



For Attention: Ms Natasha Higgitt
South African Heritage Resources Agency
111 Harrington Street
Cape Town

Date: 3 May 2021

Dear Madam

HERITAGE IMPACT ASSESSMENT (HIA) FOR DEPLOYMENT OF A FIBRE NETWORK WITHIN THE SOL PLAATJE MUNICIPAL AREA BY FROGFOOT NETWORKS

COMMENTS AND RESPONSE REPORT: RESPONSE TO HIA PUBLIC PARTICIPATION PROCESS

1. The attached Heritage Impact Assessment has been discussed with Ms Natasha Higgitt of the South African Heritage Resources Agency. Please see the attached **E-mail correspondence, Annexure A**. Frogfoot Networks started with the deployment of a fibre network within certain areas in the Sol Plaatje Municipal Area in 2020. The deployment is done by means of a combination of conventional trenching on the sidewalks (verges) of roads or by means of aerial fibre (tar poles and overhead cables) in certain areas.

A few residents complained to the Northern Cape Heritage Authority about specifically the deployment of aerial fibre within some of the declared conservations areas. Frogfoot Networks then received a letter from the Northern Cape Heritage Authority on 6 July 2020, stating that they need to

submit a Notice of Intent to Develop to them as the activities associated with the deployment of the fibre network trigger the following listed activities in Section 38 of the National Heritage Resources Act, 1999.

Section 38(1)(a): *The construction of a road, wall, powerline, pipeline, canal or other similar form of linear development or barrier exceeding 300 m in length;*

Section 38(1)(c): *Any development or other activity which will change the character of a site—*
(i) exceeding 5 000 m² in extent.

Frogfoot Networks then appointed our firm, Christine Havenga & Associates to submit a NID to the Northern Cape Heritage Authority. We liaised with the relevant officials of this authority and they indicated that the NID needs to be submitted to Mr Ratha Andrew Timothy of their office. A NID was submitted to them on 1 October 2020 for Sectors 1, 2, 3, 4, 7, 8 and 9 (please see locality plans in the HIA). A response to this NID was received on 13 November 2020. It was indicated that a Heritage Impact Assessment needs to be submitted addressing all areas older than 60 years within the sectors where Frogfoot Networks would deploy fibre within the Sol Plaatje Municipal area. Underneath is the response received and the further heritage studies required:

- *NHCRA will require further studies in areas protected under Section 34 of the National Heritage Resources Act.*
- *A visual impact study, cultural landscape as well as mapping of heritage resources, particularly the historic structures, to inform contextual impacts.*
- *Since there is reason to believe that heritage resources, especially of local significance, will be impacted upon, NCHRA required a Heritage Impact Assessment in terms of Section 38(3) of the NHRA assessing the impacts of*

the development on the heritage resources which it has identified; visual impact, cultural landscape and historic structures.

- *A HIA is required consisting of Visual Impact Assessment, a Cultural Landscape Study (the essential character of an area) and a Built Environment study consisting of mapping the historic structures in the affected area as well as any other historic resources.*
- *Application to fell, lop or radically prune a tree in a heritage area, or in the vicinity of a historic building or area which deemed to have historic value should be submitted to the Northern Cape Heritage Resources Authority. The authority can advise on significant trees even outside of the heritage area. Trees affected by such applications are assessed on the basis of their impact on the landscape species, size, health, vitality and cultural significance.*
- *The results of consultation with communities affected by the proposed development and other interested parties regarding the impact of the development on heritage resources in the affected area.*
- *Decisions on conventional or micro trenching within the road reserve on evidence of any significant archaeological material in the area must be made by the South African Heritage Resources Agency (SAHRA).*

A second NID was submitted as Frogfoot Networks decided to expand the footprint of the area of deployment to also include some further areas within the Sol Plaatje Municipal Area. A response to the second NID for Sector 10 was received on 5 March 2021 with similar requirements to the first NID.

2. A Heritage Impact Assessment was hence done in accordance with these requirements and a public participation process was followed for the period 7 March 2021 till 7 April 2021 involving the following processes:

- A notice in a local newspaper “*Find It*” which provided an on-link for people to access the document during the public participation process.
 - A notice on the heritage portal which which also provided an on-link for people to access the document during the public participation process.
 - Notification to the Northern Cape Heritage Authority
 - The relevant officials of the Sol Plaatje Municipality were informed via an e-mail.
 - Local Ward Councillors for the different sectors where fibre deployment were informed via an e-mail.
 - The local Kimberley Heritage Group (David Morris) was informed via an e-mail
3. When contacting Ms Nattasha Higgitt of SAHRA to confirm their involvement with the HIA process and uploading the document on SAHRIS, we were informed that the Northern Cape Heritage Authority does not have the authority to deal with Section 38 applications. She then liaised with SAHRA’s legal advisor and it was indicated in an e-mail dated 16 March 2021 that:
- *Once the Public Participation Process (PPP) has been completed, all documents regarding the application to SAHRA should be uploaded via SAHRIS including a Comments and Response Report with the results of the PPP;*
 - *SAHRA will provide comments on the application and co-ordinate comments from the NCPHRA regarding the assessment of the significance and impact assessment to Section 34 resources, including the recommended mitigation measures for these heritage resources;*
 - *An Integrated comment from SAHRA and NCPHRA will be issued for the development; and*

- *SAHRA will inform the PHRA of the way forward for this application.*
4. A total of 5 valid comments were received resulting from the public participation process of the HIA.

One letter of support was received and four letters of objection of which two are similar in contents.

Due to the long periods it took to obtain any responses from the Northern Cape Heritage Authority Frogfoot's Wayleave Approvals obtained from the municipality to do work in the road reserves (sidewalks/verges) have since lapsed. A new application has since been submitted and Frogfoot Networks have had several meetings with the Engineering Department of the Sol Plaatje Municipality in this regard. This Department has requested a public participation process for the Wayleave Approval application. They agreed that the public participation process for the HIA can serve this purpose. Some supporting comments were received for the Wayleave Approval process, but these comments cannot strictly be considered as comments on the formal HIA notifications.

The responses received will be addressed in paragraph 5 underneath and this response also forms part of **Section 10** of the HIA.

5. **Response to comments**

The objections/comments (4 e-mails) received during the public participation process of the HIA are attached as part of **Annexure 8** and can be summarised as follows:

5.1 **Expired Wayleaves Approval**

- Wayleaves have expired and have been unlawfully obtained
- No public participation process during wayleave approval process

Response

Although not directly related to the heritage process, the nature of the Wayleave Approvals does determine the manner in which the fibre is allowed to be deployed within the road reserves of the municipal area.

The application for Wayleave Approvals to the Engineering Department of the Sol Plaatje Municipality to enable Frogfoot Networks to do work in the road reserves (sidewalks/verges) has been submitted in the normal manner and there were no unlawful processes. The municipality did not require any heritage approvals for their initial approval of the wayleaves.

As indicated above, due to the long periods it took to obtain any responses from the Northern Cape Heritage Authority, Frogfoot's Wayleave Approvals obtained from the municipality have since lapsed. A new application has since been submitted and Frogfoot Networks have had several meetings with the Engineering Department of the Sol Plaatje Municipality in this regard. This Department has requested a public participation process for the Wayleave Approval application. They agreed that the public participation process for the HIA can serve this purpose.

There is no national standard for the Wayleave Approval process at municipalities and each municipality has its own requirements. A public participation process is not normally required for Wayleave Approvals, but some municipalities By-Laws allows for it to be requested. There is no such requirement in the relevant By-Laws of the Sol Plaatje Municipal Area.

5.2 Micro-trenching should be the preferred option of fibre deployment

- Micro-trenching should be the preferred option
- Frogfoot should pursue this with the municipality
- HIA should recommend micro-trenching

Response

Micro-trenching would be the most desirable option to deploy fibre to lessen the impact on any heritage resources within the Sol Plaatje Municipal Area and is stated as such in the HIA.

Micro-trenching is a fibre-laying technique that uses specialised machines to cut a narrow and shallow trench into a road's surface, alongside the pavement where the curb and the tarmac meet, rather than traditional fibre laying techniques which require much larger trenches to be dug.

The benefits of micro-trenching are:

- Less disruption of roads and sidewalks
- Faster deployment
- More cost effective trenching

This is also the preferred method of implementation for Frogfoot and they have used it in other municipalities as can be seen on their website. (<https://www.frogfootfibre.com/frogfoot/myaccount/home/news/post.jsp?postId=12>) This method of trenching is used extensively in Europe and the USA, but has yet to become widely accepted by municipalities here in SA. Frogfoot is in the process of setting up a Proof of Concept projects with both Tshwane and Cape Town municipalities.

Frogfoot Networks, however, had several discussions in this regard with the Sol Plaatje Municipality's Engineering Department and they are not willing to support micro-trenching as they are of the opinion that it would pose a threat to the structural integrity of their roads. The issue was again discussed with them as a result of these comments and the following e-mail, dated 29 April 2021, was sent to Renier Meyer of Frogfoot Networks by Moghamad Abrahams of the Directorate Roads and Stormwater of the municipality:

“There is currently no National Standard for the provision of micro trenching currently in existence (in compliance with the Standards Act). The only current

*standard for the provision of telecom ducting is SANS 1200LC, which makes provision for conventional trenching methods. The methodology employed in micro trenching is a machined one which rely on scanning technology which has serious limitation when dealing with older services which tend to have densities beyond the parameters of such devices (scanners). As the Sol Plaatje Municipality we are constantly exposed to these devices and thus, we are in a position to comment on the effectiveness of these devises. Currently, there is a place for these scanners. However, when using these scanners as a means of foresight for a blind mechanised method it would present an infinite risk to our infrastructure.” (Please see **Annexure 10** of the HIA for a copy of this e-mail.)*

Although micro-trenching would have been the preferred method of deployment from a heritage perspective, it is a municipal council prerogative to allow micro-trenching or not and some municipalities allow it while other refuse it such as in this case.

5.3 The necessary heritage and environmental processes were not followed before construction started

As indicated earlier, certain of the activities associated with the allowed manner of deployment of the fibre network system within the Sol Plaatje Municipal Area are subject to Sections 34 and 38 of the National Heritage Resources Act (Act 25 of 1999) (NHRA). As soon as Frogfoot Networks has been notified regarding the required heritage processes, they appointed heritage consultants to assist them with the required processes as set out in the Act as explained in paragraph 1 of this letter. They stopped work and also removed the aerial fibre from the declared conservation areas.

5.4 Harm to trees during the deployment of aerial fibre

- Champion trees need to be identified
- Trees have been harmed

- Frogfoot negotiated with the municipality for tree cutters
- Local residents have not been involved in the pruning of trees as prescribed in tree protocol of Frogfoot

Response

The importance of the heritage significance of individual trees and tree lanes on the sidewalks within the Sol Plaatje Municipal Area, and specifically within the declared heritage areas such as Belgravia and the Memorial Road area, but also as an important streetscape component elsewhere in the city, is clearly described and acknowledged in the HIA. Most of these trees are mature old trees and some of the trees within the historical areas are associated with historic figures who lived in these areas in the past, hence several of them being considered as “champion trees”. For this reason, a landscape architect was involved to provide an expert input for the HIA and developed a tree protocol (*Tree Protection Guideline for Construction, Excavation & Trenching for Aerial And Underground Fibre Optic Cabling, attached as Annexure 5 to HIA*) to limit any damage to these “champion trees” as well as trees in general within the study area.

Frogfoot Networks also amended their *Draft FTTH Aerial Line Cable Specifications*, attached as Annexure to the HIA, to reflect the recommendations in the tree protocol prepared for the HIA.

It is considered unfortunate if some of these trees have been harmed by the activities of Frogfoot Networks during the deployment of fibre earlier. It appears if there is much more sensitivity in this regard and more interaction with individual land owners and it should be noted that only four (4) people complained about harm to some trees within the study area.

As these trees are located on municipal land, Frogfoot Networks were not allowed to prune any of these trees or appoint their own contractors. In terms of their Wayleave Approvals the municipality provided them with municipal

contracted tree pruners/cutters whom they were required to use. Pruning was thus done by these municipal contractors. These contractors have been sensitised about the tree protocols and it would be recommended that some training be done with them regarding the requirements of the tree protocols.

5.5 Damage to curb stones in historical areas

- The objectors claim that the trenching causes some damage to curb stones in the historical areas.

Response

It is not clear where this damage was done as no proof in this regard was submitted. It is a specific requirement of the HIA that these curb stones should be protected. Frogfoot Networks indicated that no trenching was yet done in the declared conservation areas where these curb stones are found – fibre has been deployed by means of aerial fibre in these areas which has since been removed and all work in these areas has stopped pending the outcome of the HIA.

As stated in the HIA, none of the historical curb stones (older than 60 years) will be removed during the conventional trenching activities. Where road cuts are done, the contractors should tunnel/trench underneath these curb stones.

5.6 Trenches being left open for long times

- It has been claimed that trenches have been left open for long periods of time.

Response

Although this issue are not related to the HIA as such, Frogfoot Networks have certain protocols with regard to closing up trenches. The general rule is that in normal circumstances the maximum period for it to be not enclosed is

five (5) days and on private driveways no longer than half a day. These trenches should also be securely barricaded for public safety reasons.

In some exceptional circumstances, e.g. where they hit rock, it would take longer to enclose these trenches as it sometimes needs to be filled with concrete which first need to set before the trench can be enclosed.

5.7 Need geological proof why it is difficult to trench in Sol Plaatje Municipal Area

- The objectors require geological proof why it is difficult to trench within the Sol Plaatje municipal area as various other companies have been able to do it while deploying some type of underground services.

Response

The geological conditions depend on the specific area within the municipal area. For example, dolomite deposits are found in the areas adjacent to the CBD which makes trenching difficult – these are the areas where Frogfoot Networks will deploy most of their fibre network. In some of the other areas within the City this is not the case, e.g. the areas where some other contractors of e.g. Vodacom is trenching at the moment.

5.8 Trenching should be done on street corners

- The objectors pointed out the negative visual impact of aerial fibre structures on street corners.

Response

The negative visual impact of the poles associated with the aerial fibre has on street corners/intersection has been clearly pointed out in the HIA and certain mitigating measures have been proposed. There are, however, some

practical implications which need to be considered, e.g. the structural integrity of the structures. Other options such as for example the use of stay wires have been investigated by Frogfoot, but these wires would not be clearly visible in the evening which can have some safety implications for pedestrians. . Frogfoot Networks will have to address this issue in accordance with the heritage indicators in the HIA.

The HIA recommends the following mitigating measures in Chapter 11 with regard to the positioning of the poles on the street corners/intersections:

“It is recommended that an alternative type of pole is used at intersections, which does not require bracing and multiple poles. A stronger steel structure with a single base / anchor point should be investigated. The actual visual bulk of the structure must be reduced and if possible two poles placed at the corners of the splays rather than a single one placed within the splay should be considered. The structures on the corners cannot be hidden and thus require greater aesthetic consideration. The poles should be in lighter shades and neutral colours that blend better with the general background. The aim is to reduce the visual clutter and physical barriers presented by the multiple timber poles on the street corners.”

It should be noted that no aerial fibre would be allowed within the conservations areas. No objections were received from any residents within the areas where aerial fibre has already been deployed.

5.9 Cumulative impact

- The HIA only addresses the study area and concern was expressed regarding the possible cumulative impact should other companies also decide to use aerial fibre to deploy their fibre networks.

Response

Should any other company decide to deploy aerial fibre within the Sectors where it is proposed by Frogfoot Networks or within other areas the same processes need to be followed in terms of the NHRA and should it be considered necessary further streetscape and visual impact assessments will have to be done to determine the impact and desirability thereof. It is, however, highly unlikely that another fibre network company would deploy fibre within the same area as another company as this would not be a financially feasible option for them.

5.10 Poles near erf boundaries cause a security risk

- One of the objectors claim that the poles being erected very close to their erf boundaries would pose a security risk to them.

Response

The poles in the area where this objector is residing have all been removed and there would be no aerial fibre. It is not precisely clear why these poles would cause a security risk to land owners. Notwithstanding, all poles close to erf boundary walls elsewhere have been removed and would be at least a metre to a metre and a half away from it. The optimal position of the poles is discussed with individual land owners. It should, however, be noted that the position of the poles are also determined by where the municipal services are located within the road reserve (sidewalk) and there are often no other options available. In this regard it should also be noted that only one objection in this regard has been received.

5.11 Fibre to be deployed in limited areas

- It was stated that although it is claimed that the deployment of fibre would have economic advantages for the City, this would not be available to everybody as fibre would be deployed within limited areas.

Response

Fibre is generally deployed in areas where residents are interested to connect to it and there needs to be a return in investment for the specific fibre firm. Should there be interest in other areas, the fibre network would be expanded to include these areas.

5.12 Using of lanes behind dwelling houses

- The option of using some existing lanes behind dwelling houses in some of the residential areas should be considered as aerial fibre would have less of a visual impact in these lanes.

Response

This option was investigated. These lanes belong to either the municipality or Telkom and it is a very difficult and time consuming process to lease public lanes for the purpose of deploying fibre. Many portions of these lanes have been subdivided and consolidated with the adjacent residential erven and are thus now private property where it would not be possible to deploy fibre. Access to the lanes in certain areas are also not possible as a result hereof.

5.13 No reference to the approved 2008 Spatial Development Framework

- It is stated that the HIA does not refer to the approved 2008 Spatial Development Framework

Response

The 2008 SDF was studied. The HIA, however, refers to the Sol Plaatje Local Municipality Draft Spatial Development Framework 2018-2023 as this document addresses conservation and heritage resources in the municipal area in much more detail than the 2008 document and was thus considered more relevant for the purposes of this study.

10.14 The study did not identify all the individual heritage resources within the study area

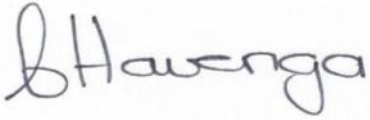
It was indicated that Frogfoot Networks should have expanded the scope of the study so that all individual heritage resources within the municipal area could have been identified.

Response

As indicated in the HIA, it was due to the extent of the study area not possible to determine the heritage significance of all individual heritage (e.g. for the individual buildings older than 60 years) resources in the area. It is the responsibility of the relevant heritage authority to do a detailed heritage audit of the municipal area and prepare a heritage register. The main heritage resources which would be impacted on by the activities of the fibre deployment have been identified, mapped and described in the HIA.

6. The relevant committee of SAHRA is hereby requested to consider this HIA for approval and to inform the Northern Cape Heritage Authority in this regard so that they can also issue the necessary Section 34 permits. Should you require any further information, please do not hesitate to contact us.

Kind regards



Christine Havenga

CHRISTINE HAVENGA & ASSOCIATES

Annexure A

E-MAIL CORRESPONDENCE WITH SAHRA

From: Natasha Higgitt [mailto:nhiggitt@sahra.org.za]
Sent: 17 March 2021 10:41 AM
To: Christine Havenga
Cc: Phillip Hine; Simphiwe Mome
Subject: RE: HIA's in the Northern Cape and Eastern Cape
Importance: Low

Good morning,

Yes, however the NCPHRA would still need to be satisfied with the assessment of section 34 structures and the recommended mitigation measures in the HIA. Should we approve of the development and permits in terms of section 34 are required for mitigation measures, the permits would be processed by the NCPHRA.

Kind regards,

Natasha Higgitt

Heritage Officer: Archaeology, Palaeontology and Meteorites Unit

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From: Christine Havenga <Christine.Havenga@absamail.co.za>
Sent: 16 March 2021 16:35
To: Natasha Higgitt <nhiggitt@sahra.org.za>
Cc: Phillip Hine <phine@sahra.org.za>; Simphiwe Mome <smome@sahra.org.za>
Subject: RE: HIA's in the Northern Cape and Eastern Cape

Hallo Natasha

Thank you for your trouble and assistance in this regard. We will do so.

Can I then just confirm – would SAHRA the approve the HIA and the Northern Cape Heritage Authority the Section 34 application?

Kind regards

Christine

| | |
|---|---|
|  <p>CHRISTINE HAVENGA & ASSOCIATES Town Planning Property Investigations Heritage Studies</p> | <p>Christine Havenga Professional Planner and Heritage Practitioner <small>Prof Reg no: A/945/1997</small></p> <p>Cell: 073 195 1040 Tel: (021) 975 6266 Fax: (021) 957 1247 Email: christine.havenga@absamail.co.za</p> |
|---|---|

From: Natasha Higgitt [<mailto:nhiggitt@sahra.org.za>]
Sent: 16 March 2021 04:12 PM
To: Christine Havenga
Cc: Phillip Hine; Simphiwe Mome
Subject: RE: HIA's in the Northern Cape and Eastern Cape
Importance: Low

Good afternoon,

Thank you for the information. I have spoken with my legal advisor and the following advice for your application has reference:

- Once the Public Participation Process (PPP) has been completed, please upload all documents regarding the application to SAHRA via SAHRIS including a Comments and Response Report with the results of the PPP;
- SAHRA will provide comments on the application and co-ordinate comments from the NCPHRA regarding the assessment of the significance and impact assessment to section 34 resources, including the recommended mitigation measures for these heritage resources;
- An Integrated comment from SAHRA and NCPHRA will be issued for the development.

We will inform the PHRA of the way forward for this application.

Natasha Higgitt

Heritage Officer: Archaeology, Palaeontology and Meteorites Unit

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From: Christine Havenga <Christine.Havenga@absamail.co.za>
Sent: 16 March 2021 15:50
To: Natasha Higgitt <nhiggitt@sahra.org.za>
Subject: RE: HIA's in the Northern Cape and Eastern Cape

Hallo Natasha

Yes it has been completed in accordance with the requirements of the two NID responses received from the Northern Cape Heritage Authority and it is currently in the process of public participation.

Kind regards

Christine

From: Natasha Higgitt [<mailto:nhiggitt@sahra.org.za>]
Sent: 16 March 2021 03:38 PM
To: Christine Havenga
Subject: RE: HIA's in the Northern Cape and Eastern Cape
Importance: Low

Good afternoon,

Please indicate whether an HIA has been completed for the application. I am currently meeting with my legal advisor.

Natasha Higgitt

Heritage Officer: Archaeology, Palaeontology and Meteorites Unit

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From: Christine Havenga <Christine.Havenga@absamail.co.za>
Sent: 15 March 2021 15:10
To: Natasha Higgitt <nhiggitt@sahra.org.za>
Subject: RE: HIA's in the Northern Cape and Eastern Cape

Hi Natasha

Thank you for coming back. The wayleaves for the majority of the study area expire the end of March. There is also a section for which they at a later stage applied for wayleaves and there the municipality indicated that the HIA first need to go through the public participation process before they would consider this wayleave application.

Thank you very much for your trouble.

Kind regards

Christine



Christine Havenga

Professional Planner and Heritage Practitioner

Prof Reg no: A/945/1997

Cell: 073 195 1040

Tel: (021) 975 6266

Fax: (021) 957 1247

Email: christine.havenga@absamail.co.za

From: Natasha Higgitt [<mailto:nhiggitt@sahra.org.za>]
Sent: 15 March 2021 02:40 PM
To: Christine Havenga
Cc: Phillip Hine; Leomile Mofutsanyana
Subject: RE: HIA's in the Northern Cape and Eastern Cape
Importance: Low

Good afternoon,

My apologies. Our legal advisor is quite preoccupied with the end-of-financial year process. I am pressing for a meeting as soon as possible.

Please indicate when the way leave expires.

Additionally, please contact Leomile Mofutsanyana regarding any SAHRIS issues.

Natasha Higgitt

Heritage Officer: Archaeology, Palaeontology and Meteorites Unit

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From: Christine Havenga <Christine.Havenga@absamail.co.za>

Sent: 15 March 2021 09:45

To: Natasha Higgitt <nhiggitt@sahra.org.za>

Subject: RE: HIA's in the Northern Cape and Eastern Cape

Good morning Natasha

Apologies for being a nuisance. Have you perhaps got an opportunity to speak to your legal advisor?

I am very concerned about this HIA. As indicated it is in the public participation process and Frogfoot have been waiting for nearly 6 months to obtain responses from the Northern Cape Heritage Authority and their wayleaves at the municipality will soon expire.

I am also struggling to register on SAHRIS to upload the document. The admin section is not giving me the clearance for registering and uploading. I did follow up with them.

Kind regards

Christine



Christine Havenga

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Prof Reg no: A/945/1997

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Email: christine.havenga@absamail.co.za

From: Natasha Higgitt [<mailto:nhiggitt@sahra.org.za>]

Sent: 09 March 2021 03:46 PM

To: Christine Havenga

Subject: RE: HIA's in the Northern Cape and Eastern Cape

Good afternoon,

I will meet with our legal advisor as soon as possible to understand the way forward. In the meantime, please confirm whether the Fibre development is undergoing a NEMA application? If not, under which other legislation is the application being undertaken in terms of?

Kind regards,

Natasha Higgitt

Heritage Officer: Archaeology, Palaeontology and Meteorites Unit

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From: Christine Havenga <Christine.Havenga@absamail.co.za>

Sent: 09 March 2021 15:26

To: Natasha Higgitt <nhiggitt@sahra.org.za>

Subject: RE: HIA's in the Northern Cape and Eastern Cape

Hi Natasha

Thank you very much for coming back.

I am now really concerned about the Northern Cape issue. We had several meetings and discussions with them and they indicated that we need to submit the NID's to them. The NID's were triggered by the deployment of a fibre network (trenching as well as aerial fibre by means of poles and cables) by Frogfoot Networks within the Sol Plaatje Municipal Area. It was confirmed with them that a NID in terms of Section 38 should be submitted to them due to the fact that:

Section 38(1)(a): The construction of a road, wall, powerline, pipeline, canal or other similar form of linear development or barrier exceeding 300 m in length;

Section 38(1)(c): Any development or other activity which will change the character of a site—

- (i) exceeding 5 000 m² in extent.

They also requested a Section 34 application as some of the sidewalks where the trenching would take place are older than 60 years.

We in fact submitted two NID's as Frogfoot later decided to also include an additional area.

Please see the attached two NID ROD's we received from the Northern Cape Heritage Authority on their letterhead requesting a full HIA with a lot of requirements. We completed the HIA and it is currently in the advertising process in line with what we confirmed with them. I tried to determine if SAHRA would be a commenting party, but for the last month or so it is impossible to get hold of Ratha Andrew Timothy there as they do not answer the telephones or e-mails and since about two weeks ago all the e-mails are just bouncing back.

So if you can please confirm what we need to do now. I can submit the HIA through SAHRA, but it seems if you were not involved with the NID process. It has serious implications for my client as their Wayleave approvals (which also took them nearly a year to obtain from the municipality will soon expire) and it took about two months to get a response for each NID submission.

If possible can I perhaps please give you a call to discuss this.

Kind regards

Christine



Christine Havenga
 Professional Planner and Heritage Practitioner
 Prof Reg no: A/945/1997
Cell: 073 195 1040
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Email: christine.havenga@absamail.co.za

From: Natasha Higgitt [<mailto:nhiggitt@sahra.org.za>]
Sent: 09 March 2021 09:05 AM
To: Christine Havenga
Subject: RE: HIA's in the Northern Cape and Eastern Cape
Importance: Low

Good morning,

Please note that all section 38 development applications in the Northern Cape are under the jurisdiction of SAHRA, not the Northern Cape Provincial Authority. They are not competent to perform those functions. Please provide the NID ROD mentioned below so that I may examine it and follow up.

Please follow the normal submission procedure on SAHRIS for development applications. The NC PHRA only has the jurisdiction to process section 34 permit applications.

The ECPHRA is competent to process section 38 applications. Please contact Sello Mokhanya (081 551 0969) selmok1@gmail.com for information in this regard.

Natasha Higgitt

Heritage Officer: Archaeology, Palaeontology and Meteorites Unit

South African Heritage Resources Agency

- *A nation united through heritage* -

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From: Christine Havenga <Christine.Havenga@absamail.co.za>

Sent: 08 March 2021 22:15

To: Natasha Higgitt <nhiggitt@sahra.org.za>

Subject: HIA's in the Northern Cape and Eastern Cape

Dear Natasha

I got your name from Waseefa Dhansay at HWC.

If you can please just give me some guidance with regard to the following issues I would really appreciate it.

1. We have done a HIA in the Sol Plaatje Municipal area (formerly Kimberley) and the process was through the Northern Cape Heritage Authority, but we have a lot of trouble to get hold of somebody there or them responding to our e-mails. I assume they themselves would approved the HIA as they issued the NID ROD. Do we also need to send the HIA to SAHRA for comment?
2. We will now also be involved with a possible HIA in Grahamstown, but Waseefa indicated that the Eastern Cape Heritage Authority is not active – although I see they have a website, but it seems if they are only a commenting party. How does it work in this case. Would a NID be submitted to SAHRA directly as well as a possible HIA and the Northern Cape Heritage Authority only comments?

We have not done work before in these Provinces and your guidance in this regard would be greatly appreciated.

Kind regards

Christine



Christine Havenga

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