreck database.
37. Refueling and fuel storage areas may not take place or be located within 100 m of the beach or dune slack wetland.
38. Parking areas must not be utilised for the stockpiling of any construction material.
39. The coastal dune cordon directly north and south of the landing site must be treated as a No-go Area and no works or construction personnel may enter this area.
40. The contractor in consultation with the ECO must identify and demarcate the extent of the site and associated work areas, the temporary exclusion zones on the beach, and no-go areas as identified in the EMPr.

41. Appropriate barriers and easily understood signage must be in place to block public access to unsafe construction areas.
42. No construction activities with the potential to affect the general public's enjoyment of the coast must be scheduled to take place during peak seasons. Every effort must be made to avoid landing the 2AFRICA/GERA (East) Cable System during the peak tourism periods such as the Christmas Period, School Holidays and the Easter Long Weekend.
43. The holder of the authorisation must provide notice boards at beach access points detailing the construction period and a map with details of the working areas.
44. 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.
45. The local community, including neighbouring landowners and/or tenants, must be informed of the schedule for construction works prior to commencement of construction, to minimise negative impacts.
46. The holder of the authorisation must engage with the fishing industry representative and key stakeholders (including the SA Fishing Industry Association; Department of Forestry, Fisheries and the Environment (DFFE): Oceans and Coasts; the South African Navy Hydrographic Office (SAN Hydrographer); South African Maritime Safety Association (SAMSA); and Ports Authorities) prior to the commencement of construction, in order to ensure that they are aware of the scheduled activities and exclusion zones.
47. SANParks must be notified at least a month in advance of construction works scheduled to take place within the Robben Island Marine Protected Area (MPA) and the Southeast Atlantic Seamount MPA. SANParks must be provided with the co-ordinates of the installed cable through the MPAs, and the total area and track of surface laying of the MPAs, once the cable installation has been completed.
48. The total area (ha) of the Robben Island MPA cleared by Pre-Lay Grapple Run (PLGR) and ploughed must be recorded and mapped, and the data must be made available to SANParks once the cable installation has been completed.
49. The holder of the authorisation must engage with affected offshore concession holders prior to commencement of construction to draw up a Memorandum of Understanding (MoU)/Cooperation Agreement, if required, which outlines the rights, obligations and roles and responsibilities of both parties in terms of the installation and operation of subsea infrastructure.
50. 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 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**

51. A copy of this Environmental Authorisation, the audit and compliance monitoring reports, and the approved EMPr, must be made available for inspection and copying-
- 51.1. at the site of the authorised activity;
  - 51.2. to anyone on request; and
  - 51.3. where the holder of the Environmental Authorisation has a website, on such publicly accessible website.
52. 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: 29/10/2021



**Mr Sabelo Malaza**  
Chief Director: Integrated Environmental Authorisations  
Department of Forestry, Fisheries and the Environment

## 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 listed activities as applied for in the application form received on 15 January 2021.
- b) The information contained in the EIA dated July 2021.
- c) The comments received from Department of Water and Sanitation, SAHRA, City of Cape Town, Cape Nature, Department of Environmental Affairs and Development Planning (DEA&DP), South African Maritime Safety Authority (SAMSA), Petroleum Agency SA (PASA), SANParks and Interested and Affected Parties as included in the EIA dated July 2021.
- d) Mitigation measures as proposed in the EIA and the EMP.
- e) The information contained in the specialist studies contained within the appendices of the EIA dated July 2021 and as appears below:

Name of Specialist	Title of specialist report/ s as attached in Appendix 5	Date issued
Inland Waters Consultancy in association with Capensis	Compliance statement for terrestrial and freshwater ecosystems	February 2021
Capricorn Marine Environmental (Pty) Ltd (CapMarine)	Commercial fisheries impact assessment	March 2021
SDP Ecological & Environmental Services	Beach and coastal dune dynamics impact assessment	January 2021
Pisces Environmental Services (Pty) Ltd	Marine ecology impact assessment	March 2021
ACO Associates cc	Marine archaeological impact assessment	April 2021
Sea Search Research and Conservation	A review of the potential effects of submarine telecommunications cables on marine mammals in Southern Africa	January 2021
WildSkies Ecological Services (Pty) Ltd	Avifauna impact assessment	January 2021



## **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 and desirability of the development. 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. Today, Africa relies primarily on satellites with few marine cables to provide its international communications. 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.
- c) The EIAr dated July 2021 identified all legislation and guidelines that have been considered in the preparation of the EIAr.
- d) The location of the proposed project.
- e) The methodology used in assessing the potential impacts identified in the EIAr dated July 2021 and the specialist studies have been adequately indicated.
- f) A sufficient public participation process was undertaken and the applicant has satisfied the minimum requirements as prescribed in the EIA Regulations, 2014 as amended 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 July 2021 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 information contained in the EIAr dated July 2021 is deemed to be accurate and credible.
- d) The proposed mitigation of impacts identified and assessed adequately curtails the identified impacts.
- e) EMP 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.

MS

## Annexure 2: Locality Plan

