



PUBLIC NOTICE

REVIEW AND AMENDMENT OF THE PROVISIONS FOR TELECOMMUNICATION INFRASTRUCTURE WITHIN THE NORTH, SOUTH, INNER WEST, OUTER WEST, CENTRAL (DURBAN SCHEME REGULATIONS) AND WESTVILLE SCHEME NO.2 - (RESERVOIR HILLS) LAND USE SCHEMES OF THE ETHEKWINI MUNICIPALITY

Notice is hereby given that the eThekweni Municipality is in the process of reviewing and amending the provisions for Telecommunication Infrastructure within the North, South, Inner West, Outer West, Central (Durban Scheme Regulations) and Westville Scheme No.2 (Reservoir Hills) Land Use Schemes in terms of Chapter 6, Section 18 of the eThekweni Municipality Planning and Land Use Management By-Law of 2016 (Municipal Notice 114 of 2017).

The objective of such review and subsequent amendments is to create coordinated, harmonious and sustainable development within the eThekweni Municipal area in such a way that it efficiently promotes safety, order, amenity, convenience and general welfare, as well as efficiency and economic benefits with the development of Telecommunication Infrastructure.

Copies of the draft Development Standards: Telecommunication Infrastructure will be available from the 18 October 2019 until 24 January 2020 during 08h00 to 15h00 Monday to Friday.

Please note that the comments period will close at 16h00 on 24 January 2020.

All comments must be lodged in writing/or email for attention: Ms. Claire Norton (Senior Manager: LUM), Development Planning, Environment and Management, P.O. Box 680, Durban, 4000 or c/o zinhle.gumede@durban.gov.za.

and

Jenisha Ramjith
Senior Technical Planner (LUMS)
Telephone: (031) 311 2762
E-mail: jenisha.ramjith@durban.gov.za

9.1 Telecommunication infrastructure

9.1.1 Statements of Intent

- (I). The intention of this section is to make provision for the regulation of Telecommunication infrastructure and service provision; to provide for the control and installation of Telecommunication infrastructure and to provide guidelines for the submission of applications, in line with the Electronic Communication Act 2005 (Act No. 36 of 2005).
- (II). These Development Standards should be utilized in the initial planning of telecommunications networks, prior to the submission of applications and used in the preparation of applications for consideration by the Municipality.
- (III). The Municipality, in considering proposals for the location of Telecommunication infrastructure, shall be mindful of the need for the development of an effective and efficient communications system within the Municipal area as well as the impact on the neighbourhoods within which such installations are to occur.
- (IV). The installation of Telecommunication Infrastructure shall be undertaken in such a manner that their impact upon the environment is minimized. Such Telecommunication Infrastructure shall be as unobtrusive as possible with the choice of materials, colour, depth of silhouette, design, and any other factors deemed necessary by Municipality with new best practice, complementing the aesthetics of the surrounding built and natural environment
- (V). In considering the appropriate location of Telecommunication Infrastructure, the applicant should be conscious of sites of historic, cultural and architectural importance. Cognisance must be taken of their impacts installations may have upon open spaces, coastal regions and prominent ridges.

9.1.2 Statutory Framework

9.1.2.1 Special Consent applications for Telecommunication Infrastructure shall be required when located on the following zones or a combination of any:

- Residential Zone;
- Worship Zone;
- Institutional Zone;
- Educational Zone;
- Municipal Infrastructure

9.1.2.2 Telecommunication Infrastructure shall be permitted without the Special Consent of the Municipality in all other Zones not mentioned in 9.1.2.1 above.

9.1.2.3 Notwithstanding 9.1.2.1 and 9.1.2.2, applications for Telecommunication Infrastructure within a zone which abuts any Residential Zone will be required to obtain the written consent from the registered owner of each adjoining property, and such other properties as directed by the Head: Development Planning, Management and Environment. Should the required adjoining property not grant written consent, the application will be by means of a full Special Consent application.

APPLICATION MATRIX

ZONE	APPLICATION TYPE	OTHER REQUIREMENTS
All Residential Zones	Special Consent	
Worship Zone	Special Consent	
Institutional Zone	Special Consent	Requires a consent letter and plans endorsement from registered property owner
Educational Zone	Special Consent	Requires a consent letter and plans endorsement from registered property owner
All Single Use Commercial/Office Zones	Free Entry	Should this zone abutting any Residential Zone or land use, clause 9.1.2.3 will be applicable
All Industrial Zones	Free Entry	

9.1.2.4 All applications for the erection of and use of land and/or buildings for a Telecommunication Infrastructure shall be made in accordance with the requirements of the National Building Regulations and Standards Act No. 103 of 1977, current applicable Planning legislation and the provisions of this Scheme and any other application laws.

9.1.3 Locational Provisions

- (I). In the selection of a site for a Telecommunication Infrastructure, consideration shall be given to the locational context of the proposed installation in respect of aesthetic suitability and environmental intrusion. All possible site location alternatives should be explored in the early planning process.
- (II). Wherever possible Telecommunication infrastructure shall be installed on existing structures, such as roof tops of tall buildings, light poles or existing masts.

- (III). The principle of multiple use of telecommunications masts by network providers, for Telecommunication Infrastructure applications shall be applied. A motivation for exemption from sharing must be considered.
- (IV). When a cellular mast requires replacement, it shall be replaced with a mast designed to accommodate multiple carriers.
- (V). No Telecommunication Infrastructure shall be erected on an Erf, which in the opinion of Municipality, has been identified as containing a building or structure of architectural, cultural, historic, or artistic importance, nor in an area set aside for conservation purposes, whether natural, physical or social, provided that the Municipality may, by Special Consent, relax this provision if it can be shown that the erection of a Telecommunication Infrastructure, shall not detract from the architectural, cultural, historic, artistic, natural, physical or social value of the site.
- (VI). Where possible, the Telecommunication Infrastructure shall be sited to the rear of an Erf, within the building envelope, with the intention to minimise impact on the adjacent or surrounding sites.
- (VII). No Telecommunication Infrastructure shall be erected within any building line, side space and rear space. A motivation for relaxation may only be considered on the basis of the context of its location and the provisions that set the criteria for allowing a relaxation under Section 3 of this Scheme.

9.1.4 Visual Attributes

- (I). Consideration shall be given to the context of the Erf in relation to its surrounding environment when determining the height of the mast and selecting the type of concealment appropriate to the area.
- (II). All forms of visible lighting on Telecommunications Infrastructure shall be reduced to the minimum requirements for security as lay down by the South African Civil Aviation Authority with due regard for adjacent land uses.
- (III). Advertising on Telecommunications Infrastructure, shall be in terms of the South African Manual for Outdoor Advertising Control (SAMOAC). No external advertising shall be permitted on the Erf other than a maximum of one non-illuminated sign on each road frontage and each sign shall not exceed 0.20 m² in area. Any signage larger than the 0.20 m² will require an application to be made to the Signage Department.

9.1.5 Safety

- (I). The cellular network providers shall at all times comply with the requirements of the Department of National Health and the International Commission on Non-Ionizing Radiation

Protection (ICNRP) with respect to safety standards, which are endorsed by the World Health Organisation (WHO).

- (II). Reasonable measures shall be taken to restrict access to Telecommunication Infrastructure, other than for maintenance purposes.
- (III). All telecommunications masts shall comply with the standards as laid down by the South African Civil Aviation Authority.
- (IV). All noise levels need to comply with the guidelines as per SANS (Environmental Noise) 10103:2008.
- (V). Prevent unauthorised access to the telecommunication facilities by installing appropriate safety doors, fencing and secured access points.

9.1.6 Environmental Issues

- (I). Applications for Telecommunication Infrastructure within sensitive areas, as determined by the National Environmental Management Act No. 107 of 1998 and the Environmental Conservation Act No. 73 of 1989, as amended from time to time, are required to follow the procedure as laid down in the Environmental Impact Assessment Regulations.
- (II). The applicant shall ensure that the Erf and areas around the Erf disturbed by construction are rehabilitated appropriately and to the satisfaction of the Environmental Planning and Climate Protection Department.
- (III). The cellular network provider or network providers shall decommission and remove Telecommunication Infrastructure should:
 - (a) the Telecommunication Infrastructure constitutes a danger to persons or property as determined by the Municipality;
 - (b) the Telecommunication Infrastructure becomes redundant in the event of changing technology;
 - (c) the Telecommunication Infrastructure is not operated for a period exceeding 18 months; and
 - (d) any other similar circumstances rendering the Telecommunication Infrastructure redundant.
- (IV). The site shall be restored to its original condition and to the satisfaction of the Municipality.

- (V). The site and Telecommunication Infrastructure shall be maintained to the satisfaction of the Municipality.

9.1.7 Land Use Planning Approval Procedure:

- (I). An application for the erection of and use of land for a Telecommunication Infrastructure shall be made in accordance with the requirements of Section 9.1.2. Statutory Framework.
- (II). An application in terms of Section 9.1.2 shall be accompanied by the following documents:
- (a) An application form, initial enquiry form, department comments and the prescribed fee (if applicable).
- (b) The prescribed number of copies of plans, of which two are in colour, indicating:
- the location of the structure within the Erf;
 - all existing structures on the Erf;
 - adjoining properties and their associated structures;
 - contours or beacons;
 - any services present;
 - proposed security measures for controlling access to the Erf concerned (particularly the fencing of the base station);
 - landscaping; and
 - Photographs or elevations which present an indication of the impact of the proposed structure as viewed from key points around the site or other views as directed by the Municipality.
 - Owner of the property as per the Title Deed or a person with delegated Power of Attorney must sign the plans
 - Neighbours signatures (for applicable application process)
 - Height of a lightning spike
- (c) All copies of plans shall be drawn at an appropriate and legible scale.
- (d) A radio plan and associated aerial imagery indicating the coverage before the Telecommunication Infrastructure and the coverage shall be submitted.
- (e) In the case where multiple use cannot be achieved, a letter of motivation, engineers reports and/or photographs giving reasons for the inability to co-locate.
- (f) A list of alternate sites surveyed and the reason for the sites being unsuccessful for the establishment of the Telecommunication Infrastructure.

- (g) A copy of the Environmental Authorisation relating to the application from the Department of Agriculture and Environmental Affairs, failing which an environmental scoping report, or a letter of exemption from the Department of Agriculture and Environmental Affairs.
- (h) A certificate of approval from the South African Civil Aviation Authority.
- (i) Confirmation of compliance with World Health Organisation (WHO) and the International Commission on Non-Ionizing Radiation Protection (ICNRP) standards for emissions.
- (j) Title Deeds and Surveyor General Diagrams.
- (k) Where the ownership of the property of the affected party is a Body Corporate, Share Block, Family Trust, Deceased Estate, Company, Closed Corporation, or any other owner requiring the signature of more than one person, this form shall be accompanied by the minutes of the meeting at which the matter was discussed.
- (l) In the case of clause 9.1.2.3, applications are to be accompanied by the signed letters of no objection from the affect party, as directed by the municipality; together with endorsement on the building plans.
- (III). An application for the increase in height of an approved Telecommunication Mast or for antenna erected at a greater height than the height that has been previously approved, or for an increase in the footprint of the Base Telecommunications Transceiver Station shall require a Special Consent application as set out in Sub Clause 9.1.2
- (IV). The replacement of telecommunication masts, equipment and antennae on approved structures, shall be deemed to be regarded as maintenance and provided that there is no material change to the telecommunications mast, equipment and antennae on approved structures, no application shall be required.

NOTE:

- In addition to the above, the standard Environmental Management Plan for construction and operation of the Erf, as described in the Letter of Exemption, must be submitted for approval.
- The abovementioned documents must be submitted to the Municipality as part of the application.
- Applicants are to ensure proposed structures are in accordance with SACAA requirements.