



DEVELOPMENT PLANNING ENVIRONMENT & MANAGEMENT UNIT
Development Planning Department
Land Use Management Branch

166 K E Masinga Road, Durban, 4001
P O Box 680, Durban, 4000
Tel: 031 311 1111
www.durban.gov.za

GCFP No : 21/7/11
Our Reference : LUMS202111240025
Telephone : (031) 311-7091
Email : uriel.thomas@durban.gov.za

TSHANI CONSULTING CC
PO BOX 1150
DURBAN NORTH
4053

ETHEKWINI MUNICIPALITY
DEVELOPMENT PLANNING, ENVIRONMENT
& MANAGEMENT UNIT

DATE:

2022 -12- 09

SPECIAL CONSENT DECISION NOTICE

APPLICATION NO. : LUMS202111240025

PROPOSED DEVELOPMENT : PROPOSED TELECOMMUNICATION INFRASTRUCTURE (36M TREE TYPE TELECOMMUNICATION MAST INCLUDING ASSOCIATED BASE STATION) ON A SITE ZONED SPECIAL RESIDENTIAL 400

CADASTRAL DESCRIPTION : PORTION 10 OF ERF 809 BRICKFIELD

STREET ADDRESS : 84 MICHAN ROAD

REGISTERED OWNER : CHURCH OF THE NAZARENE

In pursuance of Section 9.1 of the eThekweni Municipality Land Use Scheme: Central Sub-Scheme and Section 46 of the eThekweni Municipality: Planning and Land Use Management Second Amendment By-Law, 2021 (Notice 95 of 2021) the application for Special Consent for Telecommunication Infrastructure (36m tree type telecommunication mast including associated base station) on a site zoned Special Residential 400 on Portion 10 of Erf 809 Brickfield at 84 Michan Road is **APPROVED** for the following reasons:

1. Telecommunication technology is an integral part of modern life, the proposed development will improve the telecommunications network in the area thus assisting to bridge this ever-increasing gap.
2. The concerns raised by the objector are mitigated on account of the applicant obtaining the necessary EIA approval, CAA approval and further complying with the provisions of Section 9.1 of the Central Sub- Scheme, wherein the mast is located more the 500m from the closest cellular mast.
3. National Department of Health (DOH) informed by World Health Organisation (WHO) who is guided by the International Commission of Non-Ionizing Radiation Protection (ICNIRP) guidelines confirms that there is no confirmed scientific evidence that points to any adverse health hazard associated with low levels of exposure that the public would typically experience in the vicinity of a cellular base station.
4. The concern raised by the objector relating the cellular mast proximity to the houses is mitigated because there are no buildings within a 6m radius of the mast.

Subject to the following conditions are imposed in terms of Section 46(1)(b) of the eThekweni Municipality: Planning and Land Use Management Second Amendment By-Law, 2021 (Notice 95 of 2021): -

1. PLANS:
The development shall be in accordance with the plan (No. LUMS202111240025) submitted with the application.
2. SUBMISSION OF PLANS
Prior to the commencement of any development relating to this approval, building plans of the proposed development shall be submitted to and approved by the Head: Development Planning Environment and Management.
3. ACCESS:
Access to the telecommunications infrastructure shall be controlled to the satisfaction of the Head: Development Planning and Management.
4. MAINTENANCE:
The telecommunications infrastructure with its associated container and fencing hereby authorised, shall always be maintained to the satisfaction of the Head: Development Planning, Environment and Management.
5. TELECOMMUNICATIONS INFRASTRUCTURE, DESIGN AND MAINTENANCE:
The proposed tree telecommunications infrastructure shall be restricted to 36m in height and shall be constructed and thereafter maintained, to the satisfaction of the Head: Development and Management.
6. ENVIRONMENTAL HEALTH REQUIREMENTS.
 - a) All necessary measures shall be taken to prevent humans and animal gaining access within a 2m radius of the base of the mast.
 - b) The antennae mast shall be to a minimum distance of 6 metres away from any other building.
 - c) Sound control measures shall be taken to prevent any noise as defined in the Environmental Conservation Act.
7. FENCING:
A fence, sufficient to preclude the public from gaining access to within a 2m radius around the mast and base station shall be erected, to the satisfaction of the Head: Development Planning Environment & management.
8. DESIGN:
The telecommunications infrastructure shall be camouflaged as a tree to the satisfaction of the Head: Development Planning Environment & management.
9. FUTURE REDUNDANCY:
When the telecommunications infrastructure is no longer required it shall be demolished, at the cost to the landowner or service provider, to the satisfaction of the Head: Development Planning, Environment and Management.
10. SHARING OF FACILITY:
Provision shall be made to share the facility with other providers if and when required, to the satisfaction of the Head: Development Planning and Management.

11. SOUTH AFRICAN CIVIL AVIATION AUTHORITY

The recommendations and conditions imposed by the South African Civil Aviation Authority in its Conditional Obstacle Approval dated 02/04/2020, Reference CAA_2021_6_174 are adhered to.

12. STANDBY GENERATOR:

Standby generator should be sound proofed to Municipal regulations.

13. ELECTRICITY REQUIREMENTS:

The telecommunications infrastructure shall have a separate electricity supply.

This Decision Notice must be submitted with any Building Plan submission.

You are hereby advised that the approval of this application:

- a) does not absolve the applicant from any duties or responsibilities which may be imposed on the applicant by virtue of the title deeds of the property;
- b) does not bind the Council to issue or to authorise the issue of any licence, permit or further consent.
- c) does not constitute an approval in terms of the National Building Regulations or any other law.

Your attention is drawn to the following:

Effective Date of this authority:

This authority shall become effective upon –

- a) the expiry of the 21 day period if no appeal was lodged against the decision of the municipality; or
- b) the finalisation of the appeal, if an appeal was lodged against the decision of the municipality.

It should be noted that in terms of Section 47 of the eThekweni Municipality Planning and Land Use Management Second Amendment By-Law, 2021 (Notice 95 of 2021), this application will have no force or effect until such time as the above conditions have been complied with and the Compliance Certificate has been issued. The responsibility remains with the applicant/owner to provide proof of compliance and initiate the Compliance Certificate process.

The conditional approval of this application lapses if a condition is not complied with, within–

- a) a period of two years from date of this decision, if no period for compliance is specified in the conditions; or
- b) the period for compliance if specified in this approval, which, together with any extension which may be granted, may not exceed five years.

Rights of Appeal:

A person whose rights are affected, as set out in Section 60 of the eThekweni Municipality Planning and Land Use Management Second Amendment By-Law, 2021 (Notice 95 of 2021), by this decision may appeal against such decision by giving written notice of the appeal and reasons to the **Municipal Manager, the Applicant, any person granted intervener status and any other person who has noted an appeal** within 21 days of the date of notification (registered postdate/email/collection or other reasonable legal method of notification) of the Decision Notice, as set out in the eThekweni Municipality Planning and Land Use Management Second Amendment By-Law, 2021 (Notice 95 of 2021).

An appeal may be lodged as follows:

The Municipal Manager
c/o eThekweni Municipality SPLUMA Office
First Floor Room 117
166 K E Masinga Road

or **PO Box 680**



Durban
4001

Durban
4000

Attention: Ms A Nkomonde or
Email: anele.nkomonde@durban.gov.za

Ms Lungile Silangwe
Email: lungile.silangwe@durban.gov.za

Tel: 031 322 8269

Tel: 031 311 7862


Note: An appeal fee of R5 296.00 (incl. VAT) shall be payable on lodging of the memorandum with the eThekweni Municipality SPLUMA Office for the attention of the Municipal Manager. In the event of the fee not being paid, the appeal shall be deemed as not being lodged. Please request banking details for payment of the appeal fee from the SPLUMA Office.

Section 63(2)(1) of the eThekweni Municipality Planning and Land Use Management Second Amendment By-Law, 2021 (Notice 95 of 2021) requires that a 'Complete' appeal be submitted. Any additional information required to form part of the submission must be requested within the 21 days of the appeal period. The Municipality reserves its rights to use its discretion in granting extensions and the supplementing of information where the information requested is not made available within the 21-day appeal period.

Should the Municipality not be notified within 21 days of an Appeal lodged in terms Section 60 of the eThekweni Municipality Planning and Land Use Management Second Amendment By-Law, 2021 (Notice 95 of 2021) then this approval shall be deemed to have come into force and effect.

Yours faithfully

| | |
|--|------------------|
| RECOMMENDED BY: | |
|  Signature | Date: 09/12/2022 |
| CB NORTON SENIOR MANAGER: LAND USE MANAGEMENT | |

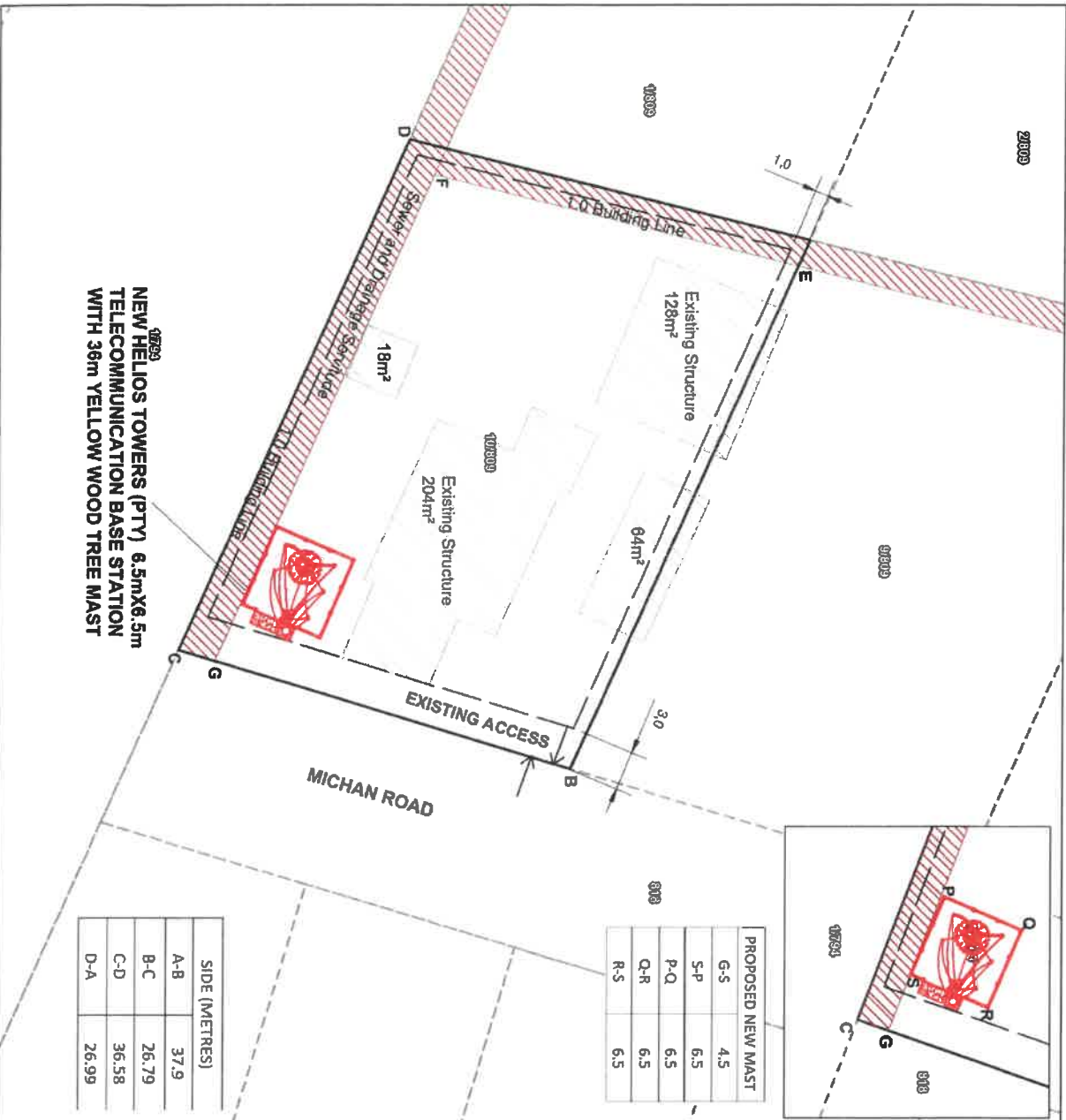
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|--|------------------|
| APPROVED BY: | |
| Signature:  | Date: 09/12/2022 |
| M PHEWA HEAD: DEVELOPMENT PLANNING, ENVIRONMENT & MANAGEMENT UNIT | |

COPIES TO:

- Valuations
- Mr A Wyatt-67 Michan Road

SITE DEVELOPMENT PLAN

1:300



NEW HELIOS TOWERS (PTY) 6.5m X 6.5m TELECOMMUNICATION BASE STATION WITH 36m YELLOW WOOD TREE MAST

| SIDE (METRES) | |
|---------------|-------|
| A-B | 37.9 |
| B-C | 26.79 |
| C-D | 36.58 |
| D-A | 26.99 |

| PROPOSED NEW MAST | |
|-------------------|-----|
| G-S | 4.5 |
| S-P | 6.5 |
| P-Q | 6.5 |
| Q-R | 6.5 |
| R-S | 6.5 |



PROJECT TITLE:
NEW HELIOS TOWERS CELLULAR SITE

SITE ID:
ZAKZ0222

SITE NAME:
SPARKS

NOTES:
A) NEW 36m YELLOW WOOD MONOPOLE TREE MAST TO BE ERRECTED
B) 6.5m X 6.5m BASE STATION
C) 2.4m HIGH GALVANIZED PALISADE FENCING
D) 80amp 3 PHASE REQUIRED FOR POWER- PRIVATE POWER

PROPERTY DESCRIPTION:
PORTION 10 FOR ERF 809, BRICKFIELD

CO-ORDINATES:
LATITUDE: -28.083681
LONGITUDE: 30.136503

GENERAL NOTES:
1. DRAWINGS ARE FOR INFORMATION AND PERMITTING PURPOSES ONLY. CONSTRUCTION DRAWINGS TO BE DONE BY APPOINTED CONTRACTOR.
2. ALL UNDERGROUND SERVICES (WHETHER INDICATED ON THIS DRAWING OR NOT) TO BE CONFIRMED ON SITE BEFORE CONSTRUCTION MAY COMMENCE.
3. SET-OUT POINTS AS INDICATED MUST BE CONFIRMED ON SITE AND PROPERTY BOUNDARY LINES AND TELECOMMUNICATION BASE STATION POSITION TO BE SET-OUT BY A PROFESSIONAL LAND SURVEYOR.
4. DRAWINGS MAY NOT BE SCALED. ALL DIMENSIONS TO BE CONFIRMED ON SITE BEFORE CONSTRUCTION MAY COMMENCE

Prepared by:
TSHANI CONSULTING C.C

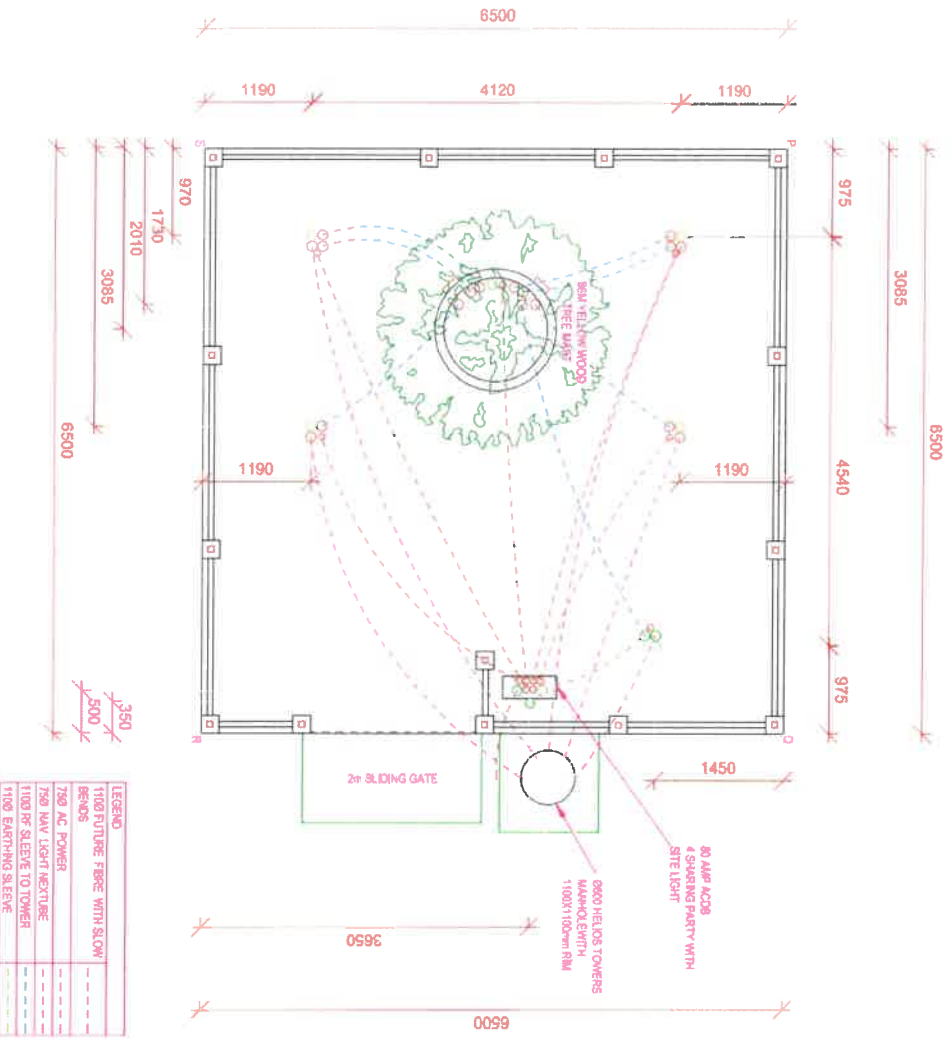
DATE: : AUGUST 2021
PLAN NO.: : S
SITE NO.: : S

STAMPS OF APPROVAL

APPLICATION IN PRINCIPLE
No: LUMS202111240025

SHEET: 1/4

DEVELOPMENT MANAGEMENT DEPARTMENT
LAND USE CONSENT
GRANTED subject to the attached conditions



| LEGEND | |
|-----------------------------------|-----|
| 1100 FUTURE FIBRE WITH SLOW BENDS | --- |
| 750 AC POWER | --- |
| 1100 96 SLEEVE TO TOWER | --- |
| 1100 96 SLIDING GATE | --- |
| 1100 96 SLIDING GATE | --- |

- GENERAL NOTES:
- DRAWING ARE FOR INFORMATION AND PRINTING PURPOSES ONLY. ALL CONSTRUCTION SHALL BE DONE BY APPOINTED CONTRACTOR.
 - ALL UNDERGROUND SERVICES DRAWING SHALL TO BE CARRIED ON SITE BEFORE CONSTRUCTION MAY COMMENCE AS INDICATED MUST BE CONFIRMED ON SITE AND PROPERTY SOUVENIR LINES AND POSITION TO BE STAKE OUT BY PROFESSIONAL LAND SURVEYOR. DRAWINGS MAY NOT BE SCALED. ALL SITE BEFORE CONSTRUCTION MAY COMMENCE.

STAMPS OF APPROVAL

APPLICATION IN PRINCIPLE
No: LUMS20211240025

SHEET: 3/4

DEVELOPMENT MANAGEMENT DEPARTMENT
LAND USE COMMENT
GRANTED, subject to the attached conditions



SITE NAME: helios towers
 SPONSOR: TSHANI CONSULTING CO.
 SITE ID: 24A02022

| REV. | DATE | NOTES |
|------|------|-------|
| | | |
| | | |
| | | |

APPROVED MAINT: PENDING

NOTES:

- A) NEW 3km YELLOW WOOD TREE MAP TO BE ERECTED.
- B) 0.5m x 6.5m BASE STATION
- C) 2 km HIGH QUALITY WARED
- D) 80 Amp 3 PHASE REQUIRED FOR POWER PRIVATE POWER

OWNER: MAURICE DAVID SMITH, DANIEL PHILIP SMITH AND MARTIN PATRICK SMITH

ADDRESS: 64 MICHAN ROAD

PROPERTY DESCRIPTION: PORTION 19 OF ERP 809 BRIDGFIELD

CD - ORIGINATOR: 24/07/2024

PROJECT: NEW HELIOS TOWERS CELLULAR SITE

SCALE: 1:50

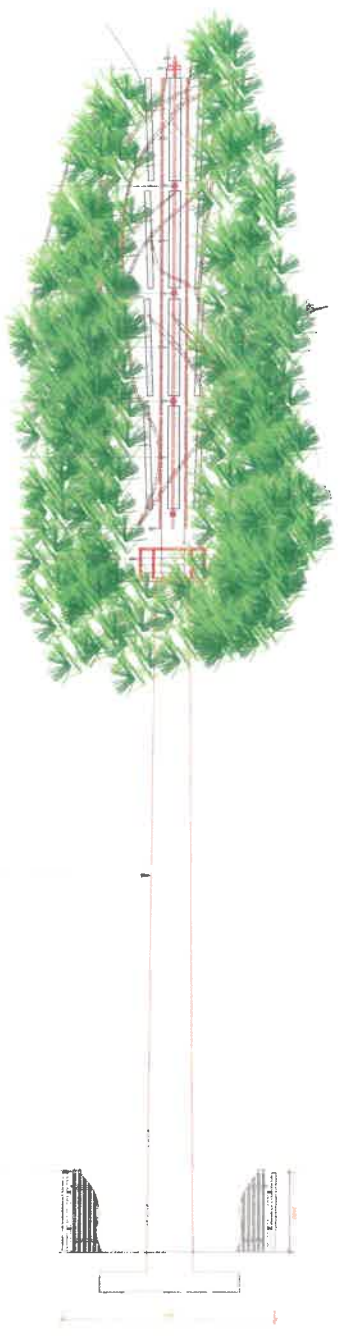
DRAWING NO.: Sma - 1

SITE DETAIL

- LIGHTNING SPIKE
- AVIATION LIGHTS
- TELECOMMUNICATIONS DIRECTIONAL ANTENNAE 1
- TELECOMMUNICATIONS DIRECTIONAL ANTENNAE 2
- MICROWAVE DISH - 2
- TELECOMMUNICATIONS DIRECTIONAL ANTENNAE 3
- MICROWAVE DISH - 3
- TELECOMMUNICATIONS DIRECTIONAL ANTENNAE 4
- MICROWAVE DISH - 3
- ANTENNAE MOUNTING POLE
- CROW'S NEST

30m YELLOWWOOD TREE MUST TO ENGINEERS DESIGN AND SPECIFICATIONS

2.4m HIGH STEEL PALISADE FENCE



- GENERAL NOTES:
1. DRAWING ARE FOR INFORMATION AND REFERENCE TO BE DONE BY APPLICANT
 2. APPLICANT TO OBTAIN NECESSARY APPROVALS FROM THE RELEVANT AUTHORITIES
 3. APPLICANT TO OBTAIN NECESSARY APPROVALS FROM THE RELEVANT AUTHORITIES
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 9. APPLICANT TO OBTAIN NECESSARY APPROVALS FROM THE RELEVANT AUTHORITIES
 10. APPLICANT TO OBTAIN NECESSARY APPROVALS FROM THE RELEVANT AUTHORITIES



SITE NAME: 3744460
 SITE ID: 2402272

| NO. | DATE | NOTES |
|-----|------|-------|
| | | |
| | | |
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APPROVED BY: PERCING
 NOTES:
 1. NEW 30m YELLOWWOOD TREE MUST
 BE RE-ERECTED
 2. 81.8 5m X 3.5m DIAM. STATION
 3. 0.2 km HIGH OUTWARD
 4. 0.18 km SWAST REQUIRED FOR
 POWER INVAIVE POWER

PROJECT: RAISING SOUTH EAST, SOUTH WEST, NORTH WEST AND SOUTH WEST STATION
 84 MICHUAN ROAD
 POSITION TO OF THE AIR EMPLOYMENT
 OPERATOR: TSHANI CONSULTING CC
 PROJECT: NEW HELIOS TOWERS CELLULAR SITE
 SCALE: 1:100
 DWG NO: Sheets - 1

ELEVATION

STATUS OF APPROVAL