



environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

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

DEA Reference: 14/12/16/3/3/2/1118

Enquiries: Mr Thando Booï

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Mervin Chetty
LIQUID TELECOM (PTY) LTD
41 Old Pretoria Main Road
Half-Way House
MIDRAND
1685

Telephone number: (011) 585 1827
Email address: Mervin.chetty@liquidtelecom.co.za

PER E-MAIL / MAIL

Dear Mr Chetty

ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, ACT NO. 107 OF 1998, GN R982, GN R983 AND GN R984 AS AMENDED, FOR THE CONSTRUCTION OF THE MELTING POT INDIANOCEANIC SUBMARINE SYSTEM (METISS) FIBRE OPTIC SUBSEA CABLE SYSTEM TO BE LANDED IN AMANZIMTOTI WITHIN THE CITY OF ETHEKWINI METROPOLITAN MUNICIPALITY IN THE KWAZULU NATAL 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 14 (fourteen) days of the date of the EA, of the Department's 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 stipulates 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 abuses or compromises 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 prescribe 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.

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: appealsdirector@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 or request a copy of the documents at appealsdirector@environment.gov.za.

Yours faithfully


Mr Sabelo Malaza
Chief Director: Integrated
Department of Environmental Affairs
Date: 05/11/2019

cc	V. Stevens	ERM Southern Africa (Pty) Ltd	Tel: (021) 681 5400	Email: metiss-subsecable-eia@erm.com
	N. Brijjal	KZN (EDTEA)	Tel: (031) 366 7317	Email: Natasha.Brijjal@kznedtea.gov.za
	D Van Rensburg	EThekweni Metropolitan Municipality	Tel: (031) 311 7136	Email: Diane.vanrensburg@durban.gov.za



Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

Environmental Authorisation

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

Construction of the METISS subsea cable system to be landed in Amanzimtoti within the City of eThekweni Metropolitan Municipality in the KwaZulu Natal Province

Authorisation register number:	<i>14/12/16/3/3/2/1118</i>
Last amended:	<i>First issue</i>
Holder of authorisation:	<i>Liquid Telecom (Pty) Ltd</i>
Location of activity:	<i>Within Ward 97 of the City of eThekweni Metropolitan Municipality, KwaZulu Natal 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.

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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 the Department hereby authorises –

LIQUID TELECOM (PTY) LTD

with the following contact details –

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

Activity number	Activity 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 development of the landing subsea cable system south of the Amanzimtoti pipe line beach entails digging of a trench across the beach and into the tidal zone. The subsea cable length is approximately 538km and the diameter is a maximum of 35mm that is equivalent to an area of 18 830 m².</p>
<p><u>GN R 983 Item 17:</u></p> <p><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>(f) infrastructure or structures with a development footprint of 50 square metres or more”</i></p>	<p>The development of the landing of the subsea cable system south of the Amanzimtoti Pipeline beach entails digging of a trench down the beach into the intertidal zone. In South Africa, the subsea cable will be buried in water depths less than 1km to target burial length of 1.0 m below seabed to provide additional protection. The subsea cable length is approximately 538km and the diameter is a maximum of 35mm that is equivalent to an area of 18 830 m².</p>
<p><u>GN R 983 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 10 cubic metres from –</i> <i>(i) the seashore or (iii) the sea</i></p>	<p>The project will entail the excavation and deposition or more than 5 cubic metres of material within 100 metres of a high water mark of the sea when trenching for, and backfilling of the subsea cable trench takes place.</p>

<p><u>GN R 984 Item 14</u></p>	 <p>Economic Zone and runs through the territorial waters onto the landing point.</p>
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N	0	E	T	0	0	0	3	0	0	0	0	2	6	1	0	0	0	0	0
N	0	E	T	0	0	0	3	0	0	0	0	2	9	5	9	0	0	0	0

Coordinates of key components of the proposed subsea cable system:

	Latitude (S)	Longitude (E)
Enter point South African Territorial Waters	30° 0' 51,550" S	31° 13' 55,130" E
Landing site	30° 2' 27,030" S	30° 53' 58,400" E
Beach manhole	30° 2' 24,900" S	30° 53' 55,700" E
Splice manhole 1	30° 2' 44,170" S	30° 53' 28,779" E
Splice manhole 2	30° 2' 19,693" S	30° 53' 41,435" E
Splice manhole 3	30° 2' 01,835" S	30° 53' 21,555" E
Cable landing station (Existing building)	30° 1' 33,780" S	30° 53' 30,911" E

- for the construction of the proposed METISS subsea cable system to be landed in Amanzimtoti within the City of eThekweni Metropolitan Municipality in the KwaZulu Natal Province, hereafter referred to as "the property".

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Project Description

The proposed development entails the installation and operation of the Melting Pot Indianoceanic Submarine System (METISS) in South Africa. METISS is a new subsea fibre optic cable system that will connect Mauritius to South Africa and provide high-speed connectivity of 24 terabytes per second to the global telecommunications network, as well as low latency access to enhance business operations across multiple industries.

The METISS main cable ('trunk') will run more than 3,200km from Mauritius to South Africa and splits at Branching units off the main trunk to landing sites in Reunion Island and Madagascar. In South Africa specifically, the METISS subsea cable will run approximately 538km (inclusive of Territorial Waters and Economic Exclusive Zone (EEZ)).

The system includes a 14mm to 35mm diameter subsea cable that will enter the South African Economic Exclusive Zone (EEZ) (approximately 370km from the seashore) and continue through Territorial Waters (approximately 22km from the seashore), and onto land until it reaches the cable landing station (CLS) at Pipeline Beach in Amanzimtoti, KwaZulu-Natal.

Components of the proposed development:

- Fibre-optic subsea cable;
- Repeaters and Branching Units (BU);
- Beach manhole (BMH);
- System earth;
- Cable landing station (CLS)
- Terrestrial fibre optic cable (terrestrial cable) and:
- Splicing manholes.

Conditions of this Environmental Authorisation

Scope of authorisation

1. The construction of the proposed METISS subsea cable system to be landed in Amanzimtoti within the City of eThekweni Metropolitan Municipality in the KwaZulu Natal Province is hereby approved as per the geographic coordinates indicated 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 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.
8. Commencement with one activity listed in terms of this environmental authorisation constitutes commencement of all authorised activities.

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 layout plan titled "sensitivity map of the proposed METISS subsea cable system, Amanzimtoti, Kwa-Zulu Natal Province" and appended to the final EIAr dated 25 July 2019 as Appendix D is hereby approved.
13. The EMPr compiled by Environmental Resource Management Southern Africa (Pty) Ltd and appended to the final EIAr dated 25 July 2019 as Appendix G is hereby approved and must be implemented and adhered to.

Frequency and process of updating the EMPr

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.
16. The EMPr must be updated where the findings of the environmental audit reports, contemplated in Condition 25 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 amendment process is prescribed in Regulation 37 of GN R.982. 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 GN R. 982.
25. The holder of the authorisation must, in addition, submit environmental audit reports 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 footprint of the development must be limited to the areas required for actual construction works and operational activities.
32. Individual species of *Mimusops caffra* that occur along the route must be avoided, and no disturbance must occur to the tree rooting system.
33. A permit must be obtained from Department of Environment, Forestry and Fisheries (DEFF) to use vehicles in the coastal zone prior to any activities involving vehicles on the beach.
34. A botanist must be appointed to perform a final walkthrough on site to identify plant species of conservation importance.
35. Before the clearing of the site, the appropriate permits must be obtained from the Department of Agriculture, Forestry and Fisheries (DAFF) for the removal of plants listed in the National Forest Act and from the relevant provincial department for the destruction of species protected in terms of the specific provincial legislation. Copies of the permits must be made available to this Department on request.

36. Appropriate dust suppression techniques must be implemented on all exposed surfaces during periods of high wind.
37. The KwaZulu Natal Amafa and Research Institute must be contacted if any heritage objects are identified during earth-moving activities and all development must cease until the outcome of the findings are known.
38. No structures older than sixty years or parts thereof are allowed to be demolished or altered without a permit from the KwaZulu Natal Amafa and Research Institute.
39. No activities are allowed within 50m of a site which contains rock art.
40. Should any archaeological sites, artefacts, paleontological fossils or graves be exposed during construction work, work in the immediate vicinity of the find must be stopped, the South African Heritage Resources Agency (SAHRA) must be informed and the services of an accredited heritage professional obtained for an assessment of the heritage resources must be made.
41. An integrated waste management approach must be implemented that is based on waste minimisation and must incorporate reduction, recycling and re-use options. Where solid waste is disposed of, such disposal shall only occur at a landfill licensed in terms of section 20(b) of the National Environment Management Waste Act, 2008 (Act 59 of 2008).

General

42. The recommendations of the EAP in the EIAr dated 25 July 2019 and the specialist studies attached must be adhered to. In the event of any conflicting mitigation measures and conditions of the Environmental Authorisation, the specific condition of this Environmental Authorisation will take preference.
43. A copy of this environmental authorisation, the audit and compliance monitoring reports, and the approved EMPr, must be made available for inspection and copying-
 - 43.1. at the site of the authorised activity;
 - 43.2. to anyone on request; and
 - 43.3. where the holder of the environmental authorisation has a website, on such publicly accessible website.

44. 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: 05/11/2019



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 listed activities as applied for in the application form received on 01 February 2019.
- b) The information contained in the final EIAr dated 25 July 2019.
- c) The comments received from interested and affected parties as included in the final EIAr dated 25 July 2019.
- d) Mitigation measures as proposed in the final EIAr and the EMPr dated 25 July 2019.
- e) The information contained in the specialist studies contained within the appendices of the final EIAr dated 25 July 2019.

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 subsea cable system will provide additional telecommunications capacity to South African users as well as providing cross-connect opportunities from/ to other networks within South Africa and the region.
- c) The final EIAr dated 25 July 2019 identified all legislations and guidelines that have been considered in the preparation of the EIAr.
- d) The methodology used in assessing the potential impacts identified in the final EIAr dated 25 July 2019 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, 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 25 July 2019 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) 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.

