



## MOTIVATING MEMORANDUM

Motivating memorandum supporting an application being made under the KwaZulu-Natal Heritage Act, 2008 for a proposed telecommunications outdoor cabinet with associated rooftop antenna on existing building on Portion 22 of Erf 2118 Durban, within the EThekweni Metropolitan Municipality

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APPENDIX A  
MOTIVATING MEMORANDUM





## 1. APPLICATION

Motivating memorandum supporting an application being made under the KwaZulu-Natal Heritage Act, 2008 for a proposed telecommunications outdoor cabinet with associated rooftop antenna on existing building on Portion 22 of Erf 2118 Durban, within the EThekweni Metropolitan Municipality

This memorandum supports the application.

The Town planning considerations objectives will be discussed in order to describe the site and surrounding and to familiarize and motivate the application. The memorandum will show the need and desirability as well as the suitability for the proposed establishment.

## 2. BACKGROUND INFORMATION

Local Authority	-	EThekweni Metropolitan Municipality
District Municipality	-	EThekweni Municipality
Property Description	-	Portion 22 of Erf 2118 Durban
Street address	-	534 Peter Mokaba Ridge, Overport
Property Size	-	1688m <sup>2</sup>
MTN Site Area	-	1,62m <sup>2</sup>
Registered Owner	-	Camden Bay Investments 39 (Pty) Ltd
Existing Land Use	-	To be confirmed
Title Deed Number	-	T23505/1999
Topography	-	There are no indications from a

Topographical and geographical point of view available that shows that problems may arise because of the proposed development.





### 3. MOTIVATION

The information below will be presented and discussed from a 'Needs and Desirability' aspect with reference to the proposed development.

#### NEED (Timing of the proposed development)

**a. *Is the land use associated with the activity being applied for considered and agreed to by the relevant environmental authority?***

Yes, as per the amended NEMA regulations listing notice 3 activity 3. The proposed site does not fall within any of the specified geographical areas and is therefore not a listed activity requiring environmental authorisation. (See Appendix A)

**b. *Does the community/area need the activity and associated land use concerned, is it a social priority?***

Yes, it is a basic human right to have access to communication, and therefore a social priority. These all place heavy demands on existing communication resources. The existing communication infrastructure needs to be upgraded. In certain areas new communications infrastructure is required in order to meet the current and future demands for both voice and data communication requirements.

**c. *Will the proposal cater for additional capacity for future services and other operators?***

Yes, the proposal will cater for communication service offerings that may be available in the future. The proposal has been engineered to facilitate an additional telecommunications operator.

**d. *Is this project part of a national programme to address an issue of national concern or importance?***

Yes, it is a license requirement stipulated by the Independent Communications Authority of South Africa (ICASA) that MTN provide wireless communication services for the population of South Africa.

#### DESIRABILITY (Placing of the proposed development)

**e. *Is the proposed development the best practicable option?***

Yes, the chosen site location provides the most benefit with respect to the provision of communication services and least damage to the environment, at a cost acceptable to the surrounding communities, in the long term as well in the short term.

**f. *Would the approval compromise the integrity of the existing approved or future planned Municipal IDP and SDP and the integrity of the environmental management priorities for the area?***





No, approval would complement and enhance the integrity of the existing and future IDP and SDP of the Municipality and due to the location and design, environmental priorities would not be affected or the effects would be minimal.

***g. Do location factors favour this land use within the chosen project area?***

It will favour this land use, the proposed telecommunications mast will provide necessary communication and data services to the surrounding community and residents of the town.

***h. How will the development impact on sensitive natural and cultural areas?***

There will be no impact on sensitive and cultural areas from a development aspect within the immediate area.

***i. How will the development impact on people's health and well being?***

There will be no noise or odours from the proposed development. Visually the proposed development will have minimal impact. The effect on health and wellbeing is negligible and the proposed equipment will operate well within safety guidelines established by, The World Health Organisation (WHO), International Commission on No-ionizing Radiation Protection (ICNIRP) and the Directorate of Radiation Control.

#### **4. CONCLUSION**

Mobile telephony has become an integral part of the South African way of life and fulfils an important role in every person's daily routine. Mobile phones have become of utmost importance, due to the fact that communication is made much easier and more readily available. In order to provide mobile telephone communication, mobile telephone masts with antennae and associated base stations have to be provided and they have to be placed in specific localities.

Mobile telephones have made a positive impact on people's lives, as it has provided better access to emergency services and better security in many situations. The demand and popularity of mobile telephones surpassed all expectations and subsequently the existing networks are insufficient to handle the capacity in certain areas.

The development of mobile telephone networks is of national interest because it promotes communications and places mobile telephone communication within reach of the entire population.

MTN have undertaken to ensure they are able to provide the service level requested by their subscribers and also the proposed installation is not visually obtrusive or environmentally harmful in any way.





In addition we submit the following positive factors and activities that MTN practice and conform to:

1. Practise appropriate environmental management system and policy in place, which is audited on a regular basis.
2. Complies with the Guidelines for Limiting Exposure to Time Varying Electro, Magnetic and Electromagnetic Fields as compiled by the Department of Health, 1998.
3. Has implemented a Risk Control Management Process based on the NOSA 5 Star System.
4. South African Bureau of Standards ISO 9001 and ISO 14001 certification.

It is the opinion of BSO International that the location and design of the mast and associated base station equipment will have a minimal impact on the surrounding area.





## APPENDIX D

(Extract taken from No. R. 546 National Environmental Management Act, 1998 (ACT NO. 107 of 1998))

LISTING NOTICE 3: LIST OF ACTIVITIES AND  
COMPETENT AUTHORITIES IDENTIFIED IN TERMS OF  
SECTIONS 24 (2) AND 24 (D)





3	<p>The construction of masts or towers of any material or type used for telecommunication broadcasting or radio transmission purposes where the mast:</p> <p>(a) is to be placed on a site not previously used for this purpose, and</p> <p>(b) will exceed 15 metres in height,</p>	<p>(a) In Eastern Cape, Free State, KwaZulu-Natal, Limpopo, Mpumalanga and Northern Cape provinces:</p> <p>i. In an estuary;</p> <p>ii. Outside urban areas,</p> <p>(aa) A protected area identified in terms of NEMPAA, excluding conservancies;</p> <p>(bb) National Protected Area Expansion Strategy Focus areas;</p> <p>(cc) Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act and as adopted by the competent authority;</p> <p>(dd) Sites or areas identified in terms of an International Convention;</p> <p>(ee) Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans;</p>
	<p>but excluding attachments to existing buildings and masts on rooftops.</p>	<p>(ff) Core areas in biosphere reserves;</p> <p>(gg) Areas within 10 kilometres from national parks or world heritage sites or 5 kilometres from any other protected area identified in terms of NEMPAA or from the core areas of a biosphere reserve;</p> <p>(hh) Areas seawards of the development setback line or within 1 kilometre from the high-water mark of the sea if no such development setback line is determined.</p> <p>iii. Inside urban areas; in:</p> <p>(aa) Areas zoned for use as public open space;</p> <p>(bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority or zoned for a conservation purpose.</p>



APPENDIX E  
LETTER FROM DEPARTMENT OF HEALTH





## Department of Health

Directorate: Radiation Control  
Private Bag X62  
BELLVILLE  
7535

☎ 021 967 7483  
☎ 021 946 1589  
✉ [DutoilL@health.gov.za](mailto:DutoilL@health.gov.za)

Web: <http://www.doh.gov.za/department/radiation/01.html>

Enquiries: LL du Toit  
Date: 14 October 2011

### To whom it may concern

#### HEALTH EFFECTS OF CELLULAR BASE STATIONS

The Directorate: Radiation Control is the section within the National Department of Health that is responsible, from the viewpoint of human health, for regulating electronic products producing non-ionising electromagnetic fields (EMF), i.e. EMF operating at any frequency less than 300 GHz. In carrying out this responsibility, the Directorate has been utilising the World Health Organization's (WHO) International EMF Project ([www.who.int/emf](http://www.who.int/emf)) as its primary source of information and guidance with respect to the health effects of EMF. The International EMF Project was established by the WHO in 1996 to (i) assess the scientific evidence for possible adverse health effects of non-ionising electromagnetic fields on an ongoing basis, (ii) initiate and coordinate new research in this regard, and (iii) compile health risk assessments for different parts of the electromagnetic spectrum. The Department of Health has been a member of the International Advisory Committee of the International EMF Project since 1998.

In June 2005 the EMF Project hosted a workshop that was specifically aimed at considering the possible health consequences of the emissions from cellular base stations and wireless networks. The findings of this workshop were published by the WHO as both a full report and a 2-page Fact Sheet ([www.who.int/mediacentre/factsheets/fs193/en/index.html](http://www.who.int/mediacentre/factsheets/fs193/en/index.html)). The following extract from this Fact Sheet provides a clear-cut summary of the findings to date, i.e. ***“Considering the very low exposure levels and research results collected to date, there is no convincing scientific evidence that the weak RF signals from base stations and wireless networks cause adverse health effects.”***

The WHO endorses the set of exposure guidelines published in 1998 by the International Commission on Non-Ionizing Radiation Protection (ICNIRP), and consequently, the Department of Health also endorses these ICNIRP guidelines. The ICNIRP states

Department of Health Anti fraud & corruption hotline – 0800 20 14 14 or [health@tip-offs.com](mailto:health@tip-offs.com)





categorically that exposure to any EMF at a level below that of the applicable ICNIRP exposure guideline will protect people against the known adverse health effects of EMF.

Measurement surveys conducted in South Africa and around the world have shown that the actual levels of public exposure, as a result of base station emissions, invariably are only a fraction of the ICNIRP guidelines, even in instances where members of the public have been really concerned about their exposure to these emissions. At present there is **no** confirmed scientific evidence that points to any health hazard associated with the very low levels of exposure that the general public would typically experience in the vicinity of a cellular base station. The Department is therefore satisfied that the health of the general public is not being compromised by their exposure to the microwave emissions of cellular base stations. **This also means that local and other authorities, in considering the environmental impact of any particular base station, do not need to and should not attempt, from a public health point of view, to set any restrictions with respect to parameters such as height of the mast, distance to the mast, and duration of exposure.** In all of this, it is implicitly assumed that the normal engineering and security measures, which are routinely implemented by cellular network providers at base stations, will effectively prevent responsible members of the public from gaining close access to the actual antennas situated on any mast structure.

Although the Department of Health currently neither prescribes nor enforces any compulsory exposure limits for electromagnetic fields, the Department does advise all concerned (whether they be a government department, the industry or the public) that voluntary compliance with the afore-mentioned ICNIRP exposure guidelines is the recommended and science-based way to deal with any situation involving human exposure to non-ionising electromagnetic fields.

The Department of Health is obviously not able to make any pronouncements about the specific levels of EMF that a member of the public would experience at any particular base station site when it is in operation. However, generally-speaking unless a person would climb to the top of a mast (or other structure supporting an antenna) and position him/herself not more than 2 m away and right in front of the active antenna, such a person would have no real possibility of being exposed to anywhere near the afore-mentioned ICNIRP guideline limits. Performing such an action would in all probability not constitute responsible behaviour, because these base stations, as a rule, are cordoned off with barbed wire fencing and locked gates to protect the sensitive and expensive technology involved. The experience globally and locally, based on the results of numerous measurement and calculation surveys, has been that the exposure to base station EMF at ground level is typically in the range of between 0.001 – 1% of the afore-mentioned ICNIRP guideline limits. Given this type of





scenario, there would be no scientific basis for any allegation of adverse health effects due to the EMF emitted by a particular base station.

Yours sincerely,

A handwritten signature in black ink, appearing to read "LL du Toit". The signature is fluid and cursive.

**LL du Toit**  
DEPUTY DIRECTOR: RADIATION CONTROL





APPENDIX F  
LANDOWNER CONSENT





MOBILE TELEPHONE NETWORKS (PTY) LTD  
3 Welley View Road, New Germany 3510  
PO Box 2073, New Germany 3520 South Africa  
Tel +2731 502 6704 Fax +2731 705 7091  
<http://www.mtn.co.za>



### LANDOWNER CONSENT

I, the undersigned YUSUF ISMAIL HAFEEJEE  
Currently residing at 31 HILL STREET, OVERPORT  
Telephone number: 031-3057202 Cell no: 082 945 2222  
Identity number: 4911125114086

in my personal capacity as ~~the Registered Owner~~ duly authorised representative of the registered owner.

The property known as Nelson House

Situated at 534 Ridge Road, Overport, Durban

Property Description Portion 22, Erf 2118 of Durban

Title Deed No T 23505 / 2009

(Hereafter referred to as "the property")

Do hereby agree to lease a portion of the property, to Mobile Telephone Networks (Pty) Ltd (herein referred to as "MTN") for the construction by MTN of a cellular network Base Transceiver Station (herein referred to as the "BTS"), on the said property on condition that:

1. MTN or its duly authorised representative is granted permission to obtain all necessary plans and documentation and make application to the relevant authorities on my behalf for the purposes of construction of the BTS.

2. MTN and I will in due course enter into a formal lease agreement on terms and conditions as agreed upon.

Signed at DURBAN on this 8<sup>TH</sup> day of August 2011

Signed  
Duly Authorised Representative or Registered Owner

Directors Pt. Heinemann (Chairman) KW Ploaer (Managing Director) \* St. Botha, Z. Buthe \* ZHA Cindi, RS Dabengwa,  
R Gossel, IN Mkhize, NWC Molepe, PF Mhleko, PD Norman, NI Patel, AJ Taylor  
Company Secretary: AM Sehote \* Executive  
Reg No. 1093/001438/07  
Vet Reg. No. 4630140434





## APPENDIX G TITLE DEEDS







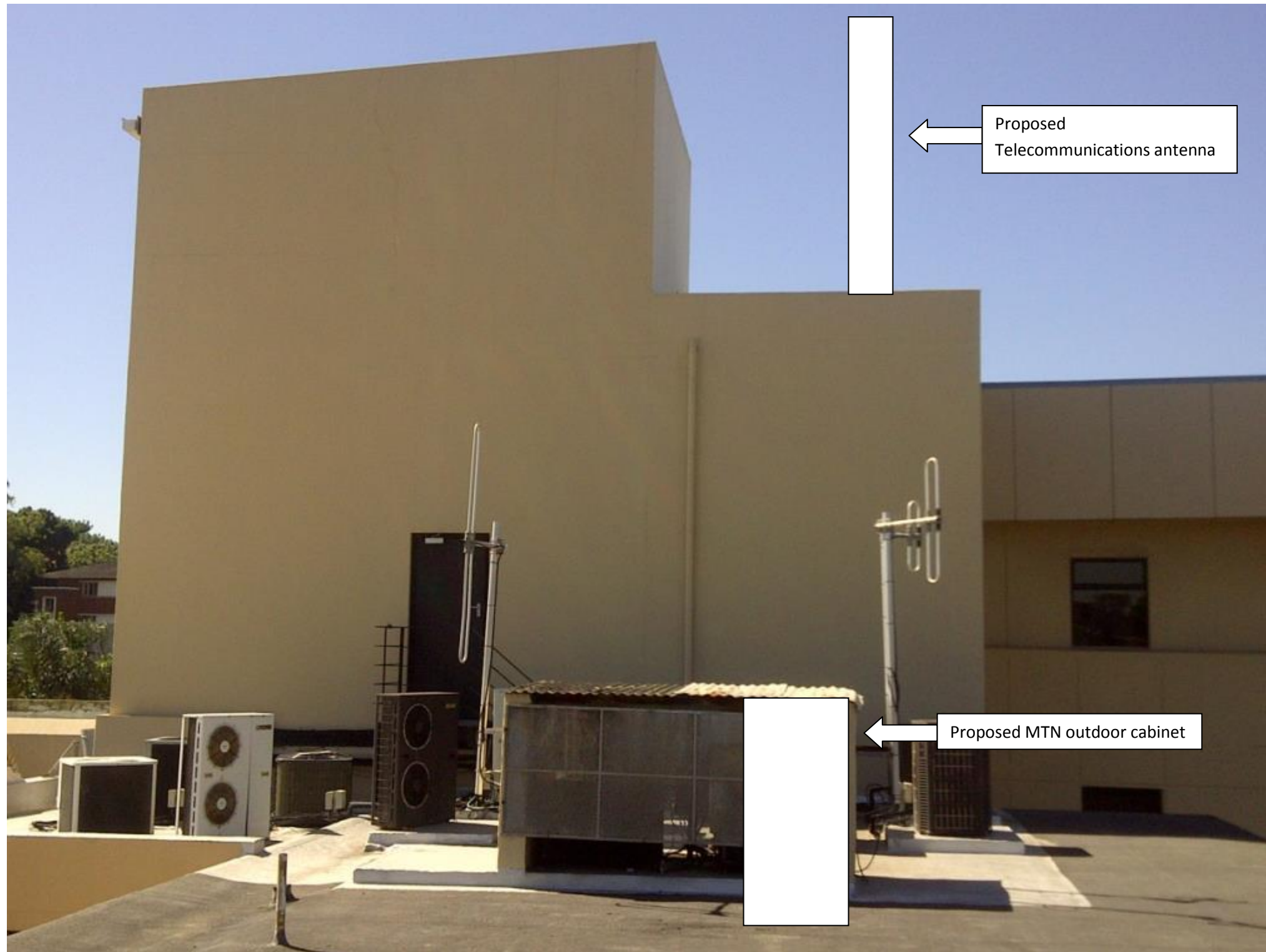
APPENDIX H  
SURVEYOR'S GENERAL DIAGRAM





Appendix I: ORTHO PHOTO





Proposed position for MTN outdoor cabinet and antenna





APPENDIX J  
DRAWINGS  
(See attached)

