

## City of Johannesburg

# Security Access Restrictions

For permitting access restrictions and road closures to create security controlled areas in residential neighbourhoods and business areas in accordance with the Gauteng Rationalisation of Local Government Affairs Act No. 10, 1998, Chapter 7

## POLICY

### 1 Definition

For the purposes of this policy restriction of access will refer to any means that discourages access to any other person and may include measures such as traffic calming measures, guards and guard houses. A restriction of access does not necessarily mean the erection of gates, fences or booms. Restriction of access shall mean restriction is limited to access control, no denial of access and no discriminating actions nor infringements on the rights of individuals.

### 2 Purpose of Policy

**Since 5 March 1999, the Rationalisation of Local Government Affairs Act, No 10 of 1998, enabled communities to apply to the local authority for the restriction of access to public places for security and safety purposes. To ensure that this act is interpreted correctly and to guide residents and officials of the City of Johannesburg towards achieving the goals as intended by the Act, the key purpose of this policy can be described as follows:**

- To **state the policy** of the City of Johannesburg with regard to the restriction of access to public places for safety and security purposes.
- To **provide guidelines to applicants** in terms of the required contents of applications, procedures to be followed and responsibilities in terms of costs.
- To **provide guidelines to officials** of the Johannesburg Roads Agency towards the effective processing and evaluation of applications.

### 3 Security Alternatives

3.1 The conventional crime solution is to protect property by keeping it occupied, by the provision of dogs or electronic burglar alarms, with monitoring and response by a security organisation. Criminal activities on the street are discouraged by encouraging street activity and by a visible and effective police force. Crime, in general, is reduced by measures to increase employment and reduce poverty. An advantage of having a substantial conventional police force is the active identification and prosecution of criminals. This scenario should be the ideal but is unlikely to be achieved in the immediate future.

3.2 However there are alternative means to increase surveillance and to reduction in crime. The policy intends that these measures should be explored and implemented, and only when it can be proven that these measures are unsuccessful, will the restriction of access be considered.

3.3 Crime protection measures which are funded by the private sector, which do not interfere with the general public or which assist the police are desirable. Such measures include the provision of secure property boundaries, the installation of burglar alarms and the employment of security companies and street guards.

The construction of boundary walls that prevent observation between the street and properties is however undesirable as it inhibits observation of criminal activity.

3.4 The likelihood of criminal activity being observed is a serious deterrent to social, economic and property crime. Monitoring of very busy areas, such as shopping centres and the Inner City, by closed circuit TV, appears to be effective. Closed circuit TV may also be viable for large or quiet areas, such as car parks and low density commercial, industrial and residential areas.

These measures may include Community Police Forums, Bobby on the Beat, Domestic Workers' Watch, Block Watches and many more. It will be the responsibility of the applicant to show what measures were implemented, the crime statistics before and after, as well as the time period implemented.

In addition to monitoring activity, crime can be discouraged by controlling access to an area. This has never been an issue in regard to private property. In response to increasing crime the concept of private property access control extended to the development of purpose-built privately controlled cluster homes, office parks and industrial parks. These are not a problem unless they become so large that they may interfere with general mobility within the city.

3.5 Principles for crime prevention:

- Surveillance and visibility
  - Discourage high walls; encourage see-through fencing
  - Encourage high density overlooking of streets

- Encourage police presence or other security surveillance
- Encourage pedestrian traffic
- Avoid creating quiet, poor visibility areas
- Territoriality and defensible space
  - Avoid tracts of unused land
  - Encourage neighbourhood to take over responsibility for nonessential public space
- Access and escape routes
  - Prevent large open spaces from harbouring criminals
  - Avoid ending roads on unused land
  - Provide clear pedestrian routes to avoid straying into unsafe areas
- Image and aesthetics
  - Decay and neglect encourage crime
  - Impersonal buildings and non-human scale layouts encourage crime
  - Do not create hiding places for criminals
- Target hardening
  - Physical strengthening of buildings, e.g. boundary walls and burglar bars
  - Walls should be see-through for surveillance into as well as out of property
  - Street frontages should avoid setbacks and recesses that could hide criminals

#### **4. Legislation affecting access restrictions**

In the event of access restriction to public places being implemented, the following legislation is relevant:-

##### 4.1 Constitution of the Republic of South Africa (Act No. 108, 1996)

The Constitution must be considered in any decision on whether or how to balance the security desires of one group against the freedom of movement of others. The relevant sections, of Chapter 2 Bill of Rights, are:

- Everyone has a right to equality (Section 9). If closures are granted in one area, the principle of horizontal reasonableness means conditions attached to restrictions should be equally applicable in wealthy areas, poor areas and business or industrial areas.
- Everyone has the right to freedom and security of person, which includes (Section 12 C) to be free from all forms of violence from either public or private sources. This could justify a restriction but a security checkpoint could interfere with the right to privacy (Section 14).
- Freedom of movement, residence and the right to “enter anywhere” (Section 21) would be adversely affected by the control of access to a public place. The section is applicable both to internal and external parties being denied or restricted free access.
- To ensure administrative justice (Section 33), all the individual factors relevant to a particular restriction must be examined on their merits. All parties affected by a Council decision must be given the opportunity to be

heard and the Council must, on request, provide reasons for its decision in writing.

- Any limitation must be reasonable and justifiable in an open and democratic society based on equality and freedom (section 36) and must take into account:-
  - the purpose of the limitation
  - the nature and extent of the limitation
  - the relationship between the limitation and purpose

A limitation, such as on the freedom of access or movement, would only be reasonable and justifiable if the limitation of rights actually addresses the problem and the purpose cannot be achieved through less restrictive means.

- When interpreting the Bill Of Rights (Section 39), a decision must promote the values that underlie an open and democratic society based on human dignity, equality and freedom and consider any other relevant legislation.

#### 4.2 Local Government Ordinance (Ordinance 17 of 1939)

The Local Government Ordinance vests the control of public roads in the Council. It was used for security

restrictions but the three relevant sections are specifically intended, and continue to be used, to utilise unused road reserve, to allow traffic engineering measures for capacity or road user safety and to dispose of redundant road reserve as follows:

- **Section 63** vests all public roads in trust to the Council for it to control, manage and repair for the use and benefit of the public. The Council is required to keep the road open and Section 63 (3) does not authorise any restriction to through-traffic. Section 63 only permits the Council to lease (unused) portions of the road reserve, not occupied by road or sidewalk, provided no building, other than a fence or gate is erected, and the lease area is capable of being cleared within the one month's notice period, it can be used to lease (unused) space for temporary parking or security control huts and landscaping.
- **Section 66** permits the Council to temporarily close a road to all traffic or permanently for a selected class of traffic. Closed areas may be leased as under Section 63 (3). Section 66 is a traffic engineering provision, primarily used to control vehicular access to a major road or a pedestrian mall. It has previously been used for security access restrictions.
- **Section 67** permits the Council to permanently close a road. The closed area ceases to be a road and must be separated from the road by creating an erf with a new zoning. As such the new erf can be sold, built on or used like any other parcel of private land. Section 67 has also been used for security access restrictions but, because of the costs involved, it is typically applicable only for major commercial redevelopments.

One or more of these sections of the Local Government Ordinance may be superseded by proposals in the draft Gauteng Development Planning Bill. However this is not expected to affect this security access restriction policy.

4.3 Gauteng Rationalisation of Local Government Affairs Act No. 10 of 1998, Chapter 7: Restriction of access to public places for safety and security purposes

Chapter 7 of this Act is now the principle means of implementing security access restrictions and any Council procedures for security street closures must comply with the relevant sections:

- Section 43 provides the power for a municipal council to restrict access or to authorise other persons to restrict access for enhancing safety and security.
- Section 44 specifies the procedure for imposing access restrictions:-
  - Determine the terms of the restriction
  - Liaison with South African Police Service
  - Place notice in Provincial Gazette and in one or more local newspapers specifying:-
    - 1) Request for comments
    - 2) Public place affected
    - 3) Terms of restriction
    - 4) Documents supporting Council resolution
    - 5) Contact person
    - 6) Place, time and circumstances to view original documents
    - 7) Period for comment (not less than one month)
    - 8) The person or place to lodge comments
  - Consult those affected, including a public enquiry, as deem necessary
  - Consider all comments and results of consultations before final resolution
  - Implement a restriction within 4 months, otherwise it is invalid
  - Implement a closure immediately in an emergency, provided procedure is commenced within one month
  - Date of restriction is date of publication in Provincial Gazette or specific date
  - Council may set fees for documentation
  - Specify a place of access to documents, convenient to all affected
  - Develop and implement policies and programmes to promote comment
- Section 45 specifies the procedure for authorising others to restrict access:-
  - Receipt of an application with:-
    - 1) Name and contact details of applicant
    - 2) Description of place to be restricted
    - 3) Circumstances giving rise to application
    - 4) Nature and extent of restrictions
    - 5) The category and estimated number of people affected
    - 6) Proof that application is supported by at least two thirds of those affected

7) Payment of non-refundable administrative fee

- Meet with applicants and South African Police Service to determine:-
  - 1) Merits of application
  - 2) Terms and conditions including fees and deposits
- Otherwise comply with Section 44
- Section 46 specifies the duration of the restriction:-
  - Restriction is valid for no longer than 2 years, unless otherwise specified by Provincial Gazette
  - Municipal council may extend period if:-
    - 1) If applicant initiates (repeat of) procedures in Sections 44 and 45
    - 2) Initiation is at least one month before expiry date of restriction
  - Initiation occurs if:-
    - 1) Council passes a resolution
    - 2) Applicant submits an application
  - Restriction remains valid until new application is resolved
    - Council can hold a deposit for removal of restrictions
- Section 47 makes it an offence for any person body or organisation to restrict access in contravention of this Act (or any other relevant law).
- Section 48 requires a council to determine acceptable public accessibility to the proposals and prohibits charging a fee for merely viewing the documents

## 5. Policy Proposals

5.1 The preferred long-term solution to combating crime is the conventional solution of:

- Encouraging the public to take all reasonable measures to protect itself
- Discouraging crime by measures to increase employment and reduce poverty
- Discouraging crime by a visible and effective police force
- Discouraging crime by the active identification and prosecution of criminals

4.1 In the short-term the following specific street-related security measures are supported:

- Purpose-built privately controlled cluster homes, office parks and industrial parks, provided these are not so large that they may interfere with mobility within the city
- Street guards only, with no access restrictions
- Closed circuit TV surveillance
- Security access restrictions, in accordance with the Gauteng Rationalisation of Local Government Affairs Act No. 10 of 1998, Chapter 7: Restriction of access to public places for safety and security purposes, and in terms of the City of Johannesburg's Specification and Procedures.

City of Johannesburg

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## **SPECIFICATION**

### **1. Purpose**

- 1.1 The purpose of access restrictions must be to enhance safety and security.
- 1.2 The primary function of access restrictions is to minimise the number of points to be monitored and to direct traffic to the monitoring points. Interference with through-traffic and the impact upon surrounding roads must be minimised. The special needs of pedestrians must be addressed.
- 1.3 Access restrictions are equally applicable in wealthy, poor, residential, business and industrial areas.
- 1.4 The basic constitutional right of freedom of access must not be unreasonably restricted. Unrestricted public access to an area must be available, at one or more points, at all times; a curfew or any practice of effectively locking-up an area is prohibited.

### **2. Duration**

- 2.1 The duration of an approval for a security access restriction will be a maximum of two (2) years.
- 2.2 An application to extend the period will not be accepted more than three (3) months before the existing approval expires.

- 2.3 If no application is received within one (1) month of the expiration of the existing approval, the existing security access restrictions automatically lapse and must be removed at the expiration of the existing approval. They cannot be reinstalled until a new application has been approved by the City of Johannesburg.

### **3. Acceptability of an area for access restrictions**

- 3.1 Roads that must not be restricted (The City of Johannesburg's agreed road network classification is to be used, as set out in Annexure E).
- 3.1.1 Primary routes (Class 1).
  - 3.1.2 Major arterials (Class 2),
  - 3.1.3 Minor arterials (Class 3).
  - 3.1.4 Local distributors (Class 4) with no convenient alternative route.
  - 3.1.5 Local distributors (Class 4), which carry high volumes (1000 veh. per day or 100 veh. per peak hour {two-way}, where this volume will only be relaxed where an area-wide traffic model shows positive overall traffic benefits).
  - 3.1.6 Bus and taxi routes.
  - 3.1.7 Access to regional facilities, including municipal buildings, courts, police, fire, other emergency services, hospitals, landfill sites, educational facilities and significant parks, recreational and sporting facilities.
  - 3.1.8 Access to retail shops, petrol station, fast food outlet whose trade would be adversely affected.
  - 3.1.9 Accesses to offices and other businesses, not dependent on passing trade.
  - 3.1.10 Accesses to substations, reservoirs, sewer pumps, local schools. Libraries, parks and minor public facilities subject to conditions imposed by the organisations providing these services.
- 3.2 Roads where access restrictions may be considered favourably, subject to a traffic impact study.
- 3.2.1 Local distributors (Class 4) carrying low volumes and which have close alternatives routes.
- 3.3 Roads where access restrictions will normally be acceptable
- 3.3.1 Cul-de-sac.
  - 3.3.2 Access-only streets (Class 5) in residential, commercial and industrial areas.



### 3.4 General requirements.

- 3.4.1 Restrictions will not be permitted for any reason other than that of safety and security.
- 3.4.2 The security access restrictions must not cause vehicles or pedestrians to incur lengthy, time consuming or expensive diversions.
- 3.4.3 The security access restrictions must not significantly interfere with access to the area for emergency and maintenance purposes and must be acceptable to the organisations providing these services
- 3.4.4 Personnel manning the access control point may only monitor activity. In line with the requirements of the constitution, they may not search vehicles or people, may not require the filling in of a register or supplying personal information nor delay traffic other than the absolute minimum required to open any gate, or boom.
- 3.4.5 All personnel manning a control point must be equipped with and wear reflective/dayglo vests or jackets for visibility.
- 3.4.6 Orders for the staff of a control point to be in writing and on public display at the control points.
- 3.4.7 24 – hour contact numbers for security company management and local SAPS to be on public display. Security company management and local SAPS to be in the possession of 24 hour contact numbers for the resident association.
- 3.4.8 Control point staff to be registered with Security Officers' Board, and to produce registration cards on request to any person passing through the control point.
- 3.4.9 In the event of suspected criminal activity, the assistance of the South African Police Service should be obtained. Only as a last resort should monitoring personnel intervene, when confronted with actual criminal activity.
- 3.4.10 No fee may be charged for access to the area.
- 3.4.11 The area to be affected by the proposed security access restrictions should permit a circular routing road system to avoid large vehicles (e.g. refuse trucks) having to reverse or turn around.
- 3.4.12 Fencing should be attractive and must not pose a hazard to vehicles or pedestrians, with any barbed wire, sharp projections or electric fencing out of reach of pedestrians.
- 3.4.13 The City of Johannesburg reserves the right to require alterations at the applicant's cost if access control operations create queues, traffic problems develop elsewhere or other problems occur.

## 4. Standards

### 4.1 Total closures.

- 4.1.1 Total closures will not normally be permitted; an unrestricted pedestrian gate must be installed at every closure. Non-provision

will only be considered under exceptional circumstances, where fully motivated on the grounds of pedestrian safety or that an alternative route is available which does not inconvenience pedestrians.

- 4.1.2 Signs must be erected with directions to the permanently open gate or boom and any closer pedestrian gate, if no pedestrian gate is installed.
  - 4.1.3 Fences should preferably be flush with the property boundary along the road remaining open, to avoid creation of places for undesirable activities.
  - 4.1.4 The closure of access to public open space must be the subject of a special study, involving the organisation controlling the land. Consideration must be given to the need to provide access for use of the area, and the needs of pedestrians, crossing the area, in relation to the misuse of access for criminal or undesirable activities.
- 4.2 Vehicular access gates or booms in daily use.
- 4.2.1 At least one gate or boom into the area must be permanently open (24-hour unrestricted), either manned or left open, with full, free and unhindered vehicular and pedestrian access, at all times, to the public, the Johannesburg Roads Agency, and any other agency or utility (e.g. Electricity, Water, Sewerage, Pikitup) official or contractor (e.g. meter readers), any private (non-agency utility) service department (e.g. Telkom, Eskom, Rand Water, as well as emergency services (e.g. Fire, Ambulance, SAPS, Civil Defence,); (This access may not be an electric gate and a curfew, or any practice of effectively “locking up” a suburb overnight, or any other period of time, will not be permitted).
  - 4.2.2 Other gates or booms may be provided which have, agreed, limited hours of opening (e.g. 06:00 to 09:30 and 16:00 to 19:00, Monday to Friday) or which are approved for unmanned electrical operation, provided that signs are erected at the site stating the opening hours, other applicable restrictions and the directions to the permanently open gate or boom (Pedestrian access must be 24-hour unrestricted).
  - 4.2.3 Gates or booms must be set back from the nearest junctions to avoid queues on main roads (Minimum 20 metres from the nearest through kerbline). These improvements to the road network will be at implemented at the cost of the applicant.
  - 4.2.4 Where access to a gate or boom is from a busy through road, the City of Johannesburg may require turning lanes (Minimum 25 metres long at full width of 3 metres,), laybys (Minimum 12m long at full depth of 2.5 metres) or other measures to cater for queuing vehicles.
  - 4.2.5 Minimum vertical clearance at vehicular gates or booms is to be 5.1 metres.
  - 4.2.6 The width of vehicular gates or booms is to be the existing vehicular roadway or as otherwise agreed, with a recommended minimum of 7.0 metres that may be reduced on lightly trafficked roads to 5.5

- metres for two-way traffic and 3.5 metres for a single vehicle.
- 4.2.7 Vehicular gates or booms in operation during the hours of darkness are to be adequately illuminated to the satisfaction of the City of Johannesburg.
- 4.3 Maintenance vehicle gates.
- 4.3.1 A maintenance vehicle gate may be provided wherever occasional access is required for refuse collection or other special functions.
- 4.3.2 Maintenance vehicle gates must be kept locked at all times except for the minimum period required by any special function or for the period of refuse collection in accordance with the Standard Requirements of Pikitup.
- 4.3.3 Gates must be set back from the nearest junction to provide waiting space for any vehicle required to stop while opening the gate (Recommended minimum is 7.0 metres from the nearest through-kerbline).
- 4.3.2 Minimum opening width is to be 3.5 metres.
- 4.3.3 Minimum vertical clearance is to be 5.1 metres.
- 4.4 Pedestrian only gates.
- 4.4.1 Gates may be flush with the property boundary along the road remaining open.
- 4.4.2 The opening, position and approach to a pedestrian gate must cater for an invalid wheelchair with a recommended minimum gate width of 750 millimetres.
- 4.4.3 Minimum vertical clearance is to be 2.1 metres.
- 4.4.4 Gates must be kept unlocked at all times (24 hours/day).
- 4.4.5 Use of the gate may be monitored but pedestrian access must be free and unhindered with no delay other than the absolute minimum required to open the gate. The gate should open by pushing or pulling only; no complex latch will be permitted. The gate should be self-closing.
- 4.5 Cul-de-sac.
- 4.5.1 No cul-de-sac may be created if this would require any vehicle to reverse into a minor arterial or higher order road (Class 1, 2 or 3). Any cul-de-sac to a higher order road should be avoided.
- 4.5.2 Reversing further than 50 metres, by any vehicle, should be avoided.
- 4.5.3 A turning area should be provided, wherever physically possible, unless otherwise agreed by the City of Johannesburg. Where a turning area cannot provide/or large vehicles, consideration should be given to installing physical restrictions to discourage entry to the cul-de-sac.

- 4.5.4 Warning signs must be erected.
  - 4.5.5 Arrangements for refuse collection must be agreed with Pikitup, including any need for refuse to be assembled at a designated point.
- 4.6 Stormwater.

Security access restrictions must not: -

- 4.6.1 Block any stormwater drains.
  - 4.6.2 Interfere with the flow of stormwater along the gutter or kerb.
  - 4.6.3 Divert stormwater, except by approval.
- 4.7 Signage.
- 4.7.1 Signage must be provided around and within the area, to warn traffic of road closures and to direct emergency, vehicular and pedestrian traffic to alternative access points or along alternative routes.
  - 4.7.2 Signage must be erected at positions not permanently open or closed, specifying the hours of opening and contact details of the keyholder.
  - 4.7.3 Signage must be erected at manned access control points, specifying the functions of the security guards.
  - 4.7.4 Signage must be in accordance with the South African Road Traffic Signs Manual.
  - 4.7.5 All traffic related signs are to be reflectorised; reflectorisation of other signs will be at the discretion of the City of Johannesburg.

## **5. Installation**

- 5.1 The City of Johannesburg's normal wayleave procedure must be followed before installation of any security access restrictions. This is to ensure that: -
- 5.2.1 All utilities and services are identified and protected.
  - 5.2.2 Installation plans have been approved by all the relevant organisations.
  - 5.2.3 The applicant has signed acceptance of legal liability.
  - 5.2.4 The applicant has paid all fees, especially the deposit for removal.
  - 5.2.5 The applicant has obtained permission to work in the road.

## **6. Maintenance**

- 6.1 The Applicant must maintain all equipment and material used for installing the Access Restriction Measures to the satisfaction of the City of Johannesburg.
- 6.2 The Applicant will remove any debris, refuse, trees, etc., which are caught up against any restriction points/closures fencing/palisade as a result of rainstorms. Such work shall be done with immediate effect after the occurrence.

- 6.3 The City of Johannesburg reserves the right to carry out any maintenance in an emergency or, upon failure of the applicant, after a notified period, to perform specified maintenance, and to charge the costs to the applicant insofar as they are attributable to the installed security access restrictions.

## **7. Removal**

- 7.1 The applicant must remove all security access restrictions at end of the approved period. The applicant will be required to sign a written undertaking as well as a financial guarantee, prior to the approval of the application, to ensure removal of fenced after the approval time has lapsed.
- 7.2 Should the applicant act in breach of any conditions attached to the approval, the City of Johannesburg will instigate the enforcement procedure detailed in the Procedure (Annexure C).
- 7.3 The applicant is responsible for the full cost of removal of security access restrictions and reinstatement of the roads, to a condition no worse than prior to installation of the restrictions.
- 7.4 The deposit for removal, less any costs incurred by the City of Johannesburg, will be refunded upon satisfactory removal of the restrictions and reinstatement of the roads.

## **8. Costs**

- 8.1 The applicant shall pay: -
- 8.1.1 The prescribed application fees, with the application.
  - 8.1.2 The deposit for removal of the security access restrictions.
  - 8.1.3 All costs for installing security access restrictions.
  - 8.1.4 Any repairs to utilities or other services as a result of security access restrictions.
  - 8.1.5 Any repairs to the road, footway, kerbing or drainage as a result of security access restrictions.
  - 8.1.6 All costs of signage.
  - 8.1.7 All costs of operation and maintenance.
  - 8.1.8 All costs of removal of the security access restrictions.
  - 8.1.9 All insurance and indemnity costs and all costs arising from any legal claims resulting from the security access restrictions.
  - 8.1.10 Wayleave fees.
  - 8.1.11 Readvertisement fees, if applicable.
  - 8.1.12 All costs of road improvements to effect the security access restriction.

- 8.2 An applicant may petition the reduction and waiver of specified fees, together with the submission of the application. These will only be permitted in communities where it can be demonstrated that it is not affordable to pay such fees. The Executive Director: Development Planning, Transport and Environment will have the delegated authority to determine whether the claim is valid and grant such exemptions if it is considered appropriate.

## **Annexure C**

### **City of Johannesburg**

# **Security Access Restrictions**

For permitting access restrictions and road closures to create security controlled areas in residential neighbourhoods and business areas in accordance with the Gauteng Rationalisation of Local Government Affairs Act No. 10, 1998, Chapter 7

## **PROCEDURE**

### **1. Application requirements**

Where a resident's association, business association or any other applicant seeks to restrict access to public places for safety and security purposes within the City of Johannesburg, an application must be submitted to the City of Johannesburg. In the case of a renewal, if the application is submitted at least one month prior to the existing restrictions lapsing the restrictions will remain valid pending a decision by the City of Johannesburg, otherwise the restrictions will be removed at the cost of the applicant; the City of Johannesburg will not accept renewal applications more than three months prior to the existing restrictions lapsing. The application should include:

- 1.1 The name and contact details of the applicant, if the applicant is a juristic person, also the name and details of its authorised representative, together

with the relevant Power of Attorney.

- 1.2 A description of the place which is the subject of the application, and a locality plan (Scale 1: 20000 unless otherwise approved) showing:-
  - 1.2.1 The boundary of the area to be restricted.
  - 1.2.2 The location of all surrounding roads, clearly indicating the nearest external through-route on all sides of the area.
  - 1.2.3 Through-routes to be restricted and their recommended alternative routes.
  - 1.2.4 Location and type of fire hydrants within and on the perimeter of the area to be restricted.
  - 1.2.5 All internal roads.
  - 1.2.6 The classification of all roads (Primary routes (Class 1), Major arterials (Class 2), Minor arterials (Class 3,), Local distributors (Class 4) and access only streets (Class 5,)), where the City of Johannesburg's agreed road network classification is to be used when available.
  - 1.2.7 The location of access control positions.
  - 1.2.8 Any land uses which may be affected by the proposed restrictions. Examples include land uses which need to be accessible, are dependant upon passing traffic or are large traffic generators.
- 1.3 A description of the circumstances giving rise to the application, including:-
  - 1.3.1 A breakdown of crime statistics provided by the relevant Police station in the area affected by the proposed restriction. Where statistics are not available from the Police station, the information may also be collated from the community and then be ratified by the local Police station, as an accurate reflection of crime incidents in the area.. The information should include the following:
    - Categories of persons affected: residents and non-residents
    - Categories of crime: Burglary, theft, highjacking, rape and murder.
    - Numbers: The number of households affected during the past two years in the abovementioned categories.
  - 1.3.2 All information, which in the view of the applicant justifies the imposition of the proposed access restriction.
  - 1.3.3 The effect of any previous road access restrictions or other measures, if applicable. The information should include the types of measures employed, the time frame (life span) of the measures as well as crime statistics, in the format as detailed in 1.3.1, of the crime prior to the measures as well as at the time of the application.
- 1.4 The nature and extent of the proposed restrictions, including:-
  - 1.4.1 The type of each access control (e.g. totally closed, emergency only access, emergency vehicular access but open to pedestrians,

pedestrian only, open to all  
but subject to access control, totally open).

- 1.4.2 The hours each access control is open, including any differences on different days or, alternatively, that access is always closed or always open.
- 1.4.3 Details of the exact control measures proposed to be implemented at access restriction points, including the procedure to be followed and the duties to be assigned to security personnel manning such points.
- 1.4.4 A plan (Scale 1: 500 unless otherwise approved) showing the exact position of every fence, gate, boom or guardhouse in any road to be restricted, indicating their height, width and the materials to be used, all road names, road widths, provision for turning in closed roads, the position of the nearest vehicle entrances, buildings or other features that might be affected and the distance to the nearest intersection.
- 1.4.5 An indication of the proposed security measures that are to be implemented, for example, 24 hour gate attendance by guards, roaming guards, emergency response, patrol vehicles permanently on site, closed circuit television.

1.5 Information on land-use, including:-

- 1.5.1 A list of the properties, within the area to be restricted, with details of the zoning and actual land-use of each property (e.g. residential, business, etc.) and the full name and contact details of each registered owner.
- 1.5.2 Information on any land-uses (e.g. municipal buildings, courts, police stations, fire stations, other emergency services, hospitals, landfill sites, domestic refuse disposal sites, schools, educational facilities, parks, sports facilities, transport facilities, petrol stations and retail) that might be adversely affected by access restrictions or pose extraordinary risks, within or on the perimeter of the area to be restricted.

1.6 The category and estimated number of persons affected by the application, including:-

- 1.6.1 An estimate of the number of vehicles and pedestrians that travel through the area now and after restrictions. A traffic impact study, by approved consultants at the cost of the applicant, will be required in the case of large areas or areas with significant through-traffic.
- 1.6.2 The full name and contact details of every person living or working, in the area to be restricted. Against each name an indication must be given of their non-availability to comment or their support or rejection of the proposals. At least 80% of them must sign to confirm their support for the proposed restrictions.

1.7 The comments or a letter of support from the Ward Councillor and any relevant resident's or business association.



1.8 Proof of a 80% majority support.

1.9 Application fee

1.10 Declaration by the Security Company, if the proposed closures are to be managed by a private security company. The declaration should be signed by the proposed security company prior to the approval of the proposed closure. If the security company changes in the time that the closures are operational, the newly appointed company should also sign the declaration and submit such declaration to Council.

## **2. Renewal of Applications**

2.1 The Rationalisation of Local Government Affairs Act stipulates that the same procedure as required for the initial application will apply for the renewal.

2.2 In the instance of an application for renewal of a security access restriction, the City of Johannesburg stipulates the following supplementary requirements / conditions for applications:

- Submission of a summary list of owners / tenants supporting the application (again 90% support is required).
  - Reference to the initial application and report on:
    - The effect of restriction on security
    - The traffic impact of the restriction compared to the projected / modeled impact
    - Up to date derivations from the approved physical implementation plans (as built).
    - Effect on service delivery (engineering and emergency service)
  - A statement of the time period, maximum two years, required for the extension of the renewal of the application, to be advertised in the Government Gazette.
  - A summarized of report of complaints received during the period from implementation to re-application.
  - Report on a meeting held with the SAPS in terms of crime in the area.
  - Report on a meeting held with the relevant Utilities and Agencies with regard to the effectiveness of the restriction from a traffic safety and capacity point of view.
  - Application fee.

## **3. Application fees**

3.1 The non-refundable application fees, must be attached to the application.

3.2 No application will be processed unless the applicable fees have been paid, except in those exceptional circumstances where exemption was granted by the Executive Director: development Planning, Transportation and Environment.

- 3.3 A deposit, for the removal of the access restrictions at the end of the period of validity, will be required prior to installation of any restrictions. The amount will be the full estimated cost of removal, as determined during the course of negotiations, and fixed at the sole discretion of the City of Johannesburg. A bank guarantee, in lieu of the deposit, may be acceptable, at the sole discretion of the City of Johannesburg.

#### **4. Evaluation and merits of the application**

- 4.1 After receiving the application, the City of Johannesburg will evaluate the application to determine the merits of the application, and in the event of a possible approval, the proposed terms for granting such approval. The applicant must advertise the application to ensure the opportunity to comment of potential objectors.
- 4.2 The following evaluation criteria are applicable:
- Is the contents of the application complete in terms of the requirements of the Act as well as all the documents, as set out in Section 1?
  - Is the application compatible with the Local Integrated Development Plans (LIDPs)?
  - Will the majority of the community within the restricted area benefit from the restriction?
  - Can the land use impact, traffic impact and impact on services of the application be accommodated satisfactorily?
  - Will the implementation of the restriction exclude adjacent areas from applying for and implementing a similar restriction?
  - Is the impact of the restriction acceptable within the broader context of the affected area?
  - Is the layout practical in terms of the existing services, cadastral information, required road widths, storage lengths?

#### **5. Resolution to confirm proposed terms and resolve to impose restrictions**

- 5.1 If the Johannesburg Roads Agency considers that a restriction of access appears to be warranted in terms of the policy, it will prepare a report to the Executive Director: Transportation Planning and Management, recommending approval of the proposed terms and the imposition of the access restrictions.
- 5.2 If the Johannesburg Roads Agency considers that a restriction of access appears to be warranted, despite non-compliance with the policy or failure to resolve an objection, it will prepare a report to the ED: DP,T&E, recommending a course of action.

#### **6. Advertisement**

If the application is approved:

- 6.1 The City of Johannesburg will advertise, at the cost of the applicant, its intention to impose the restriction by:-

- 6.1.1 Notice in the Government Gazette.
- 6.1.2 Notice in at least one local newspaper (two preferred,).
- 6.1.3 Notice displayed at a conspicuous place at every site of a proposed road closure or access control.

6.2 The notice will specify:

- 6.2.1 Request for comment on the draft terms of restriction.
- 6.2.2 The public place affected by the restriction.
- 6.2.3 The proposed terms of the restriction, including details of each individual access restriction, its type, opening times and location with any other applicable conditions.
- 6.2.4 The documents or written reports relied upon by the City of Johannesburg in its initial approval.
- 6.2.5 The name and contact details for enquiries and lodging of comments or objections.
- 6.2.6 A convenient time and place for public inspection of documents or original reports.
- 6.2.7 The period for comment (Not less than one month).
- 6.2.8 The date on which the restrictions will come into operation (If none is specified, the operation date is the date of publication of the Provincial Gazette).

## **7. Consultations**

The City of Johannesburg will:-

- 7.1 Review all comments and objections received.
- 7.2 Arrange consultations and public meetings, as necessary.
- 7.3 Finalise the terms of approval.
- 7.4 In the event of the agreed terms deviating significantly from the originally advertised proposals, the JRA will report the revised access restriction proposals to the ED: DP,T&E. If the revised report is approved, the amended access restriction proposals will require readvertisement (with payment of the readvertisement fee), a review of any comments received, public consultation if necessary, and finalisation of the terms of approval.

## **8. Appeal of the decision**

8.1 The Johannesburg Roads Agency will make a recommendation to the Executive Director: Development Planning, Transportation and Environment with regard to the approval or refusal of the application.

8.2 In the case that an applicant or an objector wishes to appeal the decision made by the Executive Director: Development Planning, Transportation and Environment, an appeal may be lodged to the City Manager, as provided for

in terms of the Municipal Systems Act, 2000.

8.3 An application for the appeal of the decision should be lodged within 10 (ten) working days of the decision made by the Executive Director: Development Planning, Transportation and Environment. The appeal must include the reasons for appeal and issues for dispute.

8.4 The City Manager may delegate the authority to make a decision on the appeal application to any relevant body.

## **9 Arrangements required prior to installation**

9.1 Prior to the installation of any restrictions:-

9.1.1 The applicants must form a Section 21 Company or an Association to fulfil the applicant's obligations in accordance with the terms attached to the permission to restrict access. Alternatively at least 90% of the people on the list of persons living or working, in the area to be restricted (paragraph 1.6.2) must sign acceptance that they will jointly and severally and in their personal capacities be liable to the City of Johannesburg in respect of each and every obligation and condition eventually attached to any terms of approval to restrict access.

9.1.2 The applicant shall submit written proof to the City of Johannesburg that public liability insurance has been taken out (this shall not detract from the liability of the applicants, in Paragraph 8.1.1 above, in the event of the insurance proving to be insufficient under any circumstances.

9.1.3 The applicant shall submit written proof to the City of Johannesburg that insurance has been taken out to indemnify the Council against all claims as a result of the installation, maintenance and removal of security access restrictions (This shall not detract from the liability of the applicants, in Paragraph 8.1.1 above, in the event of the indemnity proving to be insufficient under any circumstances.

## **10. Enforcement**

10.1 If the City of Johannesburg, upon receipt of a written complaint or as the result of a site inspection, considers that any term of approval is not being honoured, it will immediately notify the applicant, in writing of the nature and extent of any failure, with a deadline of ten (10) calendar days, for:-

10.1.1 A reply, in writing stating the applicant's intentions.

10.1.2 Compliance with all the terms of approval.

10.1.3 Failing Section 10.1.1 or 10.1.2, the reopening of all security access restrictions.

10.2 If, by the deadline in Section 10.1, the requirements of Sections 10.1.1, 10.1.2 or 10.1.3 have not been met, the City of Johannesburg will:-

- 10.2.1 Reopen the security access restrictions itself, if they have not been opened by the applicant, and charge all costs to the applicant.
  - 10.2.2 Notify the applicant, in writing, that it considers the approval for security access restrictions to have permanently lapsed and that it intends to remove all the security access restrictions, at the cost of the applicant, unless at the Council's sole discretion it decides not to, as a result of satisfactory written reasons delivered by the applicant, to the City of Johannesburg within ten (10) calendar days.
- 10.3 If, by the deadline in Section 10.2.2, the requirements of Section 10.2.2 have not been met, the City of Johannesburg will remove the security access restrictions and reinstate the roads, to a condition no worse than prior to installation of the restrictions, at the cost of the applicant.

## SCHEDULE OF FEES

### **Application fees**

The following non-refundable fees are payable in respect of all security access restriction applications, and must be attached to all applications, submitted to the City of Johannesburg:

1.1 Application fee: Fixed cost	R6 500
1.2 Application fee: Additional cost per access restriction point	R365

### **Readvertisement fee**

In the event of significant deviation from the originally advertised proposals, the applicant will have to readvertise the access restriction proposals and be responsible for the costs thereof.

### **Validity of fees**

Fees are valid until 30 June 2005.

Fees will automatically increase, in accordance with the Council resolution on tariffs and fees, on 1 July 2005 and every 12 months thereafter, unless otherwise altered by the City of Johannesburg.

### **Responsibility for other costs**

The applicant will also be responsible for: -

- All costs for providing facilities for public meetings
- All costs of installation and maintenance
- All advertising costs related to the application
- All insurance and indemnity costs and all costs arising from any legal claims resulting from the security access restrictions
- A deposit to cover the full estimated cost of removal, as set by the City of Johannesburg, after consultation with the applicant. (a written undertaking to accompany the deposit).
- All application fees, without any rebate, when applying for an extension, as if the application was a new application.

## **Reduction and Waiver of specified fees**

An applicant may petition the reduction and waiver of specified fees, together with the submission of the application. These will only be permitted in communities where it can be demonstrated that it is not affordable to pay such fees. The Executive Director: Development Planning, Transportation and Environment will have the delegated authority to determine whether the claim is valid and grant such exemptions if it is considered appropriate.

## **DEFINITION OF ROAD CLASSES**

### **Class 1          Trunk roads** (Freeways, national, provincial and inter-regional roads)

These are predominantly rural roads whose main function is to facilitate regional distribution of traffic (intercity movement). They may be national or provincial roads and the type of facilities found in this class are freeways, expressways, dual carriageways and single carriageway main roads. Continuous sections of trunk roads in urban areas should be designed as by-pass routes.

Continuity of route is important.

### **Class 2          Primary distributors** (Urban freeways, urban expressways and major arterials)

This class of road forms the primary network for the urban area as a whole. All long distance traffic movements to, from and within the city should be focussed onto such roads. Characteristics are high volumes, restricted access and fairly high speeds.

Continuity of route is important.

### **Class 3          District Distributors** (Minor arterials and major collector roads)

These roads distribute traffic between the various residential, industrial and principal business districts of the town and form the link between the primary network and the roads within residential areas. They should connect environmental areas without passing through them. They should also carry high volumes, have restricted access and be characterised by moderately high speeds. The major public transport movements are routed on district distributors and, accordingly, facilities should be provided off the roadway for passenger loading and unloading.

Continuity of route is important.

*Note: The following are primarily residential roads..*

### **Class 4          Local Distributors** (Minor collectors and collector streets)

Local distributors are "local" through-roads which distribute traffic within communities and link district distributors (Class 3 roads) and access roads (Class 5 roads). Local bus services are routed along this class of road, which should generally be open-ended. The local

distributor should carry traffic from a housing module of more than 400 and up to about 1 500 dwelling units. Its layout should discourage extraneous traffic. This means it should preclude short cuts between adjacent Class 2 or 3 roads. Ideally, direct access to individual dwelling units is not encouraged, but access may be permitted under special conditions.

Local distributors should generally not be continuous between adjacent neighbourhood cells. Discontinuity, may take the form of a staggered intersection, which is not necessarily a drawback for bus operators.

### **Class 5 Residential Access Roads** (Lightly trafficked roads and local streets)

These roads give people direct access to buildings and land within environmental areas. Access for motor vehicles is not their only function. They are used by the inhabitants for other work, or leisure-time activities such as walking, jogging and playing, as well as for the provision and maintenance of services to houses and the management of stormwater.

On all these minor roads which serve fewer than 200 dwelling units, continuous route alignments are not required. They form part of a closed network.

The Class 5 roads are listed in the order of descending priority in the hierarchy:-

#### **5a Residential access collector**

Residential access collectors carry traffic from up to about 200 dwelling units. They provide a link between the local distributor and other access roads. They should not provide a convenient short cut for any section of the local or district distributor network. They may be part of an open system or of a closed system with a single outlet onto the local distributor, in which case, the function is that of an access way. Access to dwellings is permitted, except where stopping sight distance is inadequate.

#### **5b Residential access loop**

The residential access loop normally carries traffic from up to about 120 dwelling units. It provides a short link for culs-de-sac, access courts and private roads to a residential access collector. It may link with a local distributor in exceptional circumstances. Separate paved footways may only be justified in high density low income areas with high pedestrian volumes. Generally, the roadway should be designed for joint use by pedestrians and vehicles.

*Note: The following are generally very lightly trafficked residential roads.*

#### **5e Access cul-de-sac**

The access cul-de-sac is a small informal road spur providing direct frontage access to anything between 6 and 60 dwelling units. It should not exceed about 120 m to 150 m in length, unless a greater length is specially motivated for very low densities. It is particularly suited to low and medium density (erven larger than 500 square metres). Speculative developments with open plan front gardens each dwelling has a garage and/or parking space within its own curtilage. It should be designed as a joint-use pedestrian/vehicle surface on which pedestrians are given protection by distinctive



design features which emphasise its shared-use character. Its width and/or horizontal curvature should restrict vehicle speeds to less than about 20 km/h.

**5d** Access way

An access way is a closed system road, having an exit at one end only. It may have a roadway with a variable width (3 m to 5 m) or a regular width of 5 m, carrying traffic from up to 60 dwelling units. It may link access courts (Class 5e) to each other and/or to other Class 5 roads. This road is not intended to provide much direct access to single buildings. Direct access is not advisable where roadway sections are narrower than 4,5m. The design should ensure consistent low speeds and clearly demarcate the special character of the street at its entry. The Class 5e access courts it serves may provide links between adjacent access ways to provide for emergency or service vehicles, but these links should be designed to discourage general use. In other cases, the turning space required at the end of an access way may be provided in the access court. Where trenches for services cross the roadway, they should so where the roadway is 5 m wide, to provide space for passing vehicles during maintenance or repair work.

**5e** Access court

An access court gives access to up to about 30 dwelling units. It has a surface for joint-use by pedestrians as well as vehicles and it is also likely to be used by children for play. It is therefore designed for consistent slow speed. Its size depends on considerations such as architecture, sunlight, landscaping and parking requirements. Its scale and proportions should emphasise its character: it is a place rather than a transport route. Access courts are particularly suitable for use in conjunction with Class 5d access ways for developments with net densities higher than 16 dwelling units per hectare.

**5f** Access strip (double panhandle)

An access strip gives access to a maximum of four dwelling units. It has no turning circle and may be a narrow driveway. Parking is provided on each property served. It may be either a public or a private road.

**5g** Private Roads

Private roads are roads not in public authority ownership. For instance, in a sectional title development, the road is owned by, and is the responsibility of, the body corporate. The demarcation of the actual road reserve is therefore a matter for the owners to decide. It is only necessary to have a formally adopted road reserve where the local authority intends to take over responsibility for the road. Private roads must be designed according to their function, and be consistent with the characteristics of the relevant public road. For instance, if the road, whether private or public, gives access to up to 30 dwelling units, it could be designed as an access way, an access court or an access cul-de-sac. If it gives access to up to 60 dwelling units, the parts of the road where most traffic is concentrated should have the geometric characteristics and minimum standards of a residential access loop.

*Note: Classes of road are defined on page B5 and in Appendix B1 of the Guidelines for the Provision of Engineering Services (in/for) Residential Townships, Department of Community Development, Pretoria, South Africa, 1983.*

## **Annexure F**

# **DECLARATION TO BE SIGNED BY THE PRIVATE SECURITY COMPANY**

General:

1. Declaration to accompany the application to Council for the proposed Security Access Restrictions.
2. If the Security Company changes within the time that the access restrictions are in place, the newly appointed company would be required to sign the declaration and submit a copy to the Municipality.

Conditions for approval:

1. Personnel manning the access control point may **only monitor and observe** activity. In line with the requirements of the constitution, they may not search vehicles or people, may not require the filling in of a register or supplying personal information nor delay traffic other than the absolute minimum required to open any gate, or boom.
2. No person or vehicle may be denied access to any area, at any time. Public will have access to the area at all times.
3. All personnel manning a control point must be equipped with and wear reflective/dayglo vests or jackets for visibility.
4. Orders for the staff of a control point to be in writing and on public display at the control points.
5. 24 – hour contact numbers for security company management and local SAPS to be on public display. Security company management and local SAPS to be in the possession of 24 hour contact numbers for the resident association.
6. Control point staff to be registered with Security Officers' Board, and to produce registration cards on request to any person passing through the control point.
7. In the event of suspected criminal activity, the assistance of the South African Police Service should be obtained. Only as a last resort should monitoring personnel intervene, when confronted with actual criminal activity.

8. No fee may be charged for access to the area.

## **DECLARATION**

I, .....(full name), herein representing  
.....(name of company) in the capacity of  
.....(position),

Declare that I am aware of the conditions as set out in the declaration and the Specifications of the Security Access Restriction policy and that the company and its staff will comply with such conditions as set out.

I am fully aware of the fact, that in the instance where these conditions are not complied with, the approval of Council is considered to be withdrawn and that the closures will be removed according to the enforcement procedures as set out in the Procedures of the Security Access Restriction policy for the City of Johannesburg. (Annexure C).

Signed at ..... On the ..... day of  
.....200

Witness .....