



CITY OF TSHWANE

REQUIREMENTS FOR AND APPLICATION FOR RESTRICTION OF ACCESS TO PUBLIC PLACES FOR SAFETY AND SECURITY PURPOSES IN TERMS OF THE RATIONALISATION OF LOCAL GOVERNMENT AFFAIRS ACT, 1998 (ACT 10 OF 1998)

COMPILED BY:
CITY PLANNING, DEVELOPMENT AND REGIONAL SERVICES DEPARTMENT
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A. APPLICATION PROCEDURE

Prior to the submission of an application, the Applicant must consult with the following Municipal Departments in order to discuss the land use impact, traffic impact and security assessment and any other matters deemed necessary by the:

- Strategic Executive Director: City Planning, Development and Regional Services or his nominee
- Director: Traffic Engineering and Operations
- Chief of Metro Police: Crime Prevention
- Director: Development Compliance: Legal Services

1. Who may apply

Any person, body or organisation can apply in terms of Chapter 7 of the Act, for the restriction of access in a specific area.

2. How to apply

- 2.1 The application form (Annexure A) must be completed **in full** and signed.
- 2.2 All applications (18 copies) for restriction of access in terms of the Act in the City of Tshwane must be submitted in writing to the Strategic Executive Director: City Planning, Development and Regional Services or his nominee, in the format set out in the policy framework. The Policy Framework is available at a fee of R 25,00 at –
- Centurion Council Offices, Room F8, City Planning and Development
 - Muntoria Council Offices, Room G10.
 - On the internet at <http://www/tshwane.gov.za> - go to “departments” then “City Planning and Development” Policy on restriction of access.

Pursuant to the provisions stipulated in the Rationalisation of Local Government Affairs Act (A minimum of two (2) copies of the proof of support (Annexure T) and three (3) copies of the traffic impact study is required).

- 2.3 The application fees prescribed by the City of Tshwane must be paid in terms of the Act. If a cheque is used as the method of payment, the cheque must be made out to the City of Tshwane. Post-dated cheques will not be accepted.

3. Documents required

- (a) A statement setting out the full names, contact details, identity number and signature of the Applicant and/or each and every person on whose behalf the application is made. If the Applicant is a juristic person, also the name and details of the authorised representative, together with the relevant Power of Attorney.
- (b) A description of the relevant public place(s) as defined in the Act, which are the subject of the application with reference to the proclaimed township (and agricultural holdings and/or farm land) and the streets inside and on the boundary of the public place.
- (c) A description (memorandum) of the circumstances giving rise to the application, in relation to the purpose of Chapter 7 and section 43 of the Act, namely “enhancing safety and security”.
- (d) An indication of the category and estimated number of persons affected by the circumstances giving rise to the application and written proof that all the property owners (and tenants) have been notified of the proposed restriction of access and were invited to the public meeting/s and details of such meeting/s .
- (e) A comprehensive memorandum on the following, justifying the application:
- (1) An Environmental Crime Prevention Plan in conjunction with the City of Tshwane Metropolitan Police Service:
- the suitability of ‘Restriction of access’ as far as enhancing safety and security as a determining factor;
 - how, and how regularly the proposed terms and conditions of the restriction will be monitored by the Metro Police; and
 - the extent of areas needing fencing, including all critical areas such as open stands, greenbelts and any other escape routes.
- (2) Full details of the nature and location (with measurements) of access control structures.
- (3) Full details of the proposed mechanisms measures and procedures of access control at the various access control points and specifically the accessibility in respect of:
- The general public.
 - The residents within the restricted area.
 - Emergency service vehicles (including those of the SAPS), as well as bus service, refuse removal and maintenance vehicles.
 - Pedestrians.
 - Officials of the Municipality.

- (4) Proof of compliance with the specifications of the Director: Roads and Storm-water regarding the nature of the access control structures, waiting space for vehicles and turning circles.
- (5) Proof of compliance with the technical standards for closures, as envisaged in the Guideline Document of the Director: Roads and Storm-water.
- (6) Information relating to each and every property situated within the area that will be affected by the proposed restriction, which must specifically include the following:
- The zoning and existing land use of each property (e.g. residential, business, public institution, or sport and recreational facility).
 - Erf number and address.
 - The name of the registered owner.
- (f) A site plan indicating, to the satisfaction of the Strategic Executive Director: City Planning, Development and Regional Services or his nominee, the location and nature of all proposed access control structures (for vehicles and pedestrians), the exact location of all municipal services and the location of turning facilities, visitor's parking facilities and entrance layout, together with measurements, which are to be constructed.
- (g) A locality plan indicating the adjacent road network of the area concerned as well as the location of the public place within its regional context.
- (h) At the cost of the Applicant a traffic impact study providing details of the impact on the road network relating to the application must be conducted and which must specifically include the following details:
- Traffic patterns, rerouting and redistribution of traffic (vehicles and pedestrians), concentration of routes at proposed access control points, and position and location of access control structures.
 - Accessibility of emergency service vehicles as well as bus service, refuse removal and maintenance vehicles.
 - The likely effect of the redistribution of traffic on the adjacent road networks.
 - Explanation of the recommended storage space, visitor's parking facilities where applicable, entrance layout and turning bays.
 - The likely effect of the change in road pattern on access to schools, other public institutions, small businesses, sport and recreational facilities.
- For further information on the traffic impact study contact Mr Frank Lambert: Room 914, Munitoria or Tel. No.: (012) 308 7707.*
- (i) Written proof (minimum two copies) that at least two thirds (2/3) of the people affected by the circumstances giving rise to the application (owners and tenants of properties) as well as all CBO's, NGO's and businesses operating within the area approve of the restriction.

- (j) An indication of the municipal services required at the access control points.
- (k) Payment of an administrative fee as contemplated in the Act, calculated as follows:

- For the initial application:

1 - 20 residential units	R 9 849, 60
21 - 50 residential units	R 31 149, 36
51+ residential units	R 52 387, 56

- Application for the extension of restriction of access (after an initial term of two years):

1 - 20 residential units	R 9 849, 60
21 - 50 residential units	R 31 149, 36
51+ residential units	R 52 387, 56

(The above-mentioned fees include R2 000, 00 for advertisements and *will be effective from 1 July 2008 until 30 June 2009 as per Council Resolution*)

4. Terms of the restriction

The Municipality may impose a restriction on access to any public place if the relevant application complies with the provisions of section 45 of the Act and may determine terms and conditions for granting the authorisation. The following conditions shall be imposed by the Municipality:

- (a) All access control measures are temporary in terms of Chapter 7 of the Act and are approved initially only for a period not exceeding 2 (two) years.

The period of the restriction may, however, be extended: Provided that a new application be submitted three (3) months prior to the expiry of the two-year term, for the extension of the authorisation in terms of the Act (for administrative purposes three months are imposed although the policy makes provision for one (1) month). *The same procedure as required for the initial application will apply for the extension of the duration of the application.*

- (b) After expiry of the period referred to above, and if no application for extension of the restriction has been submitted, the Applicant must immediately reopen and reinstate all roads and remove all access control structures, failing which the Municipality will have the roads reopened and the access control structures removed, and will recover from the Applicant all costs incurred in doing so.

The Applicant's deposit or bank guarantee, as required in paragraph (j) below, will be used to cover the costs incurred by the Municipality for the removal of the access control structures in the road and road reserve. However, upon satisfactory removal of the restrictions and reinstatement of roads, the deposit

or bank guarantee will be returned after the 2 (two) year term of the initial approval has expired.

- (c) The Applicant must maintain all equipment and material used for installing the access restriction measures to the satisfaction of the Strategic Executive Director: City Planning, Development and Regional Services.
- (d) All access control structures and turning facilities required by the Municipality must be constructed in a manner and at the location approved by the Director: Roads and Storm-water.
- (e) All costs incurred in erecting and maintaining any access control structures (including security fences), managing access control measures and upgrading the road network evolving from the authorisation to restrict access must be borne by the Applicant.
- (f) All costs involved in relocating service connections and the costs of the consumption of and repairs to any services on the Municipality's property, which may have been damaged as a result of the erection must be borne by the Applicant.
- (g) Any additional essential engineering services (including electricity, water, sewerage and roads and storm-water) required must be installed and maintained by the Applicant in accordance with the standard of the Municipality (or a standard agreed on beforehand). The Municipality will maintain all existing services, including water, sewerage, electricity and roads and storm-water unless otherwise agreed. No person may carry out work on the services or interfere with the services without the approval of the Municipality and its respective Departments.
- (h) Prior to the erection of access control structures, a site development plan and building plan must be submitted to the Strategic Executive Director: City Planning, Development and Regional Services or his nominee, for approval.
- (i) The Applicant must, at his or her own cost and to the standard and satisfaction of the Director: Roads and Storm-water, provide signage within and around the restricted area to warn to road users and pedestrians of the access control measures restricting access to members of the public, and to effectively direct emergency, vehicular and pedestrian traffic to alternative access points or along alternative routes.
- (j) A deposit or an acceptable bank guarantee equal to 20% (twenty per cent) of the erection costs (material and labour) of the access control structures erected on the road and road reserve must be provided by the Applicant, prior to erection of any access control structures. Such deposit will be utilised or guarantee will be realised to recover costs incurred by the Municipality for removing any means of restriction, when necessary, in terms of Section 46(5) of the Act.
- (k) The Municipality reserves the right to instruct an Applicant to reopen and reinstate any road(s) which have been closed in terms of an approval by the

Municipality, and remove any access control structures at the Applicant's own expense and within a period specified by the Municipality, in the following instances:

- (i) When the essential terms and conditions relating to the restriction of access are not fully complied with.
- (ii) When the public place is to be utilised by the Municipality for purposes of the Municipality performing its duty in terms of section 63 of the LGO to keep the road open and in repair for the use and benefit of the inhabitants even during the initial 2 year period.

If the Municipality, upon receipt of a written complaint or as 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 thirty (30) calendar days, for:

Compliance with all the terms and conditions of approval imposed by Municipality; and/or rectification of any non-compliance or contravention related to the approved restriction of access.

If the Applicant fails to comply with this instruction within the specified period, the Municipality reserves the right, subject to compliance with due process of law and the rules of administrative justice, to reopen and reinstate the roads remove any access control structures and recover from the Applicant all costs incurred by the Municipality.

- (l) The Municipality reserves the right to require alterations at the Applicant's expense if access control operations create traffic problems and hinders municipal service delivery.
- (m) After approval but prior to implementation, the Applicant must submit written proof to the Municipality that a Section 21 company or a similar legal entity or association to fulfil the Applicant's obligations in terms of these conditions has been established, so as to ensure that all persons referred to in paragraph (a) of Section A (in the Policy Framework) are liable to the Municipality in respect of each and every obligation and condition the Municipality may impose in approving an application. In event of a natural person applying for authorisation to restrict access, a written motivation must be submitted for exemption of this condition.
- (n) Prior to the commencement date of implementation of the proposed restriction, the Applicant must take out, at his or her own expense, a public liability policy and maintain it for the relevant period in terms of which policy the Municipality and the Applicant enjoy full coverage for their respective rights and interests, subject to the following:
 - (i) Prior to the commencement of the restriction measures, a copy of the policy document, together with written proof that the premium has been paid in full, must be submitted to the Municipality for its approval.

- (ii) When this policy is renewed for a further term, written proof of this must again be submitted to the Municipality for its approval.
- (iii) During the insurance period the policy must provide for claims of at least R5 000 000,00 (five million Rand) per incident, the number of incidents being unlimited.
- (iv) The Municipality reserves the right to insist on increased insurance coverage, if, in the discretion of the Municipality, this is necessary.
- (o) Access control points must allow restricted vehicular and pedestrian access to the public and full, free and continuous vehicular and pedestrian access to Municipality officials within the scope and ambit of their employment. (e.g. of Electricity, Water, Sewerage, Cleansing, Roads and Storm-water, Parks), and any other agency, utility or contractor of the Municipality, as well as emergency services (e.g. Fire, Ambulance, Civil Defence, Traffic and the SA Police Service), at all times.
- (p) All access control points must have information signs to the standard and satisfaction of the Strategic Executive Director: City Planning, Development and Regional Services that display numbers that can be called for information and/or complaints.
- (q) All access control points must be manned by a gatekeeper on a 24-hour basis, unless the Municipality is satisfied that:
 - (i) Alternative access control measures (occasionally manned booms, unmanned electrical gates and palisade fencing) are technically feasible and legally justifiable;
 - (ii) sufficient measures have been taken in the case of booms operating during approved limited hours or electric gates, to still allow access as stipulated in (q) here above in an emergency situation or in the event of a power failure.
 - (iii) the Applicant has indemnified the Municipality against any claim that may arise from the implementation and execution of the access control measures.
 - (iv) an unmanned electrical gate is serviced by a communication and remote control system which is attended 24 hours per day; and
 - (v) clearly visible written instructions are displayed at the access control points, stating the opening hours (if applicable) and numbers to be dialled by emergency personnel, officials of the Municipality and the general public, in order to gain access.
- (r) The implementation of all the measures pertaining to restriction of access must be consistent with the land development objectives set for the relevant area in terms of the Development Facilitation Act, 1995 (Act 67 of 1995) or similar integrated development plans for the area set in terms of any other legislation.

- (s) That a lease agreement be concluded between the Municipality and the applicant in respect of the portion of the road and road reserve to be utilised for the erection of access control structures, for a period of 2 (two) years at a once-off rental of R 2000,00 and subject to the terms and conditions determined by the Municipality.

ANNEXURE 1

CITY OF TSHWANE

APPLICATION FORM – RESTRICTION OF ACCESS TO PUBLIC PLACES FOR SAFETY AND SECURITY PURPOSES IN TERMS OF THE RATIONALISATION OF LOCAL GOVERNMENT AFFAIRS ACT, 1998 (ACT 10 OF 1998)

Please ensure that all the information is completed on the form. If any information is missing/incomplete this might result in a rejection of the application. This application can be submitted to: Strategic Executive Director: City Planning, Development and Regional Services: Akasia Office: 1ST Floor, Spectrum Building, Plein Street West, Karenpark, Akasia or Centurion Office: Room F8, Town Planning Office cnr Basden and Rabie Streets, Centurion or, Pretoria Office: Room G10, Ground Floor, Munitoria, c/o Vermeulen and Van der Walt Streets, Pretoria.

PROPOSED RESTRICTION OF ACCESS TO -

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.....

(Description of the relevant public place)

A APPLICANT

1. Full name

.....

2. Name of authorised agent:

.....

3. Physical Address of agent

.....

4. Postal address of agent:

.....

5. Telephone number of agent:

..... (.....)

6. Fax number of agent:

..... (.....)

7. Cellular Phone Number:

.....

8. Area of security area:

..... ha/m²

9. Other applicable information:

.....
.....
.....
.....
.....

.....
SIGNATURE

.....
DATE

ANNEXURE 2

CONSENT AND POWER OF ATTORNEY

I/We _____ I.D. No. _____

And _____ I.D. No. _____

The undersigned and registered owner(s) of or duly authorised representative of the

_____ trust/cc/Pty Ltd and owner(s) of the erf/unit number

_____ with the street address:

_____ and postal address:

hereby:

1. Consent to the closure of the agreed portion of _____ (name of township/farm portion/ agricultural holding) by means of access control measures permitted in terms of the Rationalisation of Local Government Affairs, Act, 1998 and any other legislature, where necessary.

2. Nominate, constitute and appoint,

with power of substitution and delegation, to be my/our lawful agent, to make application to such authorities as may be necessary to apply for the restriction of access to

_____ and generally for effecting the purpose aforesaid, to do or cause to be done whatsoever shall be requisite, as fully and effectually, for all intents and purposes, as we might or could do if personally present and acting therein, hereby ratifying, allowing and confirming and promising and agreeing to ratify, allow and confirm all and whatsoever my/our agent shall lawfully do, or cause to be done, by virtue of these present.

Signed at _____ on this _____ day of

_____ 20..... in the presence of the undersigned witnesses.

AS WITNESSES

1. _____
OWNER

2. _____
OWNER

My telephone No (Work) _____ (Home) _____

Cell _____ E-mail _____