

POLICY: RESTRICTION OF ACCESS TO PUBLIC PLACES FOR SAFETY AND SECURITY PURPOSES

ITEM PT 135-2002
CM 31.10.2002

POLICY AND GUIDELINES FOR THE RESTRICTION OF ACCESS TO PUBLIC PLACES FOR SAFETY AND SECURITY PURPOSES

RESOLVED:

1. **That** the Policy and Guidelines for the Restriction of Access to Public Places for Safety and Security Purposes, attached as **Annexure "A"** to the report, **BE APPROVED** for implementation with effect from 1 November 2002.
2. **That** the following proposal **BE REFERRED** to the Roads, Transport and Civil Works Portfolio Committee for discussion and that a report in respect thereof **BE SUBMITTED** to Council in due course:-

That the policy referred to in 1 above be amended to specifically:

- (i) Provide for restriction of access to certain public places within a larger area (for example only certain streets within a specific township), subject thereto that the validity of such restriction of access, as envisaged in section 46 of the Rationalisation of Local Government Affairs Act, 1998 be limited to two (2) years, or until such time (shorter period) as an application for restriction of access to public places in the larger area, which includes the area of the initial application comes into operation.
- (ii) Provide for restriction of access to a portion of a public place (for example only a certain portion of a specific street) subject thereto that a condition be imposed in these cases, (as in all cases as proposed in the policy) in terms of section 45(2)(b) of the Rationalisation of Local Government Affairs Act, 1998 that the gate or boom which restricts access thereto is manned on a 24 hour basis to ensure that the principle of freedom of movement is served within the ambit of the provisions of the Rationalisation of Local Government Affairs Act, 1998.

ITEM PT 17-2003
CM 27.02.2003

PROPOSED AMENDMENT : POLICY AND GUIDELINES ON THE RESTRICTION OF ACCESS TO PUBLIC PLACES FOR SAFETY AND SECURITY PURPOSES (ITEM PT 6-2003[MC] - MC 20.02.2003

RESOLVED:

1. **That** it **BE NOTED** that the Ekurhuleni Metropolitan Municipality is in principle not in favour of the restriction of access to certain public places within a larger restricted area, but that such an application be considered on merit.
2. **That** the consideration in 1 above **BE SUBJECT** to the submission of an extra motivation by the applicant which goes beyond the initial motivation for restricting access to a larger area.
3. **That** applications for the restriction of access to a portion of a public street, inclusive of cul-de-sac streets, as contemplated in 1 above, **ONLY BE APPROVED** in terms of section 45(2)(b) of the Rationalisation of Local Government Affairs Act, 1998 when the gate or boom which restricts the access **IS MANNED** on a 24 hour basis.

ITEM B-PT (41-2003) MC 20.11.2003	DEPARTMENT OF CORPORATE AND LEGAL SERVICES: POLICY AND GUIDELINES ON THE RESTRICTION OF ACCESS TO PUBLIC PLACES FOR SAFETY AND SECURITY PURPOSES
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RESOLVED:

1. **That** the contents of the report of the Department Roads, Transport and Civil Works regarding the Technical Guideline for Traffic Impact studies of Enclosed Neighbourhoods **BE NOTED**.
2. **That** the Traffic Impact Assessment Guideline attached as **Annexure "A"** to the report **BE ADOPTED** as a supplementary guideline to the Ekurhuleni MM Policy ("Policy and Guidelines on the Restriction of Access to Public Places for Safety and Security Purposes").
3. **That** Paragraph 6.3 of the Ekurhuleni MM Policy ("Policy and Guidelines on the Restriction of Access to Public Places for Safety and Security Purposes") **BE REPLACED** with "A traffic impact study will be a compulsory requirement on every application and must be conducted in terms of the Ekurhuleni Metropolitan Municipality Guideline, titled as "Technical guidelines for traffic impact studies of enclosed neighbourhoods — July 2003".
4. **That** the Department: Corporate and Legal Services **BE INFORMED** accordingly.
5. **That** traffic impact studies **BE MADE COMPULSORY** on all the enclosed neighbourhood applications (Restriction of Access to Public Places for Safety and Security Purposes) as indicated in Paragraph (3).
6. **That** the extension of the approval beyond two (2) years **NOT BE ENCOURAGED** and where considered, should **BE DONE** with recommendation from Roads, Transport and Civil Works.

ITEM A-CL (9-2004) CM 26-02-2004	DEPARTMENT OF CORPORATE AND LEGAL SERVICES: POLICY AND GUIDELINES ON THE RESTRICTION OF ACCESS TO PUBLIC PLACES FOR SAFETY AND SECURITY PURPOSES
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RESOLVED:

1. **That** the existing policy on the restriction of access to public places for safety and security purposes as adopted by the Council in September 2002 (Item PT 95-2002 (MC)) **BE AMENDED** by the substitution for **Annexures "G" and "H"** of the attached **Annexures "A" and "B"**.
2. **That** the Technical Guidelines for Traffic Impact Studies of Enclosed Neighbourhoods (**Annexure "C"**) **BE ADOPTED** as part of the policy with immediate effect for all applications that have not been submitted by 29 February 2004.
3. **That** the display and maintenance of notices in terms of section 44(1)(C)(l) of the rationalisation of Local Government Affairs Act, 1998, at the street intersections where the access control or restrictions are intended, at the cost of the applicant, **BE INCLUDED** as part of the Policy.
4. **That** the contents of **Annexure "D"**, attached to the report, being a practical guideline for the submission of an application for the restriction of access to a public place, the procedure to prepare a report for consideration of an application for the restriction of access to a public place, **BE NOTED**.
5. **That** paragraph 5 of **Annexure 'B'** **BE AMENDED** by the addition of the following sentence :

"Such renewal application does not fetter Council's discretion in any manner whatsoever."
6. **That** a further report **BE SUBMITTED** on the impact of closures on security as well as access to non-residents.

Item A-CL (18a-2005) CM 25/08/2005	DEPARTMENT OF CORPORATE AND LEGAL SERVICES: POLICY AND GUIDELINES: RESTRICTION OF ACCESS TO PUBLIC PLACES FOR SAFETY AND SECURITY PURPOSES
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(17/3/P) EDENVALE

Clr N Diamond, seconded by Clr I D Berg, proposed the addition of the following recommendation 7:

“7. That 2.1 above *BE APPLICABLE* to all new applications, but not to re-applications.”

The Speaker put the matter to the vote and the results were as follows:

Councillors for the proposal:	31	
Councillors against the proposal:		116
Councillors abstaining:		None

The proposal was rejected by a majority of votes.

RESOLVED:

1. **That** the contents of the report regarding the proposed amendment of the Council’s policy on access restriction to public places for safety and security purposes, **BE NOTED**.
2. **That** in order to accommodate the findings of the S A Human Rights Council dated December 2004, the existing Council’s policy on the Restriction of Access to Public Places for Safety and Security Purposes as adopted by the Council in September 2002 (Item PT 95-2002) **BE AMENDED** as follows with effect from 01 September 2005:

2.1 By the insertion of the following new paragraph 5.8 in Chapter 5 of the following:

“5.8 Previous Security Measures

The applicant must indicate in the application what other security measures have been considered and why these measures are not successful. Measures to be covered are at least as follows, without this list being exhaustive:

- Neighbourhood watch
- Security guards on foot/bicycle patrol
- Security personnel in patrol vehicles (dedicated patrol vehicles)
- Closed circuit television
- Various kinds of security fencing
- Private security – indicate how many residents in the proposed enclosed area have their own private security response company

2.2 By renumbering the existing paragraphs 5.8 and 5.9 to read “5.9” and “5.10”.

2.3 By the addition of the following in paragraph 9 of Chapter 3:

“If the contract regulating the relationship between the Council and the applicant is not signed and returned to the Council with all the supporting documents within 60 days after being informed that the application has been finally approved, the said approval will **ipso facto** lapse and the applicant is obliged (in the case of a renewal application) to forthwith remove the infrastructure (gates/booms/guard huts, etc) at its own cost. If

the applicant fails to remove all structures after being notified, the Council will have the roads re-opened and the structures removed and recover the cost from the applicant.”

3. **That** the Executive Director: Corporate and Legal Services or nominee **BE AUTHORISED** to refuse applications where the requirements of the policy are not met or where there are negative comments from other departments.
4. **That** the amendment to paragraph 5.8 **NOT BE APPLICABLE** to applications submitted prior to 01 September 2005.
5. **That** the Executive Director: Corporate and Legal Services or nominee **BE AUTHORISED** to do or cause to be done whatever shall be requisite to give effect to **2** above.
6. **That** the Executive Director: Roads, Transport and Civil Works **BE REQUESTED** to submit a report on the establishment of an Ekurhuleni Metropolitan Municipality approved panel of consultants for the purpose of conducting traffic impact studies for applications for the restriction of access for safety and security purposes.



Ekurhuleni
METROPOLITAN MUNICIPALITY

**POLICY AND GUIDELINES
FOR
THE RESTRICTION OF
ACCESS TO PUBLIC
PLACES FOR SAFETY AND
SECURITY PURPOSES**

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PREFACE

The argument is often raised that the restriction of access to public places as contemplated by the Rationalisation of Local Government Affairs Act, 1998, infringes on the rights of the individual in terms of the Bill of Rights. These rights would normally be those of persons that want to gain access to such a restricted area and who are not resident in such area. These rights could inter alia include the right to equality; the right to freedom of movement and the right to have their dignity respected and protected.

The public places to which access will be restricted in these instances are defined by the relevant Act as all those places “.... which is in the undisturbed use of the public or which the public have the right to use.’ These public places would then include all areas to which a member of the public would normally have access to, such as roads, sidewalks and footpaths, open spaces, public gardens and parks and would exclude private property. The question is whether the rights, entrenched in the Bill of Rights are disturbed by the application of the Rationalisation Act to the extent that it amounts to an infringement thereof.

It must be realised that the rights afforded by the Bill of Rights, are not absolute and may be limited in terms of law of general application to the extent that the limitation is reasonable and justifiable in an open and democratic society. The test would then be whether a restriction of access imposed in terms of the Rationalisation Act in any particular circumstance is fair and justifiable. Factors that need to be taken into account when applying the test are:

- The nature of the right;
- The importance of the purpose of the limitation;
- The nature and extent of the limitation;
- The relation between the limitation and its purpose; and
- Less restrictive means to achieve the purpose.

The purpose of restricting access is to enhance safety and security within a particular area. The residents within that area could argue that by restricting access, they are protecting their constitutional rights in this regard. These rights must be weighed against the rights of those who would object against an intended restriction by giving due consideration to the factors as abovementioned.

Although the Act refers to “restriction of access to public places”, it must be kept in mind that restriction in this sense does not amount to a prohibition on entry into the area, but rather a situation whereby access will be controlled. Access to the public places within a particular area will and may not be denied to any individual and the undisturbed use of the public places will still be allowed. Only if the restriction of access is applied in a manner whereby entry into an area is prohibited or the rights of access to public places is denied, can it be argued that the rights of the individual are infringed.

Against this background it can safely be argued that restriction of access in terms of the Rationalisation of Local Government Affairs Act are reconcilable with the Bill of Rights and the implementation thereof will not cause any injury to those rights.

TERMINOLOGY

For the purpose of this policy and guidelines document, the key terminology used is defined as follows

Access restriction

The power to control access by means of various access control measures eg. street closures, fences, booms, guards and visitor log books, acceptable to the Municipality. This power excludes denial of access and must assure free access to government officials and social I emergency services. No racial discrimination will be tolerated.

Municipality

The Ekurhuleni Metropolitan Municipality (abbreviation : EMM)

ROLGA Act or Act

The Rationalisation of Local Government Affairs Act, Act no. 10 of 1998 as promulgated on 5 March 1999

CID Act

The Gauteng City Improvement District Act, Act no. 12 of 1997

Public place

Any space or area vested in a municipality which is in the undisturbed use of the public or which the public have the right to use (see also ROLGA Act Definition)

Affected Area

The public place in respect of which the application is sought as well as any areas outside the public that may be affected by the restriction.

Metropolitan Regions

The three regions of the Ekurhuleni Metropolitan Municipality, namely the North, South and East Regions with boundaries as defined by the Ekurhuleni Metropolitan Municipality from time to time.

Policy

The course of action adopted by the Ekurhuleni Metropolitan Municipality in terms of restriction / control of access to public places.

Guidelines

Principles put forward to determine a specific course of action (policy) adopted by the Ekurhuleni Metropolitan Municipality.

Applicant

Any person, body or organisation who submits an application to the Ekurhuleni Metropolitan Municipality for the restriction of access to a public place for safety and security purposes.

CHAPTER 1

PURPOSE OF DOCUMENT

Since 5 March 1999, the Rationalisation of Local Government Affairs Act, Act number 10 of 1998, legalized 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 Ekurhuleni Metropolitan Municipality towards achieving goals as intended by the Act, the key purpose of this document can be described as follows

- To state the policy of the Ekurhuleni Metropolitan Municipality 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 Ekurhuleni Metropolitan Municipality towards the effective processing and evaluation of applications.
- It is the opinion of the Ekurhuleni Metropolitan Municipality that this policy and guidelines will contribute to the effective restriction of access to public places.

CHAPTER 2

THE RATIONALISATION OF LOCAL GOVERNMENT AFFAIRS ACT, ACT NUMBER 10 OF 1998

2.1 REFERENCE TO RELEVANT CHAPTERS OF THE ACT

Copies of the relevant chapters of the Rationalisation of Local Government Affairs Act (ROLGA Act) are attached in Annexure A of this document as follows:

- Chapter 1 : Definitions, Purpose and Applications
- Chapter 2 : Status, Powers, Functions and Duties
- Chapter 7 : Restriction of Access to Public Places for Safety and Security Purposes

Prospective applicants and officials of the Municipality dealing with these applications are required to familiarise them with the contents of this Act as well as the supporting policy, acquired contents of the applications, supplementary procedures, evaluation criteria and other guidelines presented in this document.

2.2 INTERPRETATION OF THE ACT

2.2.1 Introductory comments

The Act is quite clear on powers, procedures and requirements, it is therefore not the intention of this chapter to repeat any stipulations of the Act but rather to summarise and refer to supporting guidelines documented herein.

The definition of restriction of access by the EMM should be clearly noted in so far as this restriction is limited to access control, no denial of access and no discriminating actions nor infringements on the rights of individuals.

2.2.2 Interpretation of the act

SECTION 43 : A MUNICIPAL MUNICIPALITY'S POWER TO RESTRICT ACCESS

- (a) This section grants the power to the EMM **to restrict access on own initiative** and refers to the provisions of Section 44.
- (b). This section grants the power to the EMM **to authorise any person, body or organisation to restrict access** and refers to the provisions of Section 45.

SECTION 44 : PROCEDURE FOR MUNICIPAL MUNICIPALITIES TO IMPOSE RESTRICTIONS OF ACCESS

This section stipulates the required steps and procedures following a resolution by the EMM to restrict access on own initiative. In subsection (c) the procedure and contents with regard to the notice or intent to be advertised in the Provincial Gazette are given. The pro forma notice to be used by officials of the EMM is attached in Annexure G. Please note that this notice and procedure are also applicable to the procedure described in Section 45 of the Act. Other stipulations in this section (subsection 2 to 7) are regarded as self explanatory. They must however be noted by applicants as these sub sections are also applicable to Section 45.

The Administrative Procedure following approval by the EMM in principle and subject to conditions, is shown in Figure 4.2 of Chapter 4 of this document

SECTION 45 : PROCEDURE FOR MUNICIPAL MUNICIPALITIES TO AUTHORISE OTHERS TO RESTRICT ACCESS

This section stipulates the procedure for applicants who can be any person, body or organisation applying for the restriction.

Subsection (1) of this section specifies the required contents of the application and the payment of a non-refundable administration fee. The supplementary guideline procedure of the EMM is illustrated in Figure 4.1 of Chapter 4 of this document Pro forma documents to assist applicants are attached in the Annexures.

Subsection (2) of this section requires a meeting to be arranged by the EMM with the SAPS to determine the merit of the application as well as terms and conditions of the authorization.

Subsection (3) refers to the applicable provisions of Section 44 should the EMM resolve to grant the authorization.

SECTION 46 : DURATION OF RESTRICTION TO ACCESS OR AUTHORISATION TO RESTRICT ACCESS

Subsection (1) of this section stipulates the general term that restrictions are valid for no longer than two years. It should however be noted that this period may be longer or shorter, provided that it is stated in the Provincial Gazette Notice as described in Section 44.

Subsection (2) gives the EMM the powers to extend the duration of the restriction or authorization subject to the applicant initialising the procedures of Sections 44 and 45.

With specific reference to Subsection (3) (b), the initiation date, being the date on which the EMM received the application, should be noted.

SECTION 47 : OFFENCES RELATING TO AUTHORISATION TO RESTRICT ACCESS

This section deals with illegal acts with regard to restriction of access and is self explanatory.

SECTION 48 : ACCESS TO AND INSPECTION OF TERMS OF A RESTRICTION OR AUTHORISATION TO RESTRICT ACCESS

This section refers to Subsection 9 of Chapter 3 of the Act and ensures acceptable manners and circumstances under which the public may have access to relevant information.

CHAPTER 3

POLICY

The Ekurhuleni Metropolitan Municipality will consider the approval, continuation and / or extension of:

- Imposing restriction of access to any public place on own initiative; or
- Authorizing any person, body or organisation to restrict access to any public place given that the following requirements are met in the respective cases:

When EMM is imposing the restriction

1. That the **procedure** as stipulated in **Section 44** of the Rationalization of Local Government Affairs Act is followed.
2. That the relevant requirements applicable to authorization of access restriction stated below, within its context, are met.

When a person, body or organisation is authorised to restrict access:

1. That the procedure as stipulated in **Section 45** of the Rationalization of Local Government Affairs Act is followed.
2. That **supplementary** procedures as documented on **Chapter 4** of this document be followed.
3. That in the case of more than one property and / or owner, the body or organization shall become a **Section 21 Company**, a Residents Association or another form of legal entity acceptable to the EMM.
4. That the **contents of the application** is complete in terms of the requirements of the Act, as well as additional information required in the specific case and / or as outlined in the Guidelines on Contents of the Application, Chapter 5 of this document, is provided.
5. That in terms of Section 45 (1) (c) of the Act, a non-refundable. **application fee** of R 2 500, or an adjusted amount determined annually by Municipality, accompanies the application.
6. That the applicant on request of the EMM, pays the actual cost of the **Provincial Gazette Notice Fee** and the advertisement costs of publishing the notice in at least one local and one daily newspaper.
7. That the guideline **criteria for evaluation** of applications as documented in Chapter 7 have been applied where relevant by the officials of the EMM.
8. That unless motivated otherwise and approved by the EMM the **applicant is responsible for all cost** required for and resulting from the restriction.
9. That no implementation of access restriction in any form be commenced with prior to the receipt of a letter from the EMM stating **final approval to commence** with the implementation. ¹ If the contract regulating the relationship between the Council and the applicant is not signed and returned to the Council with all the supporting documents within 60 days after being informed that the application has been finally approved, the said approval will **ipso facto** lapse and the applicant is obliged (in the case of a renewal application) to forthwith remove the infrastructure (gates/booms/guard huts, etc) at its own cost. If the applicant fails to remove all structures after being notified, the Council will have the roads re-opened and the structures removed and recover the cost from the applicant.
10. To maintain accurate financial and record systems to ensure that controls over funds are absolute.
11. To submit an annual audited report of their financial statements to the EMM as well as to advertise publicly the availability of these statements to all members of the Resident Association Section 21 Company.
12. To constitute a Steering Committee managing the project with an EMM approved constitution, preferably including a Dispute Resolution Procedure and at least one meeting per month with formal minutes submitted to the EMM within two weeks from the Committee Meeting.

The EMM will not become involved in internal local disputes, unless the agreement with the EMM, the by-laws, of the EMM and / or any relevant section of an applicable Act or Ordinance is contravened.

2.3 By the addition of the following in paragraph 9 of Chapter 3:

¹ Inserted in terms of item A-CL (18a-2005) Council Meeting 25/08/2005

CHAPTER 4

GUIDELINES ON SUPPLEMENTARY PROCEDURES

4.1 INTRODUCTION

4.1.1 PROJECT PHASES

This chapter deals with supplementary procedures developed by the EMM, that is in support of the procedures of Section 44 and 45 of the Act. The normal phases associated with access restriction projects are the following : *

- Phase 1 : Project initiation and organization phase
- Phase 2 : Application phase
- Phase 3 : Administrative I Notice phase
- Phase 4: Implementation Phase
- Phase 5: Operations and Maintenance Phase
- Phase 6: Re-application Phase

Chapter 4.5 deals with the application for the renewal of access restriction as required in Section 46 of Chapter 7 of the Act.

This chapter only addresses Phases 2, 3, 4 and 5 as the EMM regards Phases 1 and 6 to be the sole responsibility of the applicant and chooses not to be prescriptive in this regard.

4.1.2 ORGANIZATIONAL STRUCTURE

Applications will be managed at the three EMM Regional Levels, that is the North, East and South Regions. The responsibility of receiving and processing the applications for restriction of access falls with the Corporate and Legal Department who will convene Access Control Working Groups at Regional Level for the purpose of evaluating the applications and submitting recommendations to EMM. Comments and / or objections will be dealt with by the Development Tribunal of the Municipality.

4.2 APPLICATION PROCEDURE

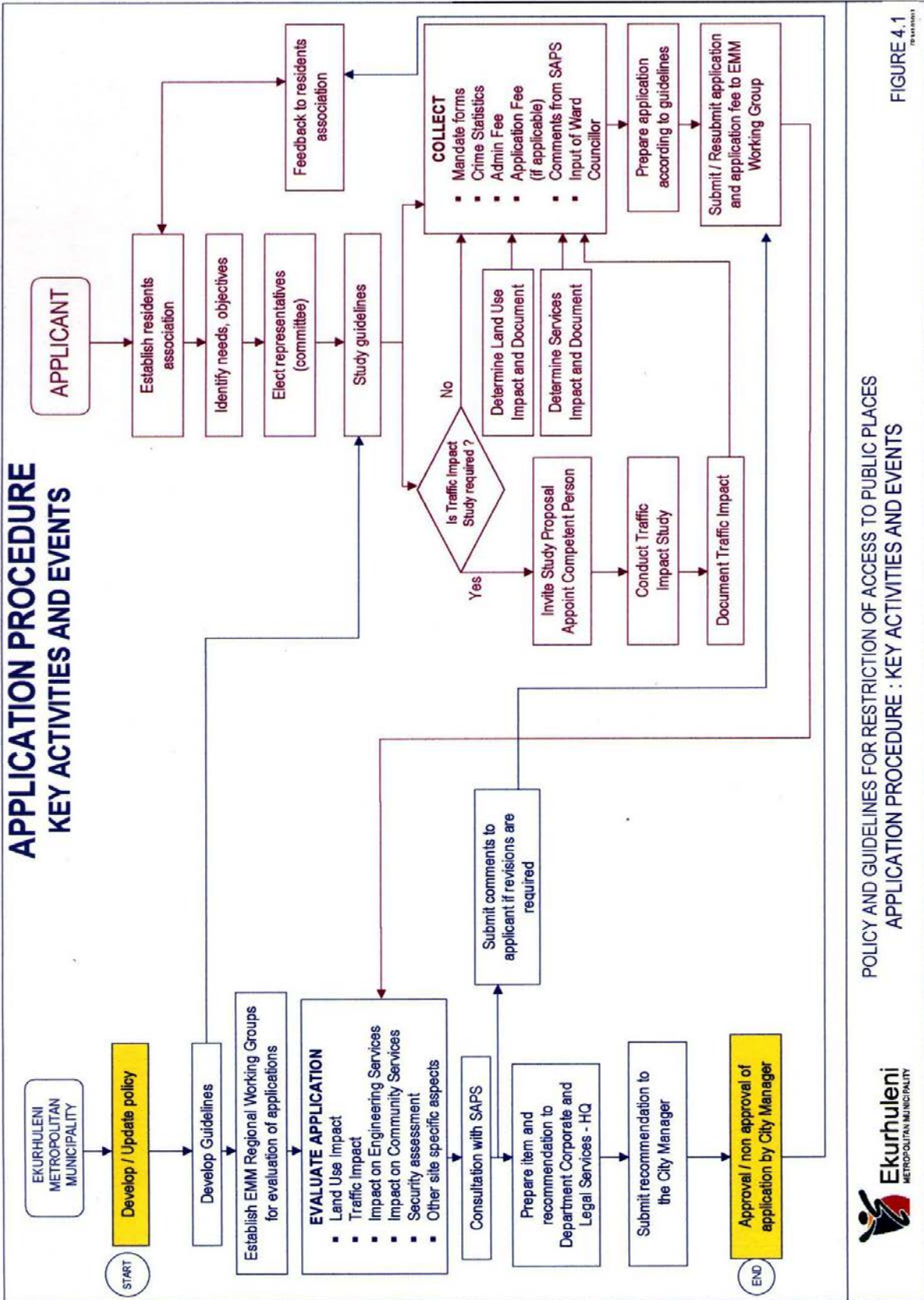
The key activities and events of the Application Procedure are shown in Figure 4.1 of this chapter. The procedure commences when the applicant identifies the need for action and consults the EMM policy in this regard. The procedure is concluded when the EMM approves (or rejects) the application subject to the conditions of the Act and or special conditions it may decide on. Guidelines to assist the applicant during this procedure and that is provided in this document are :

- Annexure E : Pro forma mandate form and declaration of incidents of crime.
- Annexure F : Pro forma list of owners supporting the restriction.
- Chapter 6 : Guidelines on impact assessment.
- Chapter 8 : Layout and geometric design guidelines

Chapter 7 gives guidance to officials of the EMC with regard to evaluation criteria to be applied when evaluating the application.

Three copies of the application together with the application fee of R 2 500 must be submitted to the Corporate and Legal Department of the relevant EMC Region and addressed for the attention of the Regional Manager.

APPLICATION PROCEDURE KEY ACTIVITIES AND EVENTS



POLICY AND GUIDELINES FOR RESTRICTION OF ACCESS TO PUBLIC PLACES
APPLICATION PROCEDURE : KEY ACTIVITIES AND EVENTS



FIGURE 4.1

4.3 ADMINISTRATIVE PROCEDURE

This procedure follows the approval of the application in principle, that is subject to the general and specific conditions of the approval. The key activity is the publication of the notice of intent to restrict access in the Provincial Gazette and at least one local newspaper and one daily newspaper. This may lead to comments / objections that require hearing as stipulated in Subsections 44 (c) (iii) and (iv). The guideline procedure is illustrated in Figure 4.2 this chapter.

The following guidelines are included to assist officials in this regard :

- Annexure G : Pro forma notice of intent to restrict accesses.
- Annexure H : Pro forma agreement between applicant and the EMC.

Temporary (Section 66) or permanent (Section 67) road closure procedures as determined by the Local Government Ordinance, 1939, are not required to be followed unless permanent changes to the road or permanent structures are provided in which case the procedure for a permanent closure of the specific section of road is required.

4.4 IMPLEMENTATION PROCEDURE

This procedure commences after written EMC permission that the applicant can commence with the application of the restriction on specific conditions, has been received. A pro forma of this final approval to commence with implementation is attached in Annexure J. The key activities and events of this procedure are illustrated in Figure 4.3 of this chapter. Please note that as with all the guidelines proposed in this document the majority of the suggested activities of the applicant, are informative only.

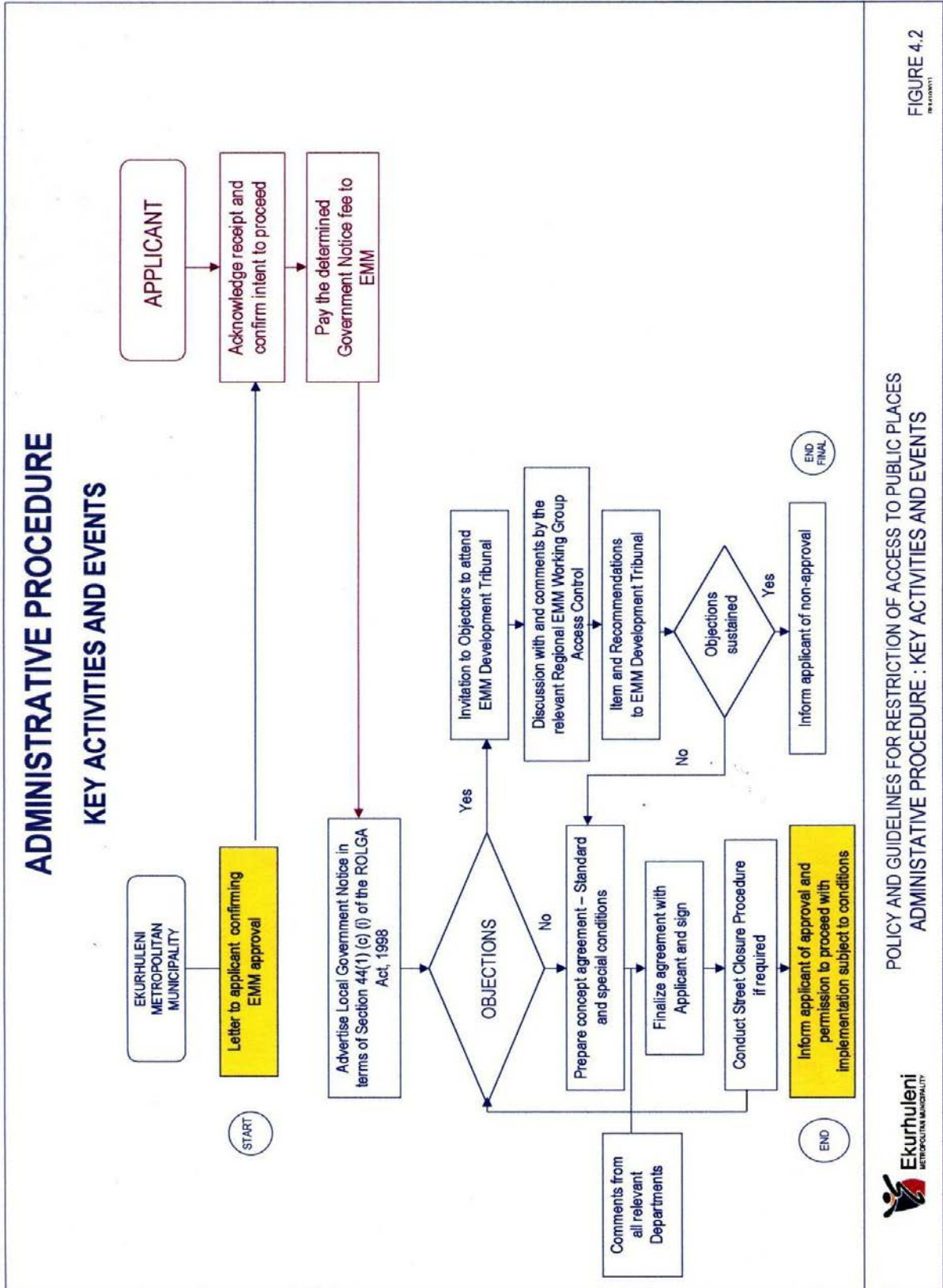


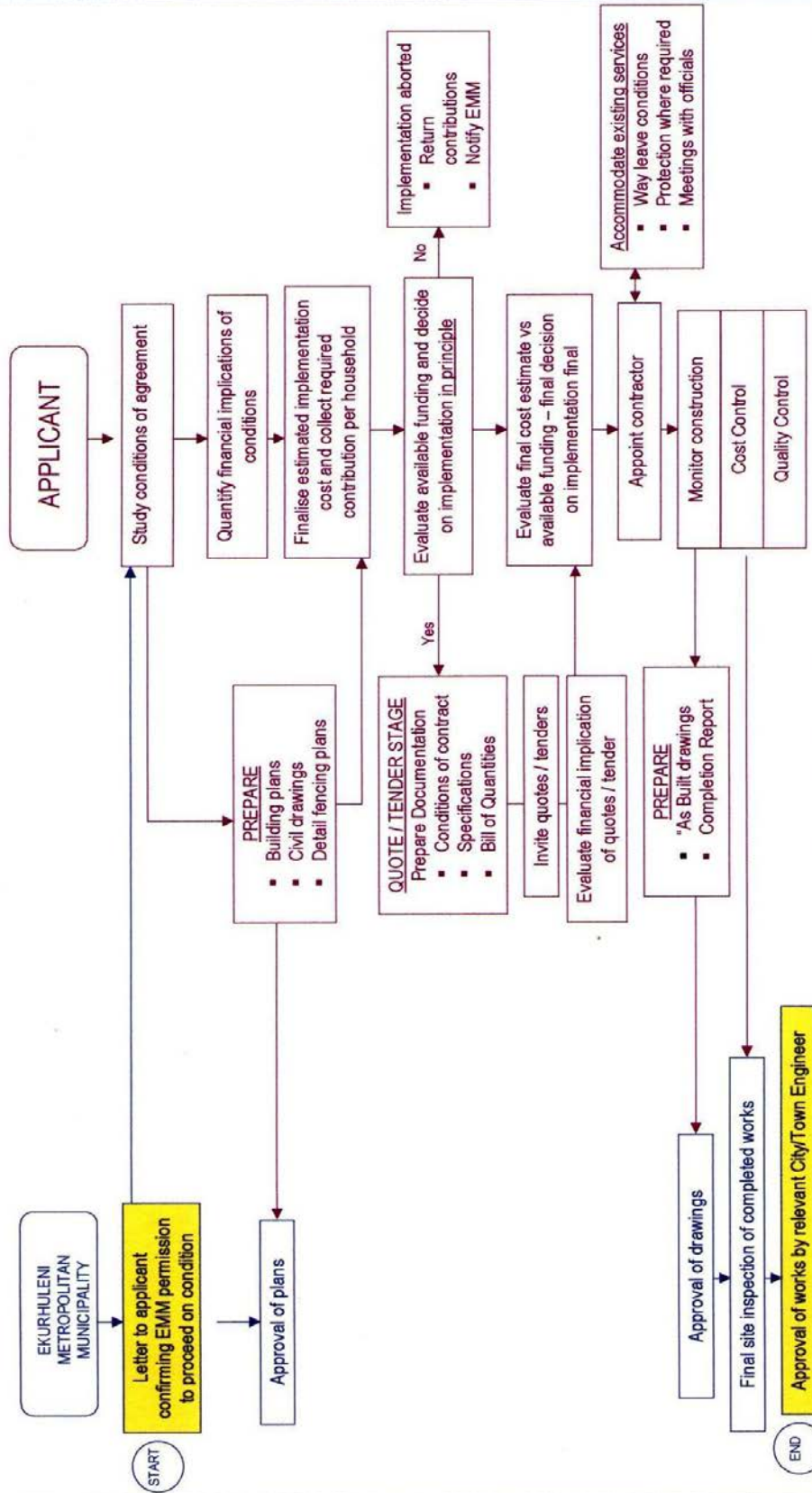
FIGURE 4.2

POLICY AND GUIDELINES FOR RESTRICTION OF ACCESS TO PUBLIC PLACES
 ADMINISTRATIVE PROCEDURE : KEY ACTIVITIES AND EVENTS



IMPLEMENTATION PROCEDURE

KEY ACTIVITIES AND EVENTS



POLICY AND GUIDELINES FOR RESTRICTION OF ACCESS TO PUBLIC PLACES
IMPLEMENTATION PROCEDURE : KEY ACTIVITIES AND EVENTS

FIGURE 4.3
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4.5 GUIDELINES ON PROCEDURES FOR RENEWAL OF APPLICATIONS

Section 46 of Chapter 7 of the Act states that unless otherwise stated in the Provincial Gazette and subject to this section, a restriction or authorization to restrict access is valid for no longer than two (2) years.

The section further states that the same procedure as required for the initial application will apply for the renewal. In this regard the EMC stipulates the following supplementary requirements / conditions for applications for renewal of the restriction term.

- (a) Submission of a summary list of owners / tenants supporting the application (again a two-third majority is required). The pro-forma list as attached in Annexure F of this document (Form EMC C + L : 3A) must be accompanied by the Form EMC C + L : 2 attached in Annexure E, completed and signed by each owner.
- (b) Reference to the initial application and report on :
 - The effect of restriction on security.
 - The traffic impact of the restriction compared to the projected / modelled impact.
 - Up to date derivations from the approved physical implementation plans (as built).
 - Effect on service delivery (engineering and emerging service)
- (c) A statement of the time period, maximum 5 years, required for extension of the renewal of the application, to be advertised in the Government Gazette.
- (d) A summarized report of complaints received during the period from implementation to re-application.
- (e) Report on a meeting held with the SAPS in terms of crime in the area.
- (f) Report on a meeting held with the Metro Town / City Engineer with regard to the effectiveness of the restriction from a traffic safety and capacity point of view.
- (g) An amount of R 2 500 or an adjusted amount as determined by the EMC (cheque made out to the Ekurhuleni Metropolitan Council) must accompany the application.

CHAPTER 5

GUIDELINES ON CONTENTS OF APPLICATION

5.1 INTRODUCTION

This chapter deals with the required contents of an application. The requirements are those stipulated in Subsection 45 (1) of Act and include additional information required by the EMC to process the application effectively.

5.2 NAME AND CONTACT DETAILS OF THE APPLICANT

A pro forma indicating the required particulars of the applicant, is attached in Annexure B.

5.3 DESCRIPTION OF PUBLIC PLACE

A complete description of the public place which is the subject of the application must be given.

The following information is required :

- (a) Locality plan – This plan must indicate the location of the public place within its regional context. An example of a locality plan is attached in Annexure C.
- (b) The name of the proclaimed township.
- (c) The names of all streets on the boundary and inside the public place.
- (d) Layout plan of the proposed security area. This plan must indicate the existing and planned land use as well as developed and vacant stands. The proposed boundaries of the public place must also be indicated. An example of a layout plan is attached in Annexure D. This plan may also be used to describe the nature and extent of the restriction as required in Section 5.6 later in this chapter.
- (e) Description of existing and future development.
 - Indicate the number of developed stands per land use eg. residential, school, church etc.
 - Indicate the number of vacant stands per land use.

5.4 CIRCUMSTANCES GIVING RISE TO THE APPLICATION

A description of the circumstances giving rise to the application is required. These circumstances normally refer to criminal activity in the public place but may also refer to traffic problems such as through traffic on local streets in residential neighbourhoods. Two sources of statistics on criminal activity can be pursued :

- South African Police Services (SAPS) : Get records of crime from the local SAPS.
- Conduct a survey of households and other land use in the public place that was affected by crime during the past two years.

If for some reason no crime statistics are available for the specific public place, a description of the situation in surrounding areas must be given.

5.5 CATEGORY AND ESTIMATED NUMBER OF PERSONS AFFECTED BY THE CIRCUMSTANCES

This description provides detail information associated with criminal activity described in 5.4 above. The detail information includes categories and numbers and can be indicated as follows :

- 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.

5.6 NATURE AND EXTENT OF THE RESTRICTION

A description of the nature and extent of the restriction in respect of which the application is sought, requires the following information to be submitted :

- The type and location and / or layout of all proposed physical elements of the restriction, eg. fences (steel, concrete), street closures, roadworks (kerbs) paving, booms, gates, guardhouses, road signs and markings. It is recommended that the layout plan as described in 5.3 (d) above be utilized for this purpose. Additional detail drawings may also be included.
- A detail description of the proposed type of access control at the access point(s) of the public place. Examples of types of control are sweep cards, identity cards, windscreen disks, log books etc.
- A detail description of how non residents and visitors will be treated at the access points(s) of the public place.
- 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. Please note that attendance is required whenever access is controlled by means of a boom and / or a gate at the access point.

5.7 CATEGORY AND NUMBER OF PERSONS AFFECTED BY THE RESTRICTION

A description of in what way and how many residents and non-residents will be affected by the restriction is required. The information should also include elements such as through traffic, buses and taxis and typically indicate how many vehicles will be affected during hours of peak demand. This information may also be included in a separate annexure to the application dealing with traffic and other impacts of the application, should this be required.

5.8 ²Previous Security Measures

The applicant must indicate in the application what other security measures have been considered and why these measures are not successful. Measures to be covered are at least as follows, without this list being exhaustive:

² Inserted in terms of Item A-CL (18a-2005) Council Meeting 25/08/2005

- Neighbourhood watch
- Security guards on foot/bicycle patrol
- Security personnel in patrol vehicles (dedicated patrol vehicles)
- Closed circuit television
- Various kinds of security fencing
- Private security – indicate how many residents in the proposed enclosed area have their own private security response company

35.9 PROOF OF TWO THIRDS MAJORITY SUPPORT

Furnishing of proof that at least two thirds of the persons affected by the circumstances giving rise to the application approve of the restriction is required. It is recommended that the pro forma attached in Annexure E be signed by each property owner within the public place or tenant in which case authorization to sign on the owners behalf is required. For larger areas it is further required that a summary of mandates as per the pro forma attached in Annexure F be used for this purpose. Please note that this list must be attached to the application.

45.10 ADMINISTRATIVE FEE

As stipulated in the policy, a non-refundable administrative fee of R 2 500 must be submitted to the Council with the application. Cheques must be made out in favour of the Ekurhuleni Metropolitan Council.

³ Amended in terms of Item A-CL (18a-2005) Council Meeting 25/08/2005

⁴ Amended in terms of Item A-CL (18a-2005) Council Meeting 25/08/2005

CHAPTER 6

GUIDELINES ON IMPACT ASSESSMENT

6.1 INTRODUCTION

This chapter deals with guidelines towards assessing the impact of the access restriction in terms of the following key aspects :

- Land use impact
- Traffic impact
- Engineering Services (water, electricity, sewer etc.)
- Community Services (Emergency, traffic, cleansing, parks etc.)

The application does not necessarily have to include these assessments unless such an assessment is specifically required by the EMC in terms of its policy and guidelines. It is however required that officials of the EMC ensure that these impacts can be accommodated satisfactorily should the application be approved.

6.2 LAND USE IMPACT

- The assessment of the land use impact of the application must indicate the following :
- Existing Development
 - Number of erven
 - Zoning of erven
- Future Development
 - Number of erven
 - Zoning of erven
- How access to future land use is accommodated.
- What impact is foreseen with regard to the development potential of vacant land in the area.
- Permission of land owners to include vacant land in area eg. Department of Public Works - land earmarked for schools.

6.3 TRAFFIC IMPACT

A traffic impact study will be a compulsory requirement on every application and must be conducted in terms of the Ekurhuleni Metropolitan Municipality Guideline, titled as "Technical guidelines for traffic impact studies of enclosed neighbourhoods — July 2003". **Inserted item B-PT(41-2003) dated 20/11/2003**

- **WARRANTS FOR A TRAFFIC IMPACT STUDY**
The requirement for a traffic impact study as part of the application will be determined by the EMC Working Group once the nature and extent of the application have been assessed. Typical warrants for traffic impact studies are given in literature referred to below.
- **GENERAL GUIDELINES**
The following guidelines should be used when a Traffic Impact Study is required :
 - NDOT Guidelines for Traffic Impact Studies
 - NDOT Trip Generation Rates

- **SPECIFIC REQUIREMENTS**

The Traffic Impact Study, if required must indicate the following :

- Existing , observed peak hour traffic demand at all access intersections (surveys not during school holidays)
- The calculated / modelled peak hour traffic demand using DOT South African Trip Generation Rates.
- Comparison of observed and calculated demand.
- Estimated through traffic volumes.
- Redistribution of development traffic to proposed access control point(s)
- Capacity analyses at control point.
- Considering proposed service rate and recommended numbers and length of storage lanes.
- Recommendations regarding upgrade of roads facilities to accommodate safety and capacity requirements eg. at Access Intersection(s).

The Traffic Impact Study, if required, must be executed by a competent person acceptable to Council

- **GEOMETRIC DESIGN GUIDELINES**

The following geometric design standards adopted by the EMC will be applicable :

GUIDELINES F argued that upgrade of roads facilities to accommodate safety and capacity requirements eg. at Access Intersection(s).

6.4 ENGINEERING SERVICES

The application must indicate :

- All existing services in and on the perimeter of the area.
- All services that may be affected by the proposed restriction.
- The conditions for wayleave.

The recommended procedure to be followed by applications is as follows :

- The applicant is to send letters with a plan of the area requesting service owners to:
 - Indicate services
 - Provide applicant with conditions for wayleave and specific requirements / procedures to followed eg. during implementation phase.
- The following service owners are to be contacted :
 - Ekurhuleni Metro (Water, Sewer and Electrical)
 - Petronet
 - Rand Water
 - Telkom
 - Escom
 - Gascor

6.5 COMMUNITY SERVICES

The application must include an assessment of the impact of the restriction on community services such as emergency services, refuse removal, parks etc. A discussion with officials of the Directorate Public Safety in this regard and the inclusion of a report are recommended.

CHAPTER 7

GUIDELINES ON EVALUATION CRITERIA

7.1 INTRODUCTION

It is recommended that the EMC Regional Working Group responsible for the processing and management of applications for restriction of access use the guidelines on evaluation criteria, as proposed in this chapter and where applicable, to determine whether the application can be recommended for approval by the Council.

7.2 EVALUATION CRITERIA

The following evaluation criteria are applicable :

- Is the application compatible with the Integrated Development Plan (IDP)?
- Is the contents of the application complete in terms of the requirements of the Act as well as additional information required by the EMC and resulting from the specific case?
- Will the majority of the community within the public place benefit from the restriction?
- Can the land use impact, traffic impact and impact on services of the application be accommodated satisfactorily?
- Is the application compatible with Local Area Traffic Management (LATM) and Access Management Plans in the specific area?
- 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 wider context of the affected area?
- Is the layout practical in terms of existing services, cadastral information, required road widths, storage lengths and other EMC adopted geometric standards and guidelines?

CHAPTER 8

LAYOUT AND GEOMETRIC DESIGN GUIDELINES

8.1 LOCAL AREA TRAFFIC MANAGEMENT

APPROACH

Local Area Traffic Management (LATM) is an approach concerned with planning the usage of road space within a local area to achieve goals determined by effected parties for the improvement of the local environment. In the context of the proposed approach local areas can be defined as areas bounded by higher order roads or other physical communication barriers such as servitudes, rivers, railway lines etc. Type of local areas in the Ekurhuleni Metro include residential neighbourhoods, industrial areas and activity centres.

As indicated in Chapter 7, it is recommended that evaluation of applications for the restriction of access to public places be based on this approach and that it be done at network level, that is considering the restriction of access in the broader context.

GOAL

The reason for planning and action is described as the improvement of living and environmental conditions in public places.

KEY

- To improve safety for road and non road users of the street network.
- To improve the amenity (pleasantness) of the local areas as perceived by the residents and stakeholders in the specific area.

PRINCIPLES

The principles of LATM are :

- The size of the local areas should be based on practical considerations and boundaries as mentioned above.
- Adequate capacity at access points to local areas (adequate number of access points).
- Eliminate rat running, that is through traffic on lower order local streets.
- Support the functional classification (hierarchy) of road network.
- Eliminate unsafe intersections.
- Consider travel distance to community and other activity centres eg. schools, churches etc.
- Consider approved geometrical considerations.

STRATEGIES

The strategies for LATM include the utilization of techniques such as :

- Access management eg. road closures.
- Intersection control eg. two-way stop, multi stop and traffic light control.
- Traffic calming measurements eg. speedhumps and traffic circles.
- Geometric upgrading eg. widening of higher order roads.

PROCESS AND PRODUCT

The proposed process includes a study phase, an implementation phase and a monitoring / review phase of implemented measures to ensure effectiveness.

The LATM plan should show the functional road hierarchy, the boundaries of the proposed local areas and proposed traffic management measures to be implemented in local areas. It should be noted that final implementation proposals should be subject to consideration of preferences of local residents and stakeholders as well as detail traffic analyses within the local area. The LATM plan can thus be the basis for analyses and evaluation of implementation proposals.

Although implementation of the LATM holds major road network improvement benefits, the process and priorities should be publicly driven, except where a high priority results from required improved levels of service. Council should only be responsible for costs relating to the improvement of effective traffic management and maintenance of infrastructure.

EXAMPLE AND RECOMMENDATION

An example of a LATM Plan is attached in Annexure I-1. To ensure that applications are evaluated properly and that maximum benefits, from both a traffic and security viewpoint are obtained, this approach is adopted by the Ekurhuleni Metropolitan Council.

8.2 GEOMETRIC DESIGN GUIDELINES

The following geometric design standards adopted by the EMC will be applicable :

- GUIDELINES FOR HUMAN SETTLEMENT PLANNING AND DESIGN – Department of Housing (Red book).
- URBAN TRANSPORTATION GUIDELINES (UTG) – Committee of Urban Transport Authorities (Cuta).
 - o UTG 1 : Guidelines for the Geometric Design of Urban Arterial Roads : Functional Class 2 (major arterial) and Class 3 (minor arterials).
 - o UTG 5 : Geometric design of Urban Collector Roads : Functional Class 4 (Local distributor).
 - o UTG 7 : Geometric design of Urban Local Residential Streets : Functional Class 5 (Residential Streets)
 - o UTG 10 : Guidelines for the Geometric Design of Commercial and Industrial Local Streets Functional Class 5 (Commercial and Industrial Streets).

8.3 ACCESS CONTROL POINTS

An example layout of an access control point is attached as Annexure I-2. The provision of a separate lane for visitors as well as adequate vehicle storage length should be noted. Guidelines on storage, lengths for various land use situation and control types are attached in Annexure J.

8.4 STREET CLOSURES

Example layouts of street closures are attached in Annexure I as follows :

Annexure I-3 : Street closure without turning circle.

Annexure I-4 : Street closure with turning circle.

The requirements of the Cleansing Department must be considered with regard to the provision of turning circles.

ANNEXURE B

PRO FORMA APPLICATION FORM : PARTICULARS OF APPLICANT

FORM NUMBER EMM C&L : 1

FORM EMC C & L : 1


Ekurhuleni
 METROPOLITAN MUNICIPALITY

PRO FORMA
TITLE : RESTRICTION OF ACCESS TO PUBLIC PLACES FOR SAFETY AND SECURITY PURPOSES
ITEM : PARTICULARS OF APPLICANT - TO BE COMPLETED BY APPLICANT

Please complete Sections A to E of this form and attach it to your application for restriction of access to public places in terms of the Rationalisation of Local Government Affairs Act, Act no. 10 of 1998. Please also note the required procedure and contents of applications as documented in the Policy and Guidelines Document of the EMC, Report no.

SECTION A
PARTICULARS OF PUBLIC PLACE

CITY / TOWN :

TOWNSHIP :

STREET(S) :

SECTION B
PARTICULARS OF APPLICANT

NAME OF FIRST CONTACT PERSON :

ADDRESS :

.....

TEL NO : (home)

TEL NO : (work)

CAPACITY OF FIRST CONTACT PERSON :

ADDRESS :

.....

TEL NO : (home)

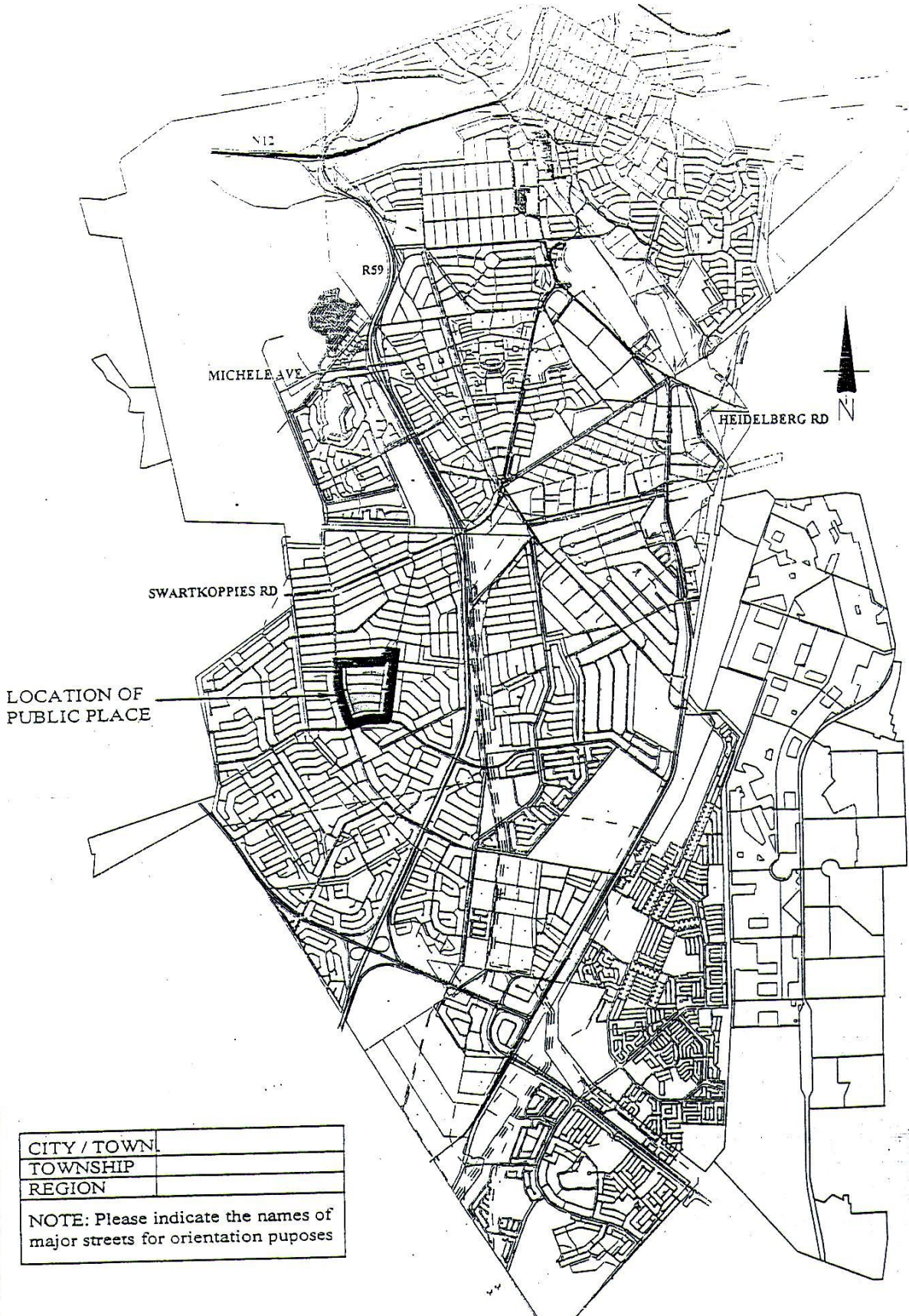
TEL NO : (work)

CAPACITY OF SECOND CONTACT PERSON

SECTION C	<p>PARTICULARS OF LEGAL ENTITY (IF APPLICABLE)</p> <p>NAME OF COMPANY/RESIDENTS ASSOCIATION </p> <p style="padding-left: 100px;">NAME OF CHAIRPERSON</p> <p style="padding-left: 100px;">ADDRESS :</p> <p>.....</p> <p style="padding-left: 100px;">TEL NO : (home)</p> <p style="padding-left: 100px;">TEL NO : (work)</p> <p style="padding-left: 100px;">FAX NO :</p> <p style="padding-left: 100px;">CELL NO</p>
SECTION D	<p>SUBMITTED BY :</p> <p>NAME</p> <p>SIGNATURE:</p> <p>ON BEHALF OF:</p> <p>DATE:</p> <p>CAPACITY :</p>
SECTION E	<p>ADDITIONAL REMARKS</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p>

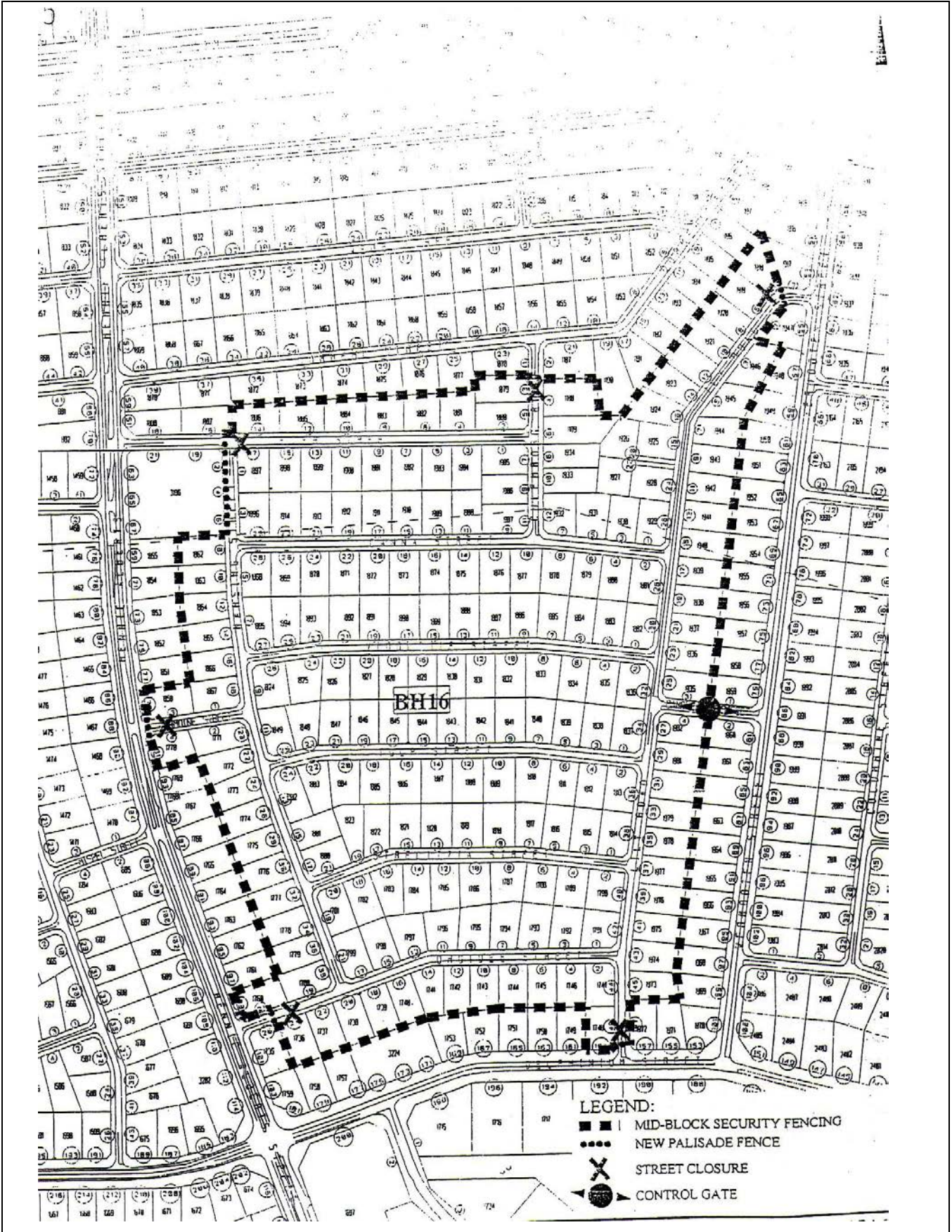
ANNEXURE C

EXAMPLE LAYOUT : LOCALITY PLAN OF PUBLIC PLACE



ANNEXURE D

EXAMPLE LAYOUT : NATURE AND EXTENT OF RESTRICTION



ANNEXURE E

**PRO FORMA : DECLARATION OF
MANDATE AND OF INCIDENTS OF
CRIMES EXPERIENCED OVER PAST
24 MONTHS
FORM NUMBER EMM C& L : 2**

FORM EMC C & L : 1


Ekurhuleni
 METROPOLITAN MUNICIPALITY

PRO FORMA
TITLE : RESTRICTION OF ACCESS TO PUBLIC PLACES FOR SAFETY AND SECURITY PURPOSES
ITEM : SECTION A DECLARATION OF MANDATE - TO BE COMPLETED BY RESIDENTS / OWNERS
SECTION B INCIDENTS OF CRIME - TO BE COMPLETED BY RESIDENTS / OWNERS
Note : Please complete sections A and B of this form and attach it to your application
SECTION A
DECLARATION OF MANDATE

I / We..... (*owner/tenant)

with ID no :..... of

Street address :

Postal address :

Tel Number :

and

..... (co-owner)

with ID No :

(* please indicate whether you are the owner or tenant of the property, please give full particulars of business if owner is a company) hereby declare our support of the application to the Ekurhuleni Metropolitan Municipality for the implementation of a security area in a portion of the as proposed and indicated by the RESIDENTS ASSOCIATION / SECTION 21 COMPANY.

I / We also state that the support of this application will not necessarily mean that I / we will make any financial contribution that may be required to implement the proposed security measures and / or operations. I am however willing to contribute an amount of R to the costs of the application

SECTION B

REPORT ON INCIDENTS OF CRIME

Please report the incidents of crime experienced over the past two years within the public place.

Type	Number of incidents	Remarks
Burglary		
Vehicle theft		
High jacking		
Rape		
Murder		
Other		

Signed by (full names)

at on this day of

SIGNED : OWNER/TENANT

SIGNED : CO-OWNER

ANNEXURE F

LIST OF OWNERS SUPPORTING THE RESTRICTION FORM NUMBER EMM C& L : 3

ANNEXURE G

**PRO FORMA : NOTICE OF INTENT TO
RESTRICT ACCESS TO A PUBLIC
PLACE FOR SECURITY AND SAFETY
PURPOSES
FORM NUMBER EMM C& L : 4**

FORM EMC C & L : 4


Ekurhuleni
 METROPOLITAN MUNICIPALITY

REGION

NORTH

SOUTH

EAST

LOCAL GOVERNMENT NOTICE
NOTICE IN TERMS OF SECTION 44 (1) (c) (i) OF THE RATIONALISATION OF LOCAL GOVERNMENT AFFAIRS ACT, 1998

The Ekurhuleni Metropolitan Municipality hereby gives notice in terms of Section 44(1)(c)(i) read with Section 45(3) of the Local Government Affairs Act, No. 10 of 1998, that it intends to authorise (the applicant) to restrict access to a public place, based on an application received in terms of Section 45 of the Act.

Comments are being sought on the terms of the restriction which are as follows:

.....

.....

.....

(Mention the various intersections and quote the method of access control / restriction that will apply at each intersection, e.g. palisade fence with 24-hour boomed access control; palisade fence with pedestrian gate / turnstile / v-gate; palisade fence with gate open from 08:00 – 09:00 and 16:00 – 17:00; fence only, etc.)

The application, sketch plan of the area and other written reports relied on by the Municipality to pass the resolution will lie for inspection during normal office hours at the office of the undersigned,

.....

.....

Comments on the terms of restriction may be lodged with the
 or delivered at the on or before

Description of the public place:

The public place is known as enclosed by the following streets

.....

.....

ADDRESS: _____

CITY / TOWN: _____

REGION: _____

DATE: _____

REFERENCE: _____

CITY MANAGER

ANNEXURE H

**PRO FORMA : AGREEMENT
BETWEEN APPLICANT AND EMM :
TERMS AND CONDITIONS
FORM NUMBER EMM C& L : 5**

AGREEMENT

MADE AND ENTERED INTO

BY AND BETWEEN

EKURHULENI METROPOLITAN MUNICIPALITY

(the **MUNICIPALITY**) herein represented by in his capacity as, he being duly authorised thereto by a resolution passed by the **MUNICIPALITY** dated

AND

THE

.....
(the **APPLICANT**) herein represented by in his/her capacity as, he/she being duly authorised thereto by a resolution passed at on a certified copy of which is annexed hereto marked "**A**".

DEFINITION:

In this agreement any word or expression to which a meaning has been assigned in the Act shall have that meaning and, unless the context otherwise indicates –

- (i) "Act" means Chapter 7 of the Rationalisation of Local Government Affairs Act, Act No 10 of 1998 and any amendments thereof;
- (ii) "municipality: means the Ekurhuleni Metropolitan Municipality and any of its departments'
- (iii) "ordinance" means the Local Government Ordinance, No 17 of 1939 and any amendments thereof;
- (iv) "public places" has the same meaning as assigned to it by the ordinance.

WHEREAS the **APPLICANT** made an application to restrict access to a certain area in terms of Section 45 of the Rationalisation of Local Government Affairs Act, No 10 of 1998; and

WHEREAS the **MUNICIPALITY** considered such application and agreed to the restriction of access to the area for years subject to certain conditions; and

WHEREAS such restriction of access is agreed to, inter alia, subject to an agreement being formalised between the parties setting out each party's obligations.

NOW THEREFORE the parties agree as follows:

1. The **MUNICIPALITY** hereby authorises the **APPLICANT** to restrict the access to
.....
.....
(name the street or streets, township and times where restriction will apply) in terms of Section 45 of the Act for a period of years from the date of publication of the authorisation in the Provincial Gazette in terms of Section 44(4) of the Act.
2. Prior to the date of publication of the authorisation mentioned in Clause 1, by receiving permission to restrict access to the area mentioned in 1., the **APPLICANT** shall submit proof to the **MUNICIPALITY** that the following obligations have been met:
 - 2.1 The approval of a site development plan and building plan by the Council. The site development plan must indicate the following:
 - 2.1.1 the recommendations of the traffic impact study (including the signage and road marking plan);
 - 2.1.2 the exact location of the physical structure;
 - 2.1.3 the location and dimensions of information signage;
 - 2.1.4 the location and dimensions of guard huts and / or toilet facilities;
 - 2.1.5 the width of the access;
 - 2.1.6 the location of Council services such as water, sewer, electricity storm water catch pits and fire hydrants; and
 - 2.1.7 the distance from the intersection to the physical structure.
 - 2.2 The submission of written proof to the **MUNICIPALITY** that a Section 21 company or similar legal entity or association has been established.
 - 2.3 The submission of written proof that a public liability policy has been taken out and maintained for the period mentioned in 1. in terms of which the **MUNICIPALITY** and the **APPLICANT** enjoy full coverage for their respective rights and interests, subject to the following:
 - 2.3.1 A copy of the policy document together with written proof that the premium has been paid in full must be submitted to the **MUNICIPALITY**.

- 2.3.2 During the period of insurance, the policy must provide for claims of at least R2 000 000 (two million Rand) per incident, the number of incidents being unlimited.
- 2.3.3 The **MUNICIPALITY** reserves the right to insist on increased insurance coverage if, in its sole discretion, this is deemed necessary.
- 2.4 The submission of a non-interest bearing deposit or bank guarantee equal to 20% (twenty percent) of the erection costs (material and labour) of the access control structures erected on the road and road reserve. Such deposit 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.
- 2.5 Pay on demand from the **MUNICIPALITY**, the cost of advertising the Scheme in the local newspaper and the Provincial Gazette.
- 2.6 To bear all costs relating, inter alia, but not limited to the following:
- 2.6.1 the construction of all access control structures, turning facilities, road widening and / or traffic calming or improvement measures including signage required by the **MUNICIPALITY** in a manner and at the location approved by the Executive Director: Roads, Transport and Civil Works, Executive Director: Public Safety and the Executive Director: Municipal Infrastructure or their nominees;
- 2.6.2 the consumption and reparation and/ or relocation of municipal services and / or service connections; and
- 2.6.3 the installation and maintenance of any additional essential engineering services required in accordance with the standard of the **MUNICIPALITY** (or a standard agreed on beforehand). No person may carry out work on the services or interfere with the services without the prior approval of the **MUNICIPALITY**.
- 2.7 At its own expense and to the satisfaction of the Executive Director: Roads, Transport and Civil Works display road signs within and outside the restricted area to warn / guide / inform road users and pedestrians of the access control measures and to effectively direct / re-direct traffic to access control points which information signs should include clearly visible written information regarding the opening hours (if applicable) and telephone numbers to be dialed by emergency personnel, officials of the **MUNICIPALITY** and the general public, in order to gain access.
- 2.8 Obtain the approval from servitude holders and service providers such as Rand Water, Eskom, Telkom, etc.
3. During the operation of the scheme the **APPLICANT** will be responsible –
- 3.1 To bear all costs relating to –

- 3.1.1 the maintenance of all equipment and material (including fences) used for installing the access restriction measures; and
 - 3.1.2 the management of access control as well as upgrading and any alterations to the road network (if necessary); and
 - 3.1.3 the consumption of services and repairs to any services on the **MUNICIPALITY's** property which may have been damaged during construction or thereafter.
- 3.2 To comply with an instruction from the **MUNICIPALITY** to re-open any road(s) which have been closed in terms of the approval by the **MUNICIPALITY** and suspend the operation of the restriction for a specified period, remove or replace any access control structure at the **APPLICANT's** expense and within a period specified by the **MUNICIPALITY**, in the following instances:
 - 3.2.1 when the terms and conditions to the restriction of access are not fully complied with;
 - 3.2.2 when the public place is to be utilised by the **MUNICIPALITY** for any other purpose.
- 3.3 To comply with an instruction of the **MUNICIPALITY** requiring alterations at the **APPLICANT's** expense when access control operations create traffic problems or if any other problem occurs.
- 3.4 To supply written proof to the **MUNICIPALITY** –
 - 3.4.1 that the premiums in respect of the public liability policy has been paid up in terms of Clause 2.3; and
 - 3.4.2 that the policy has been renewed for a further period.
- 3.5 To control access in a manner that upholds the constitutional rights of the people of the Republic of South Africa with particular regard to privacy, dignity, equality and freedom of movement, residence and the right to enter anywhere. (The Constitution of the Republic of South Africa, 1996 [Act 108 of 1996] must be taken into account in any decision on whether or how to balance the security needs and endeavours of one group against the freedom of movement and protection of the aforementioned rights of others. The authorisation of access will therefore take into consideration the constitutional rights of residents, both in favour of and against the control as well as the rights of non-residents).
- 3.6 To accept full responsibility towards all the residents of the area referred to in 1. as far as ingress / egress arrangements to and from the area (i.e. access cards) and managing access control (i.e. instruction to security personnel, payments, visitor arrangements, etc.) are concerned.
- 3.7 To allow full, free and unhindered vehicular and pedestrian access to the public, any Municipal official (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. (The very words “restrict or restriction” indicate that what is envisaged is a limitation or control on access, but not total denial or prevention of access).

3.8 To man all access control points by a gatekeeper / security officer on a 24-hour basis, unless the MUNICIPALITY is satisfied that:

3.8.1 alternative access control measures (occasionally manned booms, unmanned electrical gates and palisade fencing) are technically feasible and legally justifiable; and

3.8.2 sufficient measures have been taken in the case of booms operating during approved limited hours or electric gates, pertaining to accessibility in an emergency situation or in the event of a power failure; and

3.8.3 all participants in the scheme indemnified the MUNICIPALITY against any claim that may arise from the fact that the access control point denied emergency staff full, free and unhindered access to the area.

3.9 To submit an application for the renewal of the authority to restrict access 1 (one) month prior to the expiry of the term mentioned in 1. as required in terms of Section 46 of the Act.

4. By permitting access control to the area mentioned in 1. the **MUNICIPALITY** -

4.1 undertakes to maintain all existing essential services;

4.2 reserves the right to utilise the deposit or guarantee mentioned in 2.4 to recover costs incurred by the **MUNICIPALITY** for removing any means of restriction when necessary in terms of Section 46(5) of the Act;

4.3 reserves the right to instruct the **APPLICANT** to re-open any road(s) which have been closed in terms of the approval and to remove or replace any access control structure(s) at the **APPLICANT**'s expense and within a period specified in the following instances:

4.3.1 when the terms and conditions relating to the restriction of access are not fully complied with;

4.3.2 when the public place is to be utilised by the **MUNICIPALITY** for any other purpose;

4.4 reserves the right to re-open the roads immediately and remove any access control structures and recover from the **APPLICANT** all costs incurred in the event of the **APPLICANT** failing to comply with the instruction referred to in 4.3;

4.5 reserves the right to require alterations at the **APPLICANT's** expense if access control operations create traffic problems or if any other problem occurs.

TERMINATION

- 5. This agreement and the authority to restrict access to the area mentioned in 1. expires on unless an application in terms of Section 46, complying with the law and the **MUNICIPALITY's** policy, has been submitted. Such renewal application does not fetter **MUNICIPALITY's** discretion in any manner whatsoever.
- 6. For purposes of Section 46(2)(b), 1 (one) month is interpreted as meaning 1 (one) calendar month.
- 7. On expiry of the authority and should no application for the renewal be received on time, all roads shall be re-opened and all access control measures shall be removed by and at the cost of the **APPLICANT**. If the **APPLICANT** fails to re-open the roads and to remove all structures, the **MUNICIPALITY** will have the roads re-opened and the structures removed and recover the cost from the **APPLICANT**.

INDEMNITY

8. The **APPLICANT** hereby and by signing this agreement indemnifies the **MUNICIPALITY** and holds it harmless in respect of any claims for loss, costs and damage that may be made against the **MUNICIPALITY** by third parties by reason of the permission granted to restrict access to the area mentioned in 1. This indemnity extending further to cover all legal or other expenses that may be incurred by the **MUNICIPALITY** in examining, resisting or settling any such claim.

GENERAL

- 9. The parties agree that the implementation of restriction of access and access management measures are temporary measures to assist in improving the safety and security within existing suburbs and neighbourhoods.
- 10. For the purposes of this agreement the **MUNICIPALITY** chooses *domicilium citandi et executandi* at the office of its City Manager, Room, EGSC Building, cor Roses and Cross Streets, Germiston, and the **APPLICANT** at the following address (not a post office box):
.....
.....
.....
- 11. The parties consent to the jurisdiction of the magistrates court in respect of all disputes, suits or actions arising from this agreement, provided that the parties may sue in any appropriate forum.

- 12. The **APPLICANT** acknowledges that no representations have been made or warranties given to it save those expressly stated in this agreement.
- 13. This agreement shall not be altered, amended or added to except by way of a separate document signed on behalf of the parties.

Signed on behalf of the **APPLICANT** at on the
day of 20....

AS WITNESS

- 1.
- 2.
.....

APPLICANT

Signed on behalf of the **APPLICANT** at on the
day of 20....

AS WITNESS

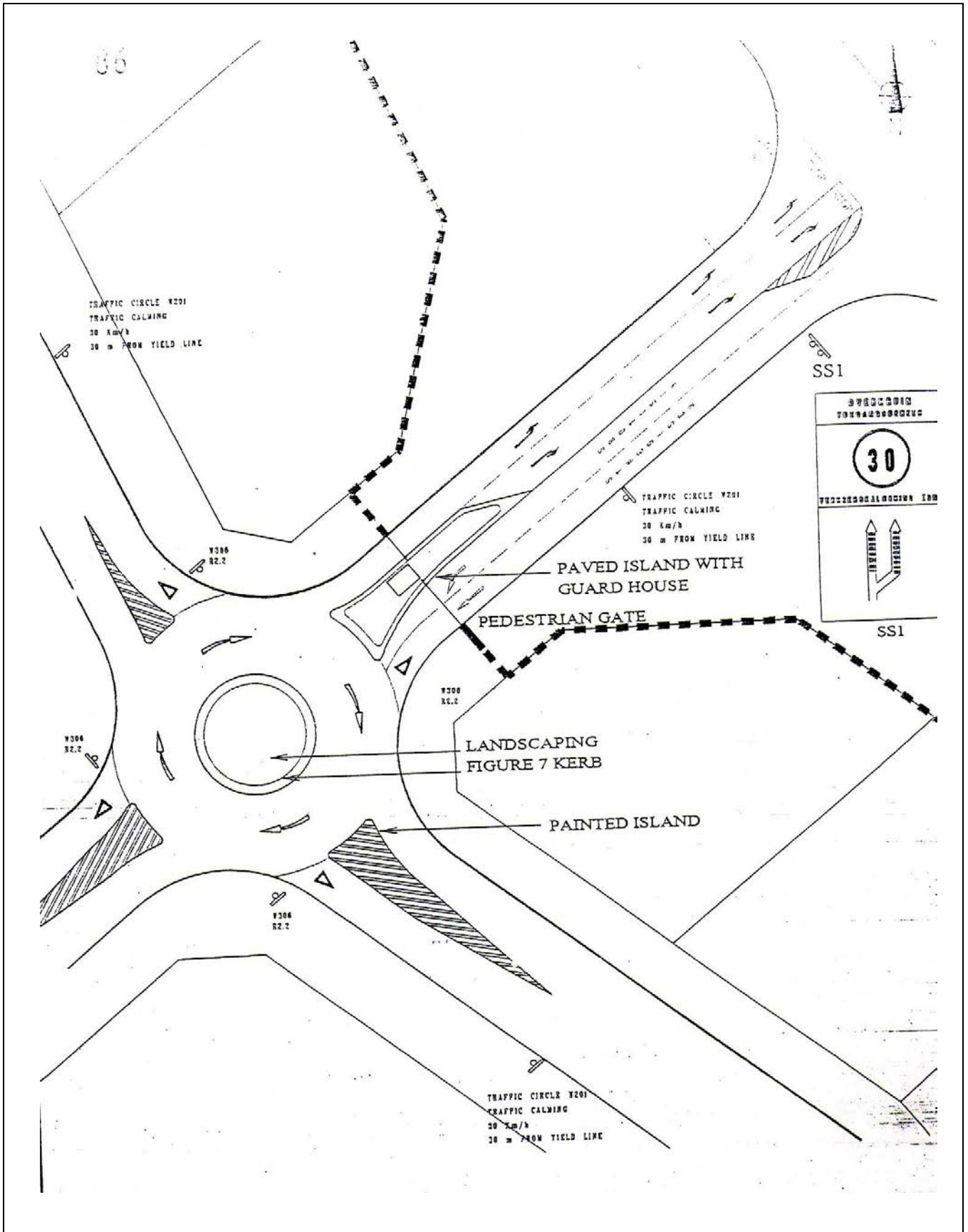
- 1.
- 2.
.....

MUNICIPALITY

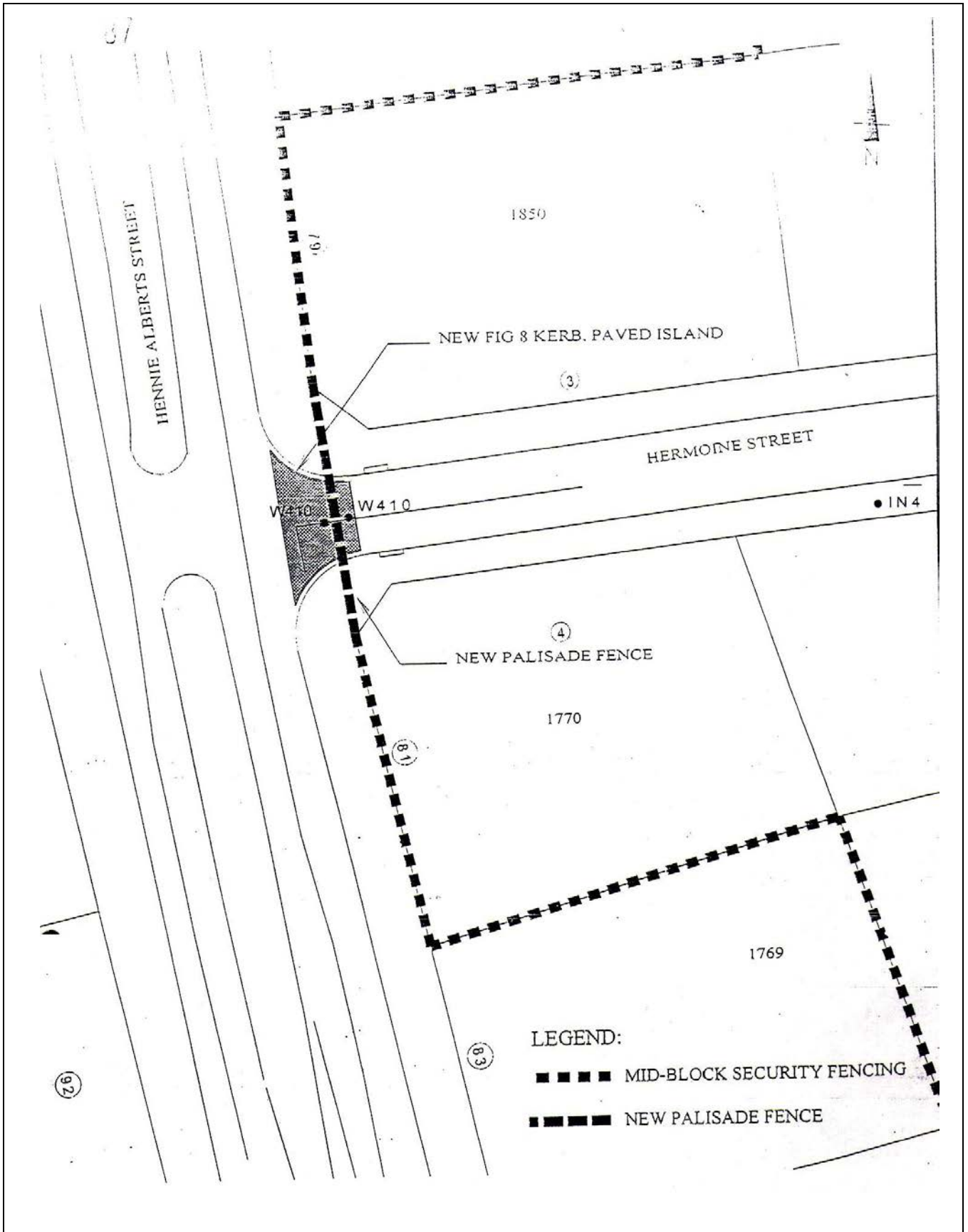
ANNEXURE I

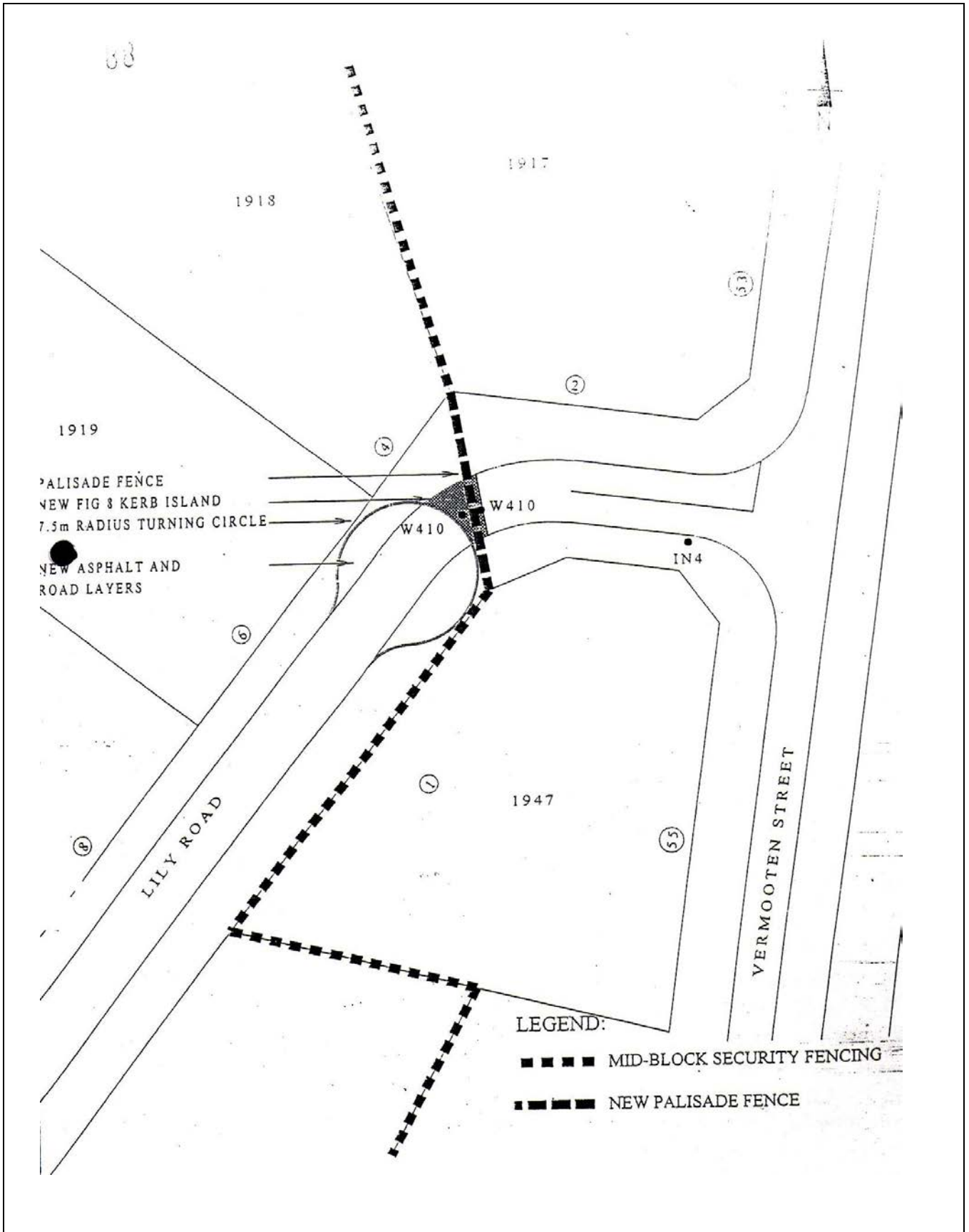
EXAMPLE LAYOUTS

- **LOCAL AREA TRAFFIC MANAGEMENT AT NETWORK LEVEL**
- **ACCESS CONTROL POINT**
- **STREET CLOSURE WITHOUT TURNING CIRCLE**
- **STREET CLOSURE WITH TURNING CIRCLE**



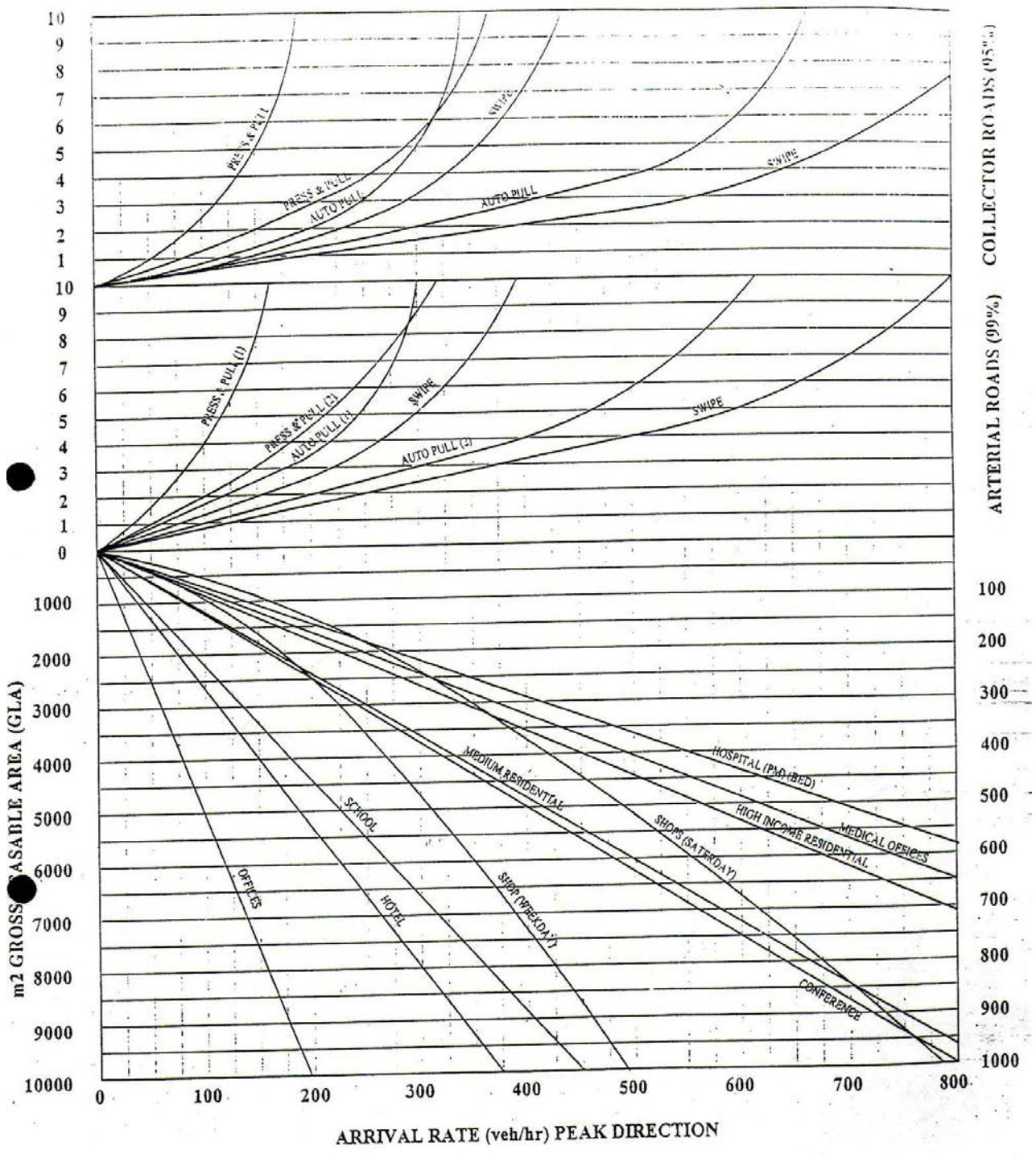
EXAMPLE LAYOUT : ACCESS CONTROL POINT





ANNEXURE J

DIAGRAM INDICATING STORAGE LENGTH REQUIRED FOR VARIOUS LAND USE AND ACCESS CONTROL TYPES



ANNEXURE K

**PRO FORMA : FINAL APPROVAL TO
COMMENCE WITH IMPLEMENTATION
FORM NUMBER EMM C& L : 6**

FORM EMC C & L : 5


Ekurhuleni
 METROPOLITAN MUNICIPALITY

PRO FORMA
TITLE : RESTRICTION OF ACCESS TO PUBLIC PLACES FOR SAFETY AND SECURITY PURPOSES
ITEM : FINAL APPROVAL TO COMMENCE WITH IMPLEMENTATION

EMC Ref :

Application Ref :

Date :

For attention :

To : The Applicant

Address :

Sir / Madam

APPLICATION TO RESTRICT ACCESS TO A PUBLIC PLACE FOR SAFETY AND SECURITY PURPOSES :

Your application has reference. Please indicate the above EMC reference number in all your correspondence.

You are hereby granted permission to commence with the implementation of the approved proposals for access restriction subject to the following :

- That the conditions as stated in the EMC Working Group / Council Resolution and agreement, are met
- That the guidelines of the EMC as documented in report are adhered to.
- That no construction commences without written approval by all the relevant service owners (wayleave) has been obtained and conditions are met.
- That the Town Engineer is informed in writing of the commencement date of the construction works.

Your contact official of the EMC with regard to the implementation of this restriction is :

NAME :

ADDRESS :

FAX :

TEL :

Yours faithfully

ANNEXURE L

TECHNICAL GUIDELINES FOR TRAFFIC IMPACT STUDIES OF ENCLOSED NEIGHBOURHOODS



Ekurhuleni
METROPOLITAN MUNICIPALITY

**TECHNICAL GUIDELINES FOR TRAFFIC
IMPACT STUDIES OF ENCLOSED
NEIGHBOURHOODS**

July 2003

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Project Title: Technical Guidelines for Traffic Impact Studies of Enclosed Neighbourhoods

Prepared for: Ekurhuleni Metropolitan Municipality (EMM)

Prepared by: ITS (Pty) Ltd
Traffic Transportation and Civil Engineers
P.O. Box 75100, Lynnwood Ridge, 0040

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Date: July 2003

Report Status: Final

EXECUTIVE SUMMARY

The existing Ekurhuleni Metropolitan Municipality (EMM) policy for enclosed neighbourhoods that was compiled by Van Straten and Associates, during August 2001, outlines the broader application procedure. Although this document is quite extensive, the need for a more technical guideline document that focuses on the preparation and evaluation of traffic impact studies of enclosed neighbourhoods was identified. This guideline document provides that technical information required completing a traffic impact study to the satisfaction of the EMM. This document outlines the scope of work and process to be followed in the completion of a traffic impact study. The most important element of this document is an outline of a typical traffic impact study that must be used by traffic engineering professionals in the preparation of a traffic impact study. Typical examples of Figures and a Checklist are also provided.

**TECHNICAL GUIDELINES FOR TRAFFIC IMPACT STUDIES
OF ENCLOSED NEIGHBOURHOODS**

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**TECHNICAL GUIDELINES FOR TRAFFIC IMPACT STUDIES
OF ENCLOSED NEIGHBOURHOODS**

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TECHNICAL GUIDELINES FOR TRAFFIC IMPACT STUDIES OF ENCLOSED NEIGHBOURHOODS

1. INTRODUCTION

1.1 Background

The Gauteng Provincial Government promulgated the Rationalisation of Local Government Affairs Act (Act 10 of 1998), which deals with “the restriction of access to public places for safety and security purposes”. Escalation of crime is acknowledged in Chapter 7 of this act which gives citizens the right to restrict access to public places (*after compliance with the necessary application procedure*) in order to “enhance safety and security” in residential neighbourhoods. Each Municipality must however prepare its own guideline document on the requirements to prepare a traffic impact study, the process to be followed by the applicant as well as approval criteria required by the Council.

The existing Ekurhuleni Metropolitan Municipality (EMM) policy outlines the broader application procedure for enclosed neighbourhoods. Van Straten and Associates compiled this policy document during August 2001. Although this document is quite extensive, the need for a more technical guideline document that focuses on the preparation and evaluation of traffic impact studies of enclosed neighbourhoods was identified. This guideline document provides that technical information required for completing a traffic impact study to the satisfaction of the Ekurhuleni Metropolitan Municipality. ITS (Pty) Ltd was appointed by the EMM to prepare a guideline document in the form of a traffic impact study to highlight the topics that must be addressed.

An enclosed neighbourhood is an existing residential area that was not originally planned to operate with access control measures. This guideline document can also be used for traffic impact studies of new security village developments or secure industrial developments.

1.2 Scope

This guideline document applies only to the preparation and evaluation of traffic impact studies of enclosed neighbourhoods, security village developments or secure industrial developments. It remains the responsibility of the applicant to familiarise himself or herself with the wider application process.

1.3 Objectives

The objectives of this guideline document are as follows:

- (a) To provide guidelines for the preparation and evaluation of traffic impact studies of enclosed neighbourhoods for the Ekurhuleni Metropolitan Municipality (EMM),
- (b) to develop standards to be used by Traffic Engineering Professionals,

- (c) to ensure uniformity in the preparation of traffic impact studies, and
- (d) to ensure the uniformity in the evaluation by the EMM.

1.4 Process

The recommended process for the execution of a traffic impact study (TIS) and the subsequent work, includes the following phases:

(a) Phase 1 - Traffic Impact Study

- (1) Appoint an EMM approved traffic engineering professional,
- (2) define the extent of the proposed enclosed and wider affected area,
- (3) liaise with officials from EMM on specific items to be addressed,
- (4) collect data (traffic counts, geometric surveys, etc.),
- (5) compile traffic impact study (including drawings),
- (6) submit report to the EMM (including application), and
- (7) approval or rejection of traffic impact study.

(b) Phase 2 - Detail Design and Working Drawings

Although not part of a traffic impact study, the outline of this part of the process is as follows:

- (1) Geometric survey by a land surveyor,
- (2) indicate all services (water, electricity, sewer, telkom, gas, etc.) on plan,
- (3) detail geometric access design and access control structures design,
- (4) finalise design and submit for approval to EMM,
- (5) obtain permission to work in the road reserve from EMM as well as all service (water, electricity, sewer, telkom, gas, etc.) owners,
- (6) provide written and financial guarantees to EMM for the possible removal of closures or access control structures according to relevant EMM policy,
- (7) ensure that public liability is in place during both the construction phase as well as the operational phase, and
- (8) obtain approval of building plans and site development plans (SDP) before construction commences.

(c) Phase 3 - Construction

- (1) Prepare tender documents (as and when required),
- (2) ensure all existing services are protected or relocated,
- (3) consult with EMM officials and ensure representative of EMM, the applicant and contractor meet on site before construction commences,
- (4) site supervision compulsory by engineer for both the building as well as the road works, and
- (5) consult with EMM representative for final site handover inspection.

(d) Phase 4 - Implementation and Monitoring

- (1) The operation of the access control must be surveyed and evaluated with an after study 3 months after the implementation of access control,
- (2) this after study must indicate whether the access operates as specified in the operational plan of the traffic impact study (in terms of delay as well as queue

length requirements),

- (3) if this evaluation indicates unacceptable operations at the access control the EMM reserves the right to enforce alternatives (such as opening of access control structures during peak periods or road improvements) at the cost of the applicant, to ensure acceptable level of service.

(e) Phase 5 - Re-Application

- (1) Approval of enclosed areas is only valid for two years from date of first approval and a re-application as well as the after study (traffic impact study) must be submitted at least two months before this time period lapses,
- (2) extension to a maximum of five years may be granted after the initial two year period at the discretion of the EMM subject to change in legislation, and
- (3) if the access control measures does not comply with the requirements as agreed upon between the applicant and the Council (EMM), the Council reserves the right to enforce the removal of physical structures of access control and road closures at the cost of the applicant.

2. WARRANTS FOR A TRAFFIC IMPACT STUDY

The purpose of warrants for a traffic impact study is to define the extent of the study required for the specific enclosed neighbourhood or enclosed area.

2.1 Warrants for the preparation of a Traffic Impact Study

The guidelines for traffic impact studies from the Department of Transport state that for new developments, the extend of a traffic impact study varies based on the size of and expected trip generation of a development.

Due to the fact that certain critical aspects must be addressed, a traffic impact study must always be prepared, **irrespective of the size of the proposed enclosed area**. However, the extent of any traffic impact study will depend on the number of trips generated, number of redistributed trips and number of access points to the proposed enclosed area.

The extent of the road network and the peak hours to be analysed are shown in Appendix A.

2.2 Aspects to be Investigated in the Traffic Impact Study

The following aspects must be investigated in a traffic impact study:

- (a) The classes of roads that will be included as well as directly affected by the proposed enclosure. These include the following:
 - Class U1 (Primary Metropolitan Distributors),
 - Class U2 (Metropolitan Distributors),

- Class U3 (Urban District Distributors),
- Class U4 (Urban Collectors), and
- Class U5 (Access Streets).

Under NO circumstance shall a Class 1, 2 or 3 road be enclosed by any means of access control.

The closure of a class 4 road may be considered with proper investigation of the following:

- The number of residential trips (from the proposed enclosed area) as well as through traffic volumes must be surveyed,
- if this (class 4) road is a collector for the full proposed enclosed area and no future through function is planned for this road, only sufficient access design will be required,
- however, if this road will in future fulfil a through function or through traffic is currently experienced the following must be determined,
- the number of traffic volumes that will be redistributed (as a guideline it is recommended this volume be less than 100 vehicles during the peak traffic hour period per direction), capacity analysis of wider affected intersections as well as trip length of alternative routes.

If after analysis of the above requirements the affected intersections can be accommodated at acceptable level of service or if road improvements are recommended (at the cost of the applicant) to achieve acceptable level of service, a class 4 road may be included inside the proposed enclosed area. The EMM however, reserves the right to either deny the request to close a class 4 road or request additional upgrades with sufficient motivation.

Class 5 roads may be included with the required access design in terms of delay and queue length requirements.

- (b) Redistribution of traffic (class 4 and 5 roads)
 - internal traffic (due to access points and road closures), and
 - external traffic (due to access points and road closures).
- (c) Positioning of access control structures
 - probability of queues and level of service at affected intersections,
- (d) Redistribution of pedestrian and cyclist routes, and
 - impact on scholar routes and movements,
- (e) Services affected
 - public bus routes,
 - emergency vehicles,
 - municipal services, and
 - taxi routes.

- (f) Access to regional facilities
 - courts rooms, police stations, fire stations, hospitals, educational facilities, etc.
- (g) Businesses operating inside proposed enclosed area
 - a crèche or schools,
 - office developments,
 - filling stations, and
 - retail development.

Note that filling stations and retail developments are not recommended to be included inside enclosed residential neighbourhoods because they are dependant on through traffic movements for viability. If the retail development however consist of a small shop generating income solely from the residential area to be enclosed then it may be considered.

3. TRAFFIC IMPACT STUDY APPROVAL

An EMM approved traffic engineer or technologist must complete the traffic impact statement or study (at the cost of the applicant). The applicant must take cognisance that approval of an application (*after compliance with the necessary application procedure*) is only valid for a two-year period. An application for the renewal or extension of the application for an additional two years period will then have to be submitted. The renewal application will be regarded as a new application and must comply with Section 44 & 45 of the Rationalisations Act, Act 10 of 1998.

The purpose of this technical guideline document is to outline the minimum standards and to provide a platform for a traffic engineer or technologist to compile technical information under headings as specified in the typical format as shown in Appendix A.

4. CHECKLIST FOR THE APPLICANT AND EMM

A checklist for the applicant as well as the EMM is attached in **Appendix D**. This will ensure that the process of evaluation is streamlined by ensuring all the required information is available to make an informed decision.

5. REFERENCES

- (a) Stewart Scott (Pty) Ltd, Technical Guidelines and Criteria for Enclosed Neighbourhoods, City of Tshwane, 2001.
- (b) City of Durban Metropolitan Municipality, Draft Framework for Temporary Security Measures in Residential Areas in Safer City Context, 2002.

- (c) National Development and Planning Commission, 1999, Recourse Document on the chapter 1, Principles of the Development Facilitation Act, 1995.
- (d) Van Straten Associates, Restriction of Access to Public Places for Safety and Security Purposes, Ekurhuleni Metropolitan Municipality, 2001.
- (e) City Council of Pretoria, Guidelines for Traffic Impact Studies, 1998.
- (f) City of Tshwane, Gated Communities and the Restriction of Access to Public Places, 2003.
- (g) Department of Transport, South African Trip Generation Rate Manual, 2nd Edition, June 1995.

APPENDIX A

ENCLOSED NEIGHBOURHOOD TRAFFIC IMPACT STUDY
RECOMMENDED OUTLINE

PROPOSED REPORT SHEET

Project Title:	(Residential Area Name) Enclosed Neighbourhood
Prepared for:	Ekurhuleni Metropolitan Municipality (EMM)
Prepared by:	(Company Name)
Project Team:	Name and Surname Position
Contact Numbers:	Tel. (011) Fax. (011)
Date:	July 2003
Report Status:	Discussion / Draft / Final

DECLARATION

I certify that this TRAFFIC IMPACT STATEMENT / STUDY has been prepared under my immediate supervision and I have experience and training in the field of traffic and transportation engineering.

Signed:

Name:

Qualification:

ECSA Registration Number:

Company:

ENCLOSED NEIGHBOURHOOD TRAFFIC IMPACT STUDY RECOMMENDED OUTLINE

1. BACKGROUND

- 1.1 State the purpose of the report.
- 1.2 Name the section 21 Company (homeowners association).
- 1.3 State the name of the proclaimed township (including township extension).
- 1.4 Provide a locality plan and show the proposed borders (**Figure 1, Appendix B**).
- 1.5 Describe the borders of the proposed enclosed area and provide a S.G. diagram (including erf boundaries, servitudes, etc. as shown in **Figure 1, Appendix B**).
- 1.6 Provide the number of flats, complexes, duplexes or full title residential units that will be enclosed and provide a detail breakdown thereof.
- 1.7 Specify the name of EMM approved traffic engineering professional.
- 1.8 Give a brief description of the planned scope of work.

2. ROAD NETWORK AND HIERARCHY

- 2.1 Name, provide road class (class 1,2,3,4 or 5) and discuss the road hierarchy of the roads that will be included inside or will be directly affected by the proposed enclosure (**Figure 2, Appendix B**).
- 2.2 Give comments on current traffic situation with reference to congestion and spare capacity on links and intersections.
- 2.3 Compare recommendations on access with local area traffic management (LATM) in terms of road class as well as access management plans (if existing).
- 2.4 Provide an appropriate (typically 1:50 000) scale plan that shows the future planned regional road network and indicate development position and possible impact on future road planning (**Figure 3, Appendix B**). Also determine time scales for construction of these planned roads and impact on proposed enclosed area.

3. LAND USE RIGHTS

- 3.1 Provide a plan showing all existing and future land use rights (residential, school, park, church, etc.) and discuss (**Figure 4, Appendix B**).
- 3.2 Indicate vacant or undeveloped stands with possibility for development.
- 3.3 Determine existing and future number of erven and zoning thereof.
- 3.4 Determine additional vehicle trips that will be generated as a result of undeveloped stands inside or outside the proposed enclosure that could influence the proposed enclosed neighbourhood.

A trip generation rate of 1,5 vehicle trips per residential unit with a directional split of 25%:75% in:out can be used for the AM peak hour. The same trip generation rate can be used for the PM peak hour but an opposite 75%:25% in:out directional split.

If the proposed enclosed area consists of a mixed land use then the new trips for

- undeveloped land can be obtained from the South African Trip Generation Rate Manual or from existing surveyed trip characteristics.
- 3.5 Obtain permission in writing from vacant land use owners to include vacant land into proposed enclosed area (determine influence on percentage participation).
 - 3.6 Obtain integrated development plan (IDP) of area and indicate future planning.
 - 3.7 Discuss influence of proposed enclosed area on IDP.
 - 3.8 Indicate if this proposed enclosed area application restrict or exclude adjacent areas from applying or implementing similar access restrictions.
 - 3.9 Specify the peak hours to be analysed as shown in **Table 3.1**.

Table 3.1: Recommended Peak Hours to Analyse

1.	Typical weekday (Tuesday to Thursday) AM and PM peak hour traffic volumes (excluding school and public holidays) if the development consists solely of residential units.
2.	If the development consists of a combination of residential and any other type of development all the peak periods as specified in the document SATGR* must be surveyed and analysed (example school - AM peak hour and Lunch peak hour)

*SATGR - South African Trip Generation Rate Manual

- 3.10 Specify the horizon years to be analysed as shown in **Table 3.2**.

Table 3.2: Horizon Years to Analyse

1.	If the area is fully developed, with no possibility of subdivision or further development that could influence the proposed enclosed area - analyse base year only
2.	If there is possibility of subdivision or further development that could influence the proposed enclosed area - analyse possible full development in the year that it is expected to be developed

- 3.11 Note that some land uses, such as retail, are not to be included inside an enclosed area (liase with EMM representatives).

4. DATA COLLECTION

- 4.1 Liase with EMM representative to define the recommended study area. Use **Table 4.1** as a guideline to determine the amount of intersections to be included.

Table 4.1: Defining the Recommended Study Area

1.	All elements of the road infrastructure included in the enclosed area - all the intersections located and intersecting on the outer border of the proposed enclosure
2.	All future road elements of road infrastructure where 75 additional redistributed trips** are added to the critical lane traffic volume or if

	100 total additional redistributed trips are added to the intersection
3.	In the case of dense urban development a maximum distance of 1,5km from edge of the boundary of the proposed enclosure is recommended
4.	Discretion of the Ekurhuleni Metropolitan Municipality (EMM) ^{***}

^{**} redistributed trips refer to the peak hour redistributed traffic volumes

^{***} the EMM can require that any other road elements be analysed based on site-specific aspects

- 4.2 Analyse the layout of the proposed enclosed area and make recommendations on the type of traffic counts to be conducted. This could include normal 15-minute interval traffic counts at intersections or Origin Destination (OD) traffic counts depending on the possibility of through traffic movements.
- 4.3 Survey present normal weekday (Tuesday to Thursday, excluding public and school holidays) AM and PM peak hour traffic, pedestrians, cyclist and public transport volumes (**Figure 5 Appendix B**).
- 4.4 If the proposed enclosed area is close to a school or affected by scholar movements, the lunchtime peak hour traffic volumes must also be surveyed.
- 4.5 Determine through traffic volumes and category of through traffic to be redistributed such as school trips, work trips, residential trips, buses, taxis, etc.
- 4.6 Determine present utilisation of and traffic volumes at access points and calculate trip generation rate per residential unit (as shown in **Table 4.2**).

Table 4.2: Present AM peak hour Traffic Volumes (Example)

	Access at	IN	OUT	Distribution	Total
1.	Road A south of Road	B 5	15	6%	20
2.	Road C west of Road	D 44	65	34%	109
3.	Road E north of Road	F 15	30	14%	45
4.	Road G east of Road	H 60	85	45%	145
Total Volumes (in:out)		124	195		319
Total Percentage Split (in:out)		39%	61%	100%	
Trip Generation Rate (vph per residential unit) 250 units					1.3

5. REDISTRIBUTION OF TRAFFIC

- 5.1 Compare the surveyed trip generation rate from **Table 4.2** with the recommended 1,5 vph trip generation rate.
- 5.2 If the surveyed trip generation rate is higher than the recommended trip generation rate this could indicate the presence of through traffic.
- 5.3 Provide possible reasons why the surveyed trip generation rate is lower or higher than the recommended trip generation rate.
- 5.4 Calculate the through traffic volumes and indicate which access points are presently utilised by through traffic.
- 5.5 Motivate which access point is better suited for closures, unmanned access control or

- manned access control.
- 5.6 Redistribute internal and through trips (as well as new trips from vacant stands) to the proposed access points.
- 5.7 Prepare a figure that indicates the expected redistributed traffic volumes (**Figure 6, Appendix B**).
- 5.8 Prepare a figure that indicates the expected total redistributed traffic volumes at access points and intersections.

6. POSITIONING OF ACCESS CONTROL STRUCTURES

- 6.1 Each development must have at least one 24 hour manned access point regardless of the size of the proposed enclosed area.
- 6.2 A schematic drawing with description must be provided of each access point in terms of type of structures and location of structures to be provided.
- 6.3 Drawings should indicate position of erf boundaries, services, kerbs, accesses, roadmarkings, trees, booms, guardhouse, road signs, information signs etc.
- 6.4 Provide a locality plan with legend showing the locality of proposed access control structures.
- 6.5 Indicate how access will be provided to future undeveloped land (if applicable).
- 6.6 Each access point (manned or unmanned) or road closure must display the contact details of a person that will be able to respond in case of an emergency.
- 6.7 Consent from the adjacent affected land owners must be obtained.

7. CAPACITY ANALYSIS AND DESIGN REQUIREMENTS

7.1 Intersections

- 7.1.1 The present level of service (LOS) of all affected intersections must be determined and compared with the expected change in level of service after redistribution of residential as well as through traffic volumes. If a drop in level of service occurs to below LOS D, all affected intersections must be upgraded (at the cost of the applicant).
- 7.1.2 Analyse all affected intersections and show existing and proposed level of service (LOS) as well as delay and present in tabular format (example as shown in **Appendix C**).
- 7.1.3 From the results of the capacity analysis make recommendations on intersection improvements for safety and capacity purposes.
- 7.1.4 Consider alternatives where intersection improvements are required (two way stop, all way stop, traffic signal, traffic circle to improve circulation, etc.)

7.2 Accesses

- 7.2.1 Determine the expected traffic volumes at each access point with the redistribution

of traffic volumes (including expected vacant stands trips).

- 7.2.2 Calculate the design peak hour traffic flow by dividing the peak hour traffic volume with the peak hour factor (PHF).
- 7.2.3 Use the design peak hour flow for design purposes of storage lane requirements.
- 7.2.4 Determine the change in percentage utilisation as well as the change in actual traffic volumes at each access point and indicate these on a plan.
- 7.2.5 Different types of access control have different design service rates and recommended values are given in **Table 7.1** below.

Table 7.1: Design Service Rates of Access Control

Type of Control	Means of Operation	Gate Type	Design Service Rate (vph)	Service Times (sec)
Ticket Dispenser	Automatic	Boom	300 - 400	9 - 12
	Push Button	Boom	250 - 350	10 - 14
Coded Card Reader	Swipe (Magnetic Strip)	Boom	250 - 350	10 - 14
		Swing or Sliding Gate	200	18
Proximity Card Reader	Radio Frequency	Boom	350 - 450	7 - 10
		Swing or Sliding Gate	200	18
Remote Control	Radio Frequency	Boom	450	8
		Swing or Sliding Gate	200	18
Manual Control	Attendant	Boom	100 - 200	18 - 36

- 7.2.6 Connect the design service rate (of the selected access control method) with the design peak hour traffic volumes (as shown in **Table 7.2** below) to determine the minimum required storage lane length at each access point. A8 Appendix A

Table 7.2: Recommended Minimum Storage Lane Requirements

Design Service Rate	Design Peak Hour Traffic Volume per Lane (vph)						
	100	115	135	150	165	185	200
200	100	115	135	150	165	185	200
250	130	150	170	190	210	230	250
300	155	180	200	225	250	270	295
350	185	210	235	265	290	315	345
400	210	240	270	300	330	360	390
450	240	270	305	340	370	405	440
Min. Storage Space Required	12m	18m	24m	30m	36m	42m	48m

In a scenario where the design peak hour traffic volumes is in excess of the volumes as specified in **Table 7.2**, alternative types of access control should be investigated or additional lanes must be provided. The design peak hour volume is then divided by the number of lanes provided.

The storage lane length must be determined from the stop line at the gate to the nearest edge of the kerb line of the intersecting crossroad.

- 7.2.7 Calculate storage lane length as well as minimum number of lanes required on both the inbound and outbound lanes.
- 7.2.8 The minimum recommended storage lane length irrespective of traffic volumes should be 12m for safety purposes.
- 7.2.9 List the roads where access control is proposed and provide information on road reserve widths. Indicate if the proposed access configuration can be constructed (ensure that sufficient space is available for pedestrian movements).
- 7.2.10 Discuss recommendations on possible internal circulation improvements.

Note that a separate short visitor lane (that can accommodate 10% of the expected total inbound traffic) must be provided at the access point to ensure free flow to residents. The calculations of this storage lane length will be similar to residential traffic.

8. OPERATIONAL ASPECTS

The operational rules, in terms of exactly what happens when a resident (one that contributes to the scheme or not) or visitor approach any access point, must clearly be described and a delay in seconds must be allocated for each scenario. The access design in terms of storage lane length is a function of the delay caused by obtaining information from visitors and residents and therefore the delay is crucial in the design of each access point. The expected delay in seconds for each access control type is shown in **Table 7.1**.

- 8.1 Stipulate operational rules for each access and provide an operational plan.
- 8.2 The times when each access points will be in operation must be shown on a notice sign outside each gate (remember that at least one access point must be manned 24 hours).
- 8.3 Describe the type of access control (such as remote control, swipe card, ID cards, windscreen discs, log books, etc.) and specify the design service rate.
- 8.4 Describe how residents and visitors will be accommodated at each access point (detail step by step description) and provide estimated delay in seconds.
- 8.5 Describe how existing through traffic will be accommodated in this development (will they be redistributed or will they receive access cards or remote controls?).
- 8.6 Describe the functioning of access points (such as guard attendance, roaming guards, emergency response, patrol vehicles, CCTV cameras, etc.).
- 8.7 Specify the type of legal businesses (home based, nursery school, etc.) and provide recommendations to accommodate traffic to and from them.
- 8.8 Provide a map at the entrance control point to show the internal layout of the enclosed area.
- 8.9 Provide a plan of action in case of a power failure for boom and sliding gate control access

(no congestion will be allowed due to extended delays).

9. GEOMETRIC DESIGN

No detail geometric surveys from a land surveyor is required as part of a traffic impact study. However, a reasonably accurate geometric survey (to the nearest 200mm) must be supplied of the area where access control is proposed. This is required to ensure that the access control design as proposed is practically possible and also allows for reasonably accurate cost calculations for geometric improvements. An example of a geometric access design for low traffic volumes is shown in **Figure 7, Appendix B**.

- 9.1 Ensure sufficient storage lane length availability as well as obstruction free road reserve width availability for the proposed access design and include drawings in traffic impact study.
- 9.2 Obtain approved latest services plans (water, sewer, gas, electricity, telkom, etc.) and obtain way-leave for the construction in the vicinity of these services.
- 9.3 Only after approval from the RTCW department of the EMM for the traffic impact study, a geometric survey by a land surveyor with detail geometric access design can commence (this is however not part of the required scope of work of a TIS).
- 9.4 This detail geometric design is required by the EMM to obtain approval for the construction in the road reserve as well as the approval of building plans and site development plans.
- 9.5 All surveys must show position of erf boundaries, kerbs, road markings, road signs, trees, any services, etc.
- 9.6 Approved building plans, site development plans and permission for construction in the road reserve is required before construction may commence.
- 9.7 A minimum width of 4,0m free road space and height of 4.2m obstruction free space is required for emergency vehicles in both the inbound as well as the outbound lanes (lanes must be clearly marked to indicate which lanes must be used by emergency vehicles).
- 9.8 A pedestrian footpath with minimum 1,4m width must be supplied at the access control point without conflicting vehicular movements.
- 9.9 The UTG 5 (class 4), 7 (class 5) and 10 (industrial local streets class 5) must be used in the geometric improvements required at each access points as well as intersections.
- 9.10 Recommendations on traffic calming measures must be made if required such as speed humps, pedestrian crossings, etc. for the account of the applicant.
- 9.11 Stormwater management within the road reserve may not be negatively affected by the implementation of any access control infrastructure.
- 9.12 The layer works of new road widening or parking areas must be according to the specifications and satisfaction of the RTCW department from the EMM.
- 9.13 An EMM approved civil engineer must be appointed by the applicant to manage site supervision and to submit a professional engineering certificate at the completion of construction.
- 9.14 Where Cul-de-Sacs are formed at proposed street closures, the design of a turning facility must be according to the satisfaction of the RTCW department from the EMM.
- 9.15 The design of the guardhouse must include a detail design of the sewer to the municipal sewer connection as well as running water and electricity at the cost of the applicant.

10. COST OF ROAD IMPROVEMENTS

- 10.1 The applicant is responsible to pay for all road, geometric or traffic signal settings improvements as well as any recommended traffic calming measures resulting from the application for the proposed enclosed area according to relevant Ekurhuleni Metropolitan Municipality policies.
- 10.2 The applicant is also responsible for all guarantees such as public liability during construction and operations as well as the removal of access control structures if it does not comply with the required agreements according to relevant Ekurhuleni Metropolitan Municipality policies.
- 10.3 It is recommended that estimated cost be allocated for geometric road improvements, guardhouse construction, provision of booms and gates as well as the connection to all municipal services at all access points.

11. EMERGENCY SERVICES, REFUSE REMOVAL AND PUBLIC TRANSPORT

- 11.1 24 Hour unhindered access must be provided to all emergency personnel i.e. police, fire department, ambulances, EMM personnel, etc.
- 11.2 Liase with refuse removal department as well as the public transport service to obtain written approval for relocation (if and when applicable).
- 11.3 Liase with ward Councillor and obtain input and approval of proposed enclosure.
- 11.4 Include letters from the RTCW development of the EMM as well as ward Councillor in the traffic impact study.
- 11.5 Provide drawings of the proposed relocation of refuse removal as well as public transport routes (if and when applicable).
- 11.6 Make recommendations on the manoeuvrability of large (emergency, council, delivery and removal) trucks inside the proposed enclosed area.
- 11.7 Include correspondence and recommendations from officials including the Metro Police Department.
- 11.8 An EMM approved emergency plan must be provided for all scenarios (fire, theft, earthquake, power failure, etc.) and telephone numbers must be supplied for quick response.
- 11.9 The distance of present as well as planned emergency access routes must be provided and a time difference must be determined. Recommendations must be made for quick emergency response times.

12. BUSINESSES INSIDE THE PROPOSED DEVELOPMENT

- 12.1 Obtain existing land use plans from the town-planning department.
- 12.2 Do a visual inspection on businesses operating inside the proposed enclosed area and address this in the traffic impact study.
- 12.3 Provide a breakdown of the types of businesses (home based, nursery school, etc.) and

provide possible solutions to accommodate access to and from them.

- 12.4 Liaise with the EMM officials if all the types of land-uses, operating inside the proposed enclosed area, may be included.
- 12.5 Obtain written approval of businesses that will be included inside the proposed enclosed area.
- 12.6 Liaise with businesses without approved rights.
- 12.7 No advertisements of any business will be allowed on the gates or fences of any access point or closure.

13. PEDESTRIAN, CYCLIST AND PUBLIC TRANSPORT ACCESS

- 13.1 Provide details and figures that show the existing identified pedestrian routes through the proposed enclosed area as well as the recommended relocated routes and show distance and travel time differences (if and where applicable).
- 13.2 Access **may not** be refused, only information as indicated in the operational rules may be obtained according to the relevant EMM policies.
- 13.3 Indicate pedestrian access points on a plan (ensure that no pedestrian or cyclist and vehicular movements are in conflict at any access point).
- 13.4 The redistribution of pedestrian or cycle access points may not result in a scenario where 360m (equal to 5 minute walking distance) are exceeded.
- 13.5 Provide recommendations on traffic calming measures to ensure a safer pedestrian environment inside the enclosed area as well as at the access point.

14. ROAD SIGNAGE AT ACCESS POINTS AND ROAD CLOSURES

- 14.1 Road traffic signs and road markings must be provided at all road closures, access points or intersections inside and outside of the proposed enclosed area according to the South African Road Traffic Signs Manual at the cost of the applicant.
- 14.2 Information signs such as the position of pedestrian and vehicular access points and operational times must be provided at each closure and access point.
- 14.3 Sufficient street lighting must be provided at closures and access points however, these lights must be positioned in such a way as to prevent a blinding effect to drivers.

15. WORKING DRAWINGS

- 15.1 Working drawings must be submitted after receipt of approval for the traffic impact study (this is not part of the scope of work of a traffic impact study).

16. CONCLUSIONS AND RECOMMENDATIONS

- 16.1 Briefly summarise the main items in the traffic impact statement or study.
- 16.2 Indicate that no un-permitted (class 1,2,3 and 4 without proper investigation) roads are included inside the proposed enclosed area.

- 16.3 Motivate if the redistribution of traffic can be accommodated satisfactory.
- 16.4 List the position and type of access control structures including storage requirements and number of inbound and outbound lanes per access point,
- 16.5 Discuss intersections with capacity problems.
- 16.6 Provide information on required road improvements including estimated costs.
- 16.7 Discuss if this application will exclude adjacent areas from applying and implementing similar access restrictions.
- 16.8 Recommend approval or rejection of proposed enclosed area and motivate.
- 16.9 State possible conditions of approval.

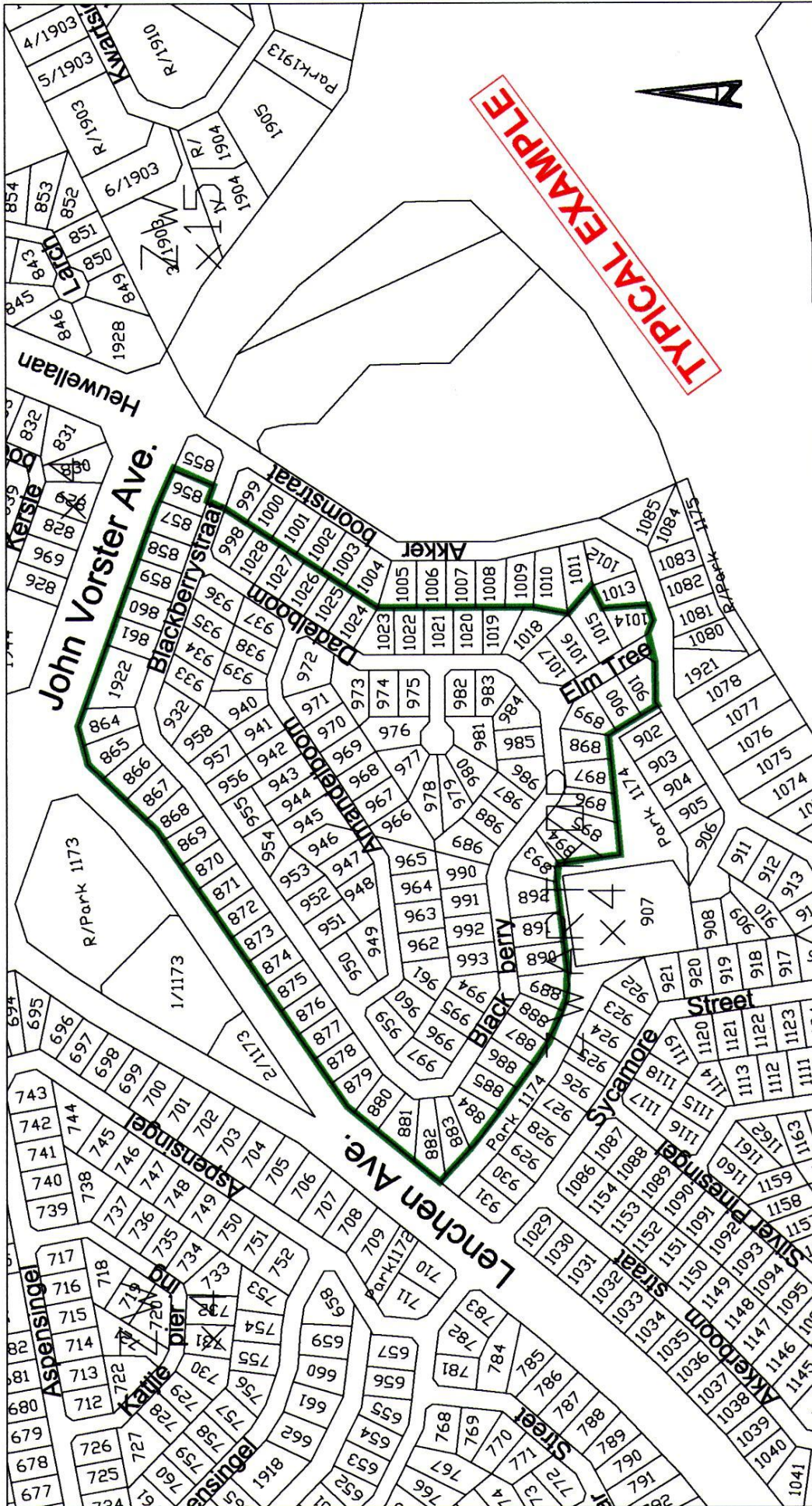
Mention that an evaluation study must be conducted approximately 3 months after implementation of access control to ensure that the operational rules and procedures as specified in the traffic impact statement or study is adhered to. This evaluation study must be submitted together with the original traffic impact statement of study at least 2 months before the 2-year approval period lapses.

The residents directly affected by noise, visual and aesthetic intrusion located close to the access control structures must provide the EMM with written approval supporting the erection of such structures. This correspondence must be attached to the traffic impact statement or study.

The EMM must be indemnified from any damage that might occur from the provision of any additional municipal service at the access control points as well as any form of accident that might occur due to the existence of the access control structures. Any cost and or claims that might arise from this will be for the applicant.

APPENDIX B

TYPICAL FIGURES



Project:

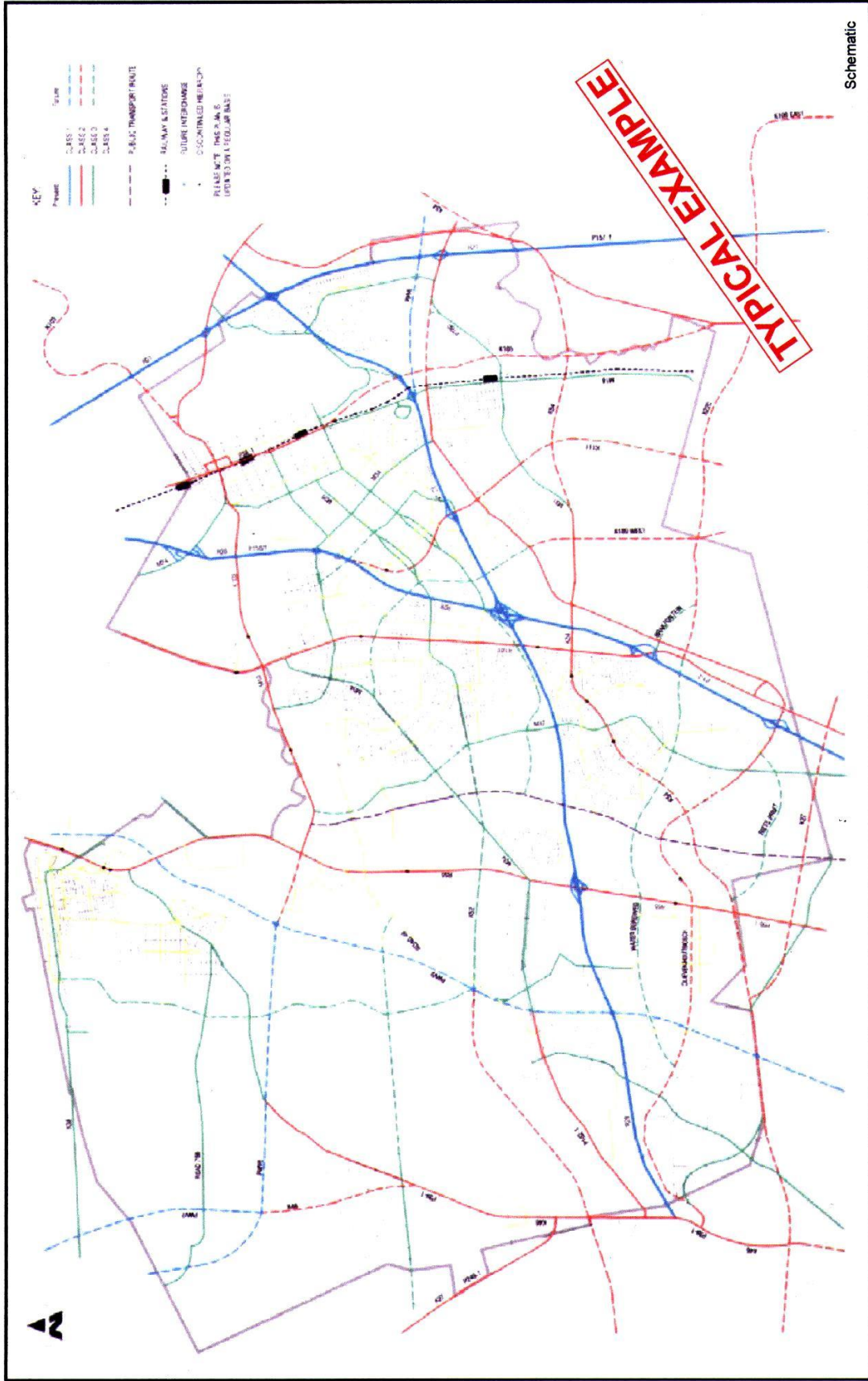
ENCLOSED NEIGHBOURHOOD

Figure:

LOCALITY PLAN / BOUNDARY OF ENCLOSED AREA

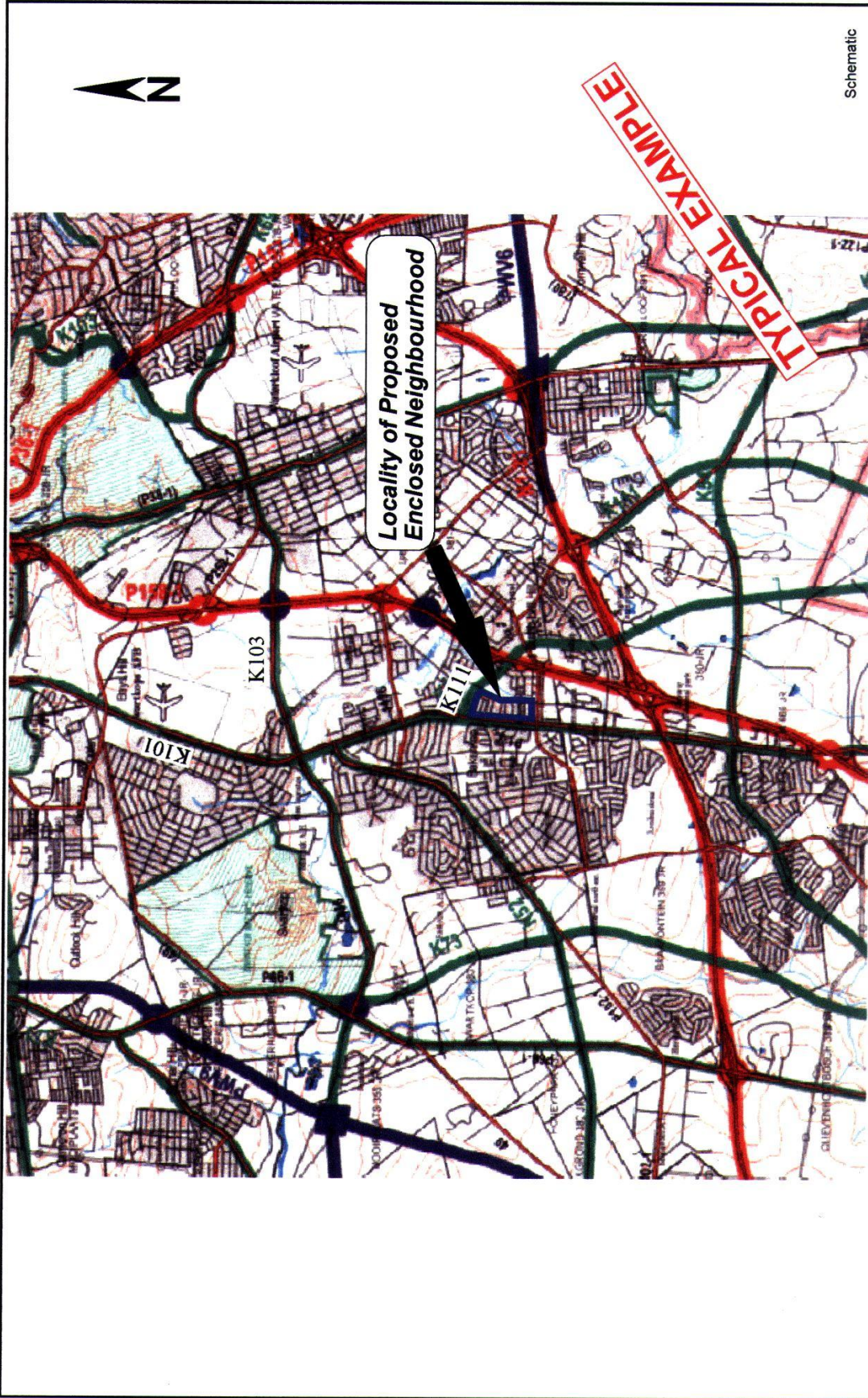
No.:

1



Project: **Enclosed Neighbourhood** Figure: **Road Hierarchy** No. **2**





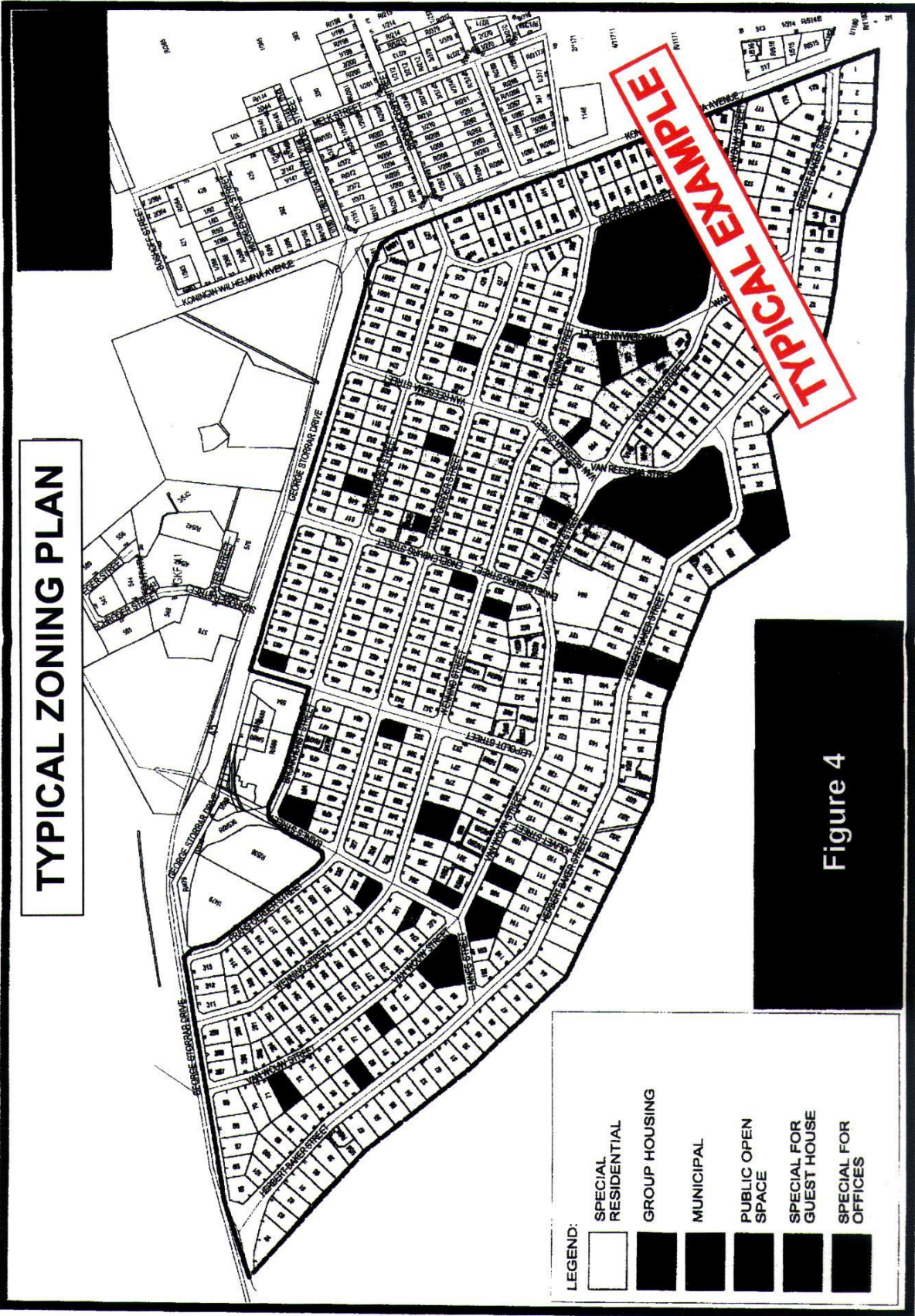
Project:

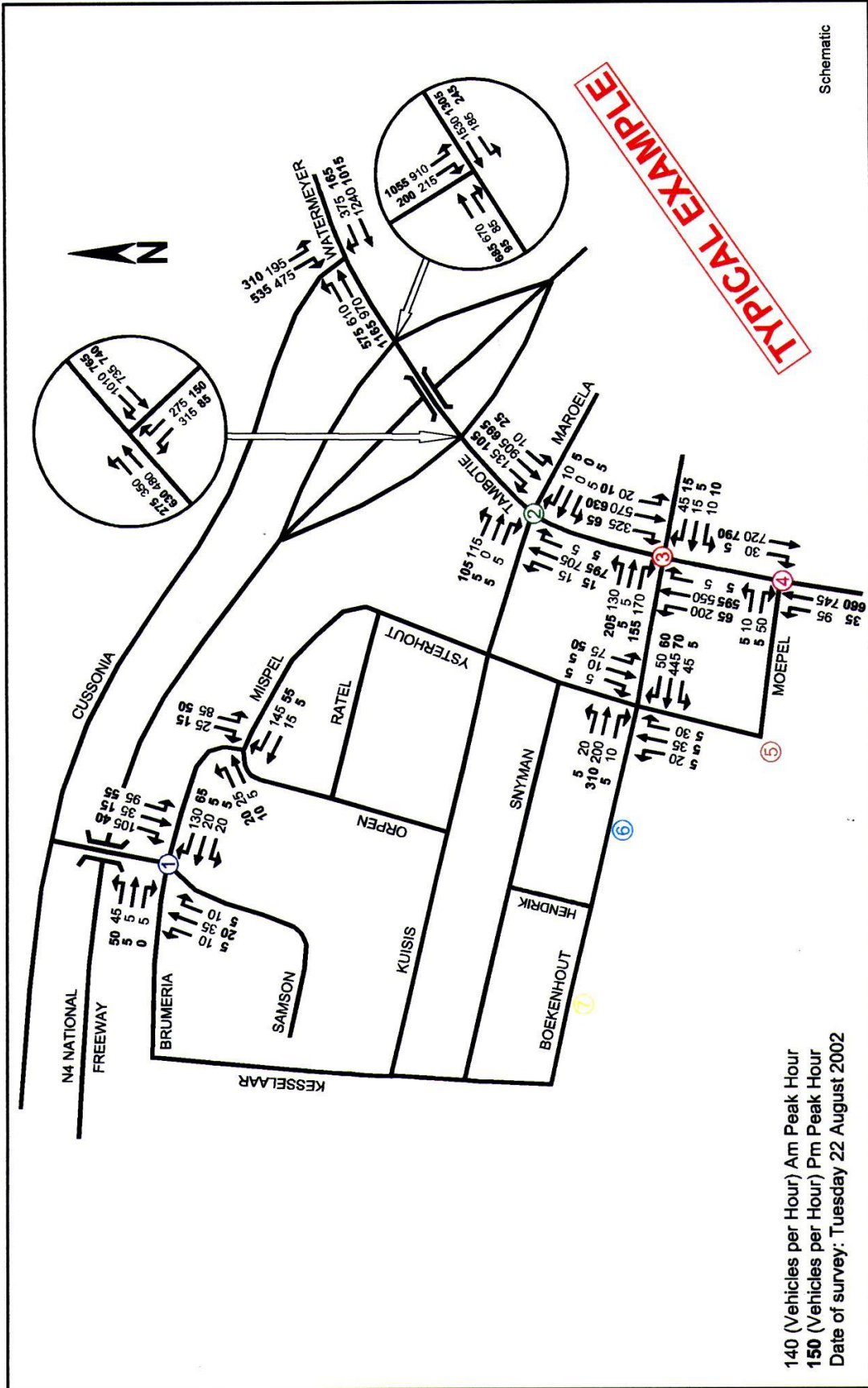
Enclosed Neighbourhood

Figure:

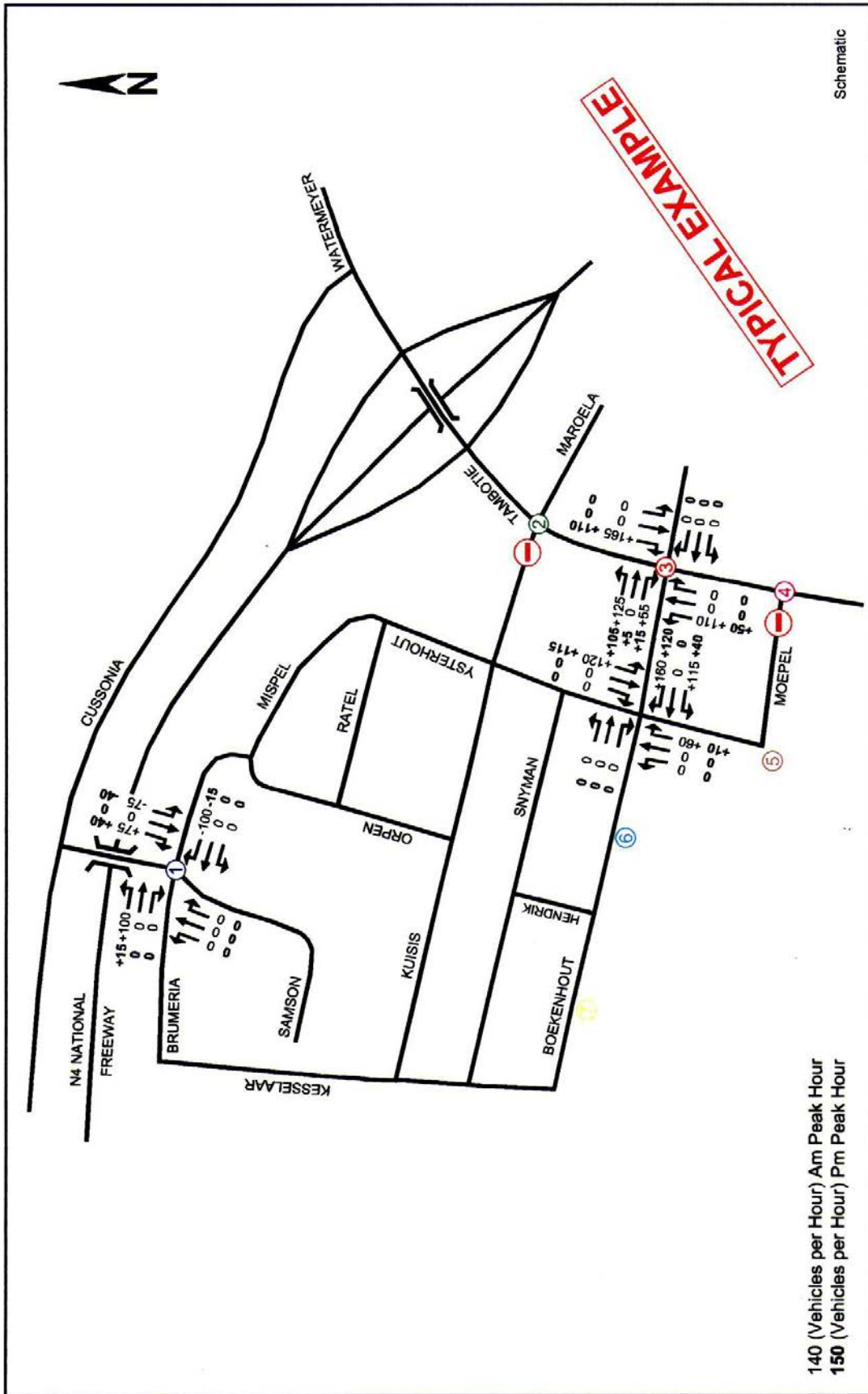
Provincial Road Network

No. **3**





	Enclosed Neighbourhood	Figure:
Project:	Present Traffic Volumes	No. 5



Schematic

140 (Vehicles per Hour) Am Peak Hour
150 (Vehicles per Hour) Pm Peak Hour



Project:

Enclosed Neighbourhood

Figure:

Expected Redistributed Traffic

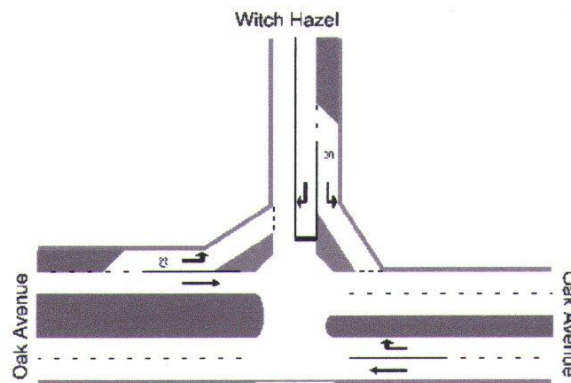
6

APPENDIX C

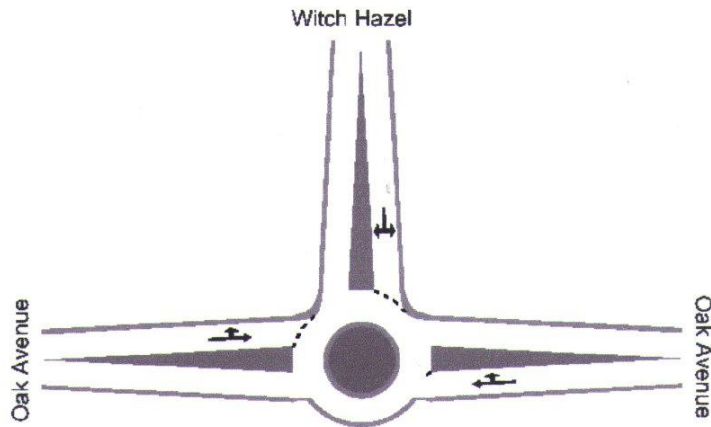
EXAMPLE OF RESULTS OF CAPACITY ANALYSIS

Results of Capacity Analyses						Intersection No.: 4	
North/South Road: Witch Hazel Street		East/West Road: Oak Avenue					
Scenario	Intersection Description		Peak Hour	Description of movement**		Delay (s)	LOS
1 (Base Year, no development)	Control	2 Way Stop	AM	Highest 2 nd highest Intersection	Right: east to north Through: east to west	0.40 0.32 0.40	A A A
	Upgrading Required?	Yes	PM	Highest 2 nd highest Intersection	Left: north to east Right: north to west	1.00 1.00 1.00	F E F
1 Upgrade (Base Year, no development)	Proposed upgrade: Change control type from 2 way stop to traffic circle with one circulation lane						
	Control	Traffic Circle	AM	Highest 2 nd highest Intersection	Right: east to north Through: east to west	0.64 0.64 0.64	B B B
	Estimated Cost:	R300 000@ R400 / m ²	PM	Highest 2 nd highest Intersection	Left: north to east Right: north to west	0.73 0.73 0.73	B B B
2 (Base Year, Including Proposed Development)	Control	Traffic Circle	AM	Highest 2 nd highest Intersection	Right: east to north Through: east to west	0.81 0.81 0.81	C C C
	Upgrading Required?	Yes	PM	Highest 2 nd highest Intersection	Left: west to north Through: west to east	1.34 1.34 1.34	F F F
2 Upgrade (Base Year, Including Proposed Development)	Proposed upgrade: Change from one circulation lane to two circulation lanes in traffic circle						
	Control	Traffic Circle	AM	Highest 2 nd highest Intersection	Right: east to north Through: east to west	0.55 0.39 0.55	A A A
	Estimated Cost:	R300 000@ R400 / m ²	PM	Highest 2 nd highest Intersection	Left: west to north Through: east to west	0.73 0.71 0.73	B B B

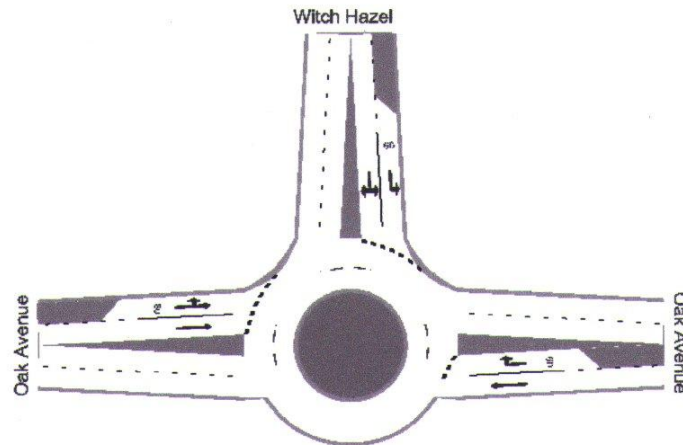
** Only results for the worst two movements are given.



This is the present layout of the above mentioned intersection of Witch Hazel and Oak Avenue.



The upgrade of this intersection from a two way stop controlled intersection to a traffic circle controlled intersection with one circulation lane and an inner radius of 15m are proposed in scenario 1 of the upgrades.



The upgrade of this traffic circle controlled intersection from one circulation lane to two circulation lanes is proposed in scenario 2. The additional capacity is proposed to accommodate the development traffic.

APPENDIX D

CHECKLIST FOR THE APPLICANT AND EMM

CHECKLIST FOR NEW OR RENEWAL OF APPLICATIONS OF ENCLOSED NEIGHBOURHOODS

		YES / NO
1	A traffic engineering professional was appointed to conduct the traffic impact statement or study at the cost of the applicant	
2	The traffic impact assessment / study was accompanied with a full application according to Ekurhuleni Metropolitan Municipality (EMM) policy	
3	The traffic impact assessment / study was done according to the "Technical Guidelines for Traffic Impact Studies of Enclosed Neighbourhoods"	
4	Access control measures are NOT proposed on road classes which is unacceptable to the roads, transport and civil works (RTCW) department from the EMM (class 1,2,3 and possibly class 4)	
5	A comprehensive motivation that this application support the objectives and principles of the Local Area Traffic Management (LATM) model for the specific area. These will include the evaluation of the following and must be discussed with the RTCW department prior to investigation.	
5.1	Adequate capacity at access points,	
5.2	Elimination of "rat running",	
5.3	Supports functional classification of the road network,	
5.4	Eliminate unsafe intersections,	
5.5	Consider travel distances to community and other activity centers,	
5.6	Consider approved geometrical considerations,	
5.7	Consider safe scholar, pedestrian and public transport movements,	
5.8	Consider traffic movements that support local business, and	
5.9	Consider movements to regional public places of interest,	
6	The exact locations of all access control points are indicated	
7	The operational rules or procedures of all control points are explicitly indicated in the traffic impact statement / study (including estimated delay times) and that these are found to be in agreement with current EMM policy. The operational procedures / rules as stated in the traffic impact statement / study must form part of the conditions of approval.	
8	The existing level of services of all intersections at proposed access points and major intersections affected by this application are indicated	
9	The modeled level of service of intersections, as a result of this application, is indicated and recommendations are made	
10	The storage length requirements for the various access control types are evaluated against current policy of the EMM	
11	The existing level of service of the surrounding major intersections (on class 2, 3 & 4 roads) are maintained and road improvements are recommended if necessary	
12	The effect on public transport movements are indicated and addressed	
13	Unhindered access, without any delay , is provided to	
13.1	Officials from the EMM in the execution of their duties,	
13.2	Emergency personnel and vehicles, including ambulances, SAPS, etc.	
13.3	Other service authorities.	
14	At least one access control point is manned 24-hours.	
15	No advertisements of businesses will be allowed on any access control infrastructure	
16	Access may not be denied to any person. The roads remain public roads and access may only be controlled and monitored. This applies for vehicular movement as well as pedestrian movements	
17	Stormwater management within the road reserve must not be negatively effected by the implementation of the access control infrastructure	
18	The removal of waste may not be adversely affected	
19	Turning circles or turning facilities to be provided at road closures	
20	The RTCW department from the EMM reserves the right, at any time, to change the operational rules or procedures of any access control point	
21	A summary report addressing the concerns and complaints of the external stakeholders is submitted prior to approval of this application	
22	That the effect of service delivery in terms of council engineering operations and emergency services be limited.	
23	That all costs as a result of this application will be for the applicant	
24	That the access control points make provision for safe pedestrian and bicycle movements, especially for scholars during peak traffic periods, and that this be included in each access operational plan or rules	

		YES / NO
25	The applicant must provide the required and approved signage at access points and road closures as a result of the proposed enclosed area	
26	Access control mechanism must be designed as to not negatively effect the service life of the road as well as the maintenance operations of the road	
27	The applicant must appoint a professional engineer that will be responsible for the implementation of any road improvements and must submit a professional engineering certificate on completion of the project	
28	Any cost for traffic calming measures will be for the applicant and must be clearly indicated on a plan in accordance to EMM policy	
29	All agreed proposals and recommendations made in the traffic impact statement / study must be captured as part of the conditions of approval for this application in both the approval letter and the agreement to be concluded between the applicant and the EMM	
30	A detail descriptive plan (indicating, road improvements, road markings, position of road signs, lay-bays etc.) of every access control point must be provided and estimated cost be allocated	
31	Maintenance and upkeep plans must be provided of all access control infrastructure, noting that it will be the responsibility of the applicant to maintain such infrastructure at his cost.	
32	A comprehensive description of the operation rules of every access control point. It must be clearly indicated that the rules of unhindered free flow and no access control will apply for emergency services, police services and council vehicles entering the restricted area. The operation rules of the access control points must be clearly expressed in the recommendations and conditions of approval	
33	An emergency plan be provided for fire, flood, earthquake, terrorism, etc.	
34	How will existing and future through traffic be dealt with in the area	
35	A monitoring plan to ensure adherence to these guidelines	
36	That the applicant must indemnify the Ekurhukeni Metropolitan Municipality of any costs or damages as a direct result of implementation and operation of this application. This should be addressed in the agreement.	
37	That the applicant review the implementation of permanent infrastructure as the closure are approved on a temporary basis only.	
38	That the original traffic impact assessment / study be resubmitted comparing the original modeled traffic impact with actual impact, and addressing the necessary remedies. (Applicable for renewal of application).	
39	The traffic assessment / study provided indicates that the traffic patterns are not adversely affected	

ANNEXURE M

PRACTICAL GUIDELINE FOR THE SUBMISSION OF AN APPLICATION FOR THE RESTRICTION OF ACCESS TO A PUBLIC PLACE

A PRACTICAL GUIDELINE FOR THE SUBMISSION OF AN APPLICATION FOR THE RESTRICTION OF ACCESS TO A PUBLIC PLACE

Before commencing with the preparation of the application, certain preparatory work should be finalised.

This entails the following:

- Handing out and retrieval of prescribed mandate. (Form: EMC C&I: 2)
(One form per household including flats, cluster and sectional title developments)
- The summary of owners / tenants supporting the application (Form: EMC C&L: 3) should be completed in chronological street number order.
- A table / summary of incidents of crime should be prepared. To illustrate the statistics, graphs may be compiled (e.g. pie graph or manhattan graph).
- A table should be prepared indicating the demography of the area in question illustrating the number of households, residents, workers, pupils, teachers, office staff, congregation members, sports club members, etc.
- A clear, legible area or locality plan indicating by means of a legend, the location of the access control points. The locality plan should preferably show the erf numbers and street address. The plan should further indicate where the following are located: schools, sports club / facilities, churches, parks or open spaces, business premises, public buildings / facilities (such as hospitals, clinics, taxi facilities), offices, community centres, fire hydrants, etc.

The plan should be an A3 / A4 size.

- Site plans / sketches of each intersection indicating the intention at the particular intersection with dimensions. This sketch should indicate the exact position of the booms, gates, zebra crossing (if applicable), pedestrian gate, guardhouse, stacking area, road width, road names, nearest vehicle entrances, all heights and widths of materials to be used and a sketch of the proposed signage.
- Commencement should have been made to establish either a Section 21 company or a homeowners association for the purpose of the closure.
- Public liability insurance should be obtained. A suggested amount of cover is R2 million.
- A traffic impact study is compulsory, implying that a professional traffic engineer must be appointed to conduct a traffic impact study for the area. This study must be done to the satisfaction of the Roads, Transport and Civil Works Department and it is advisable that the traffic engineer consults with this department.

PREPARING THE APPLICATION

See Section 45(1)(a)(i) to (vi) of the Act.

For the purpose of the application, use the headings as mentioned by the Act. (Section 45(1)(a)(i) to (vi)).

Each heading should be on a separate page.

1. Name and contact details of the applicant:

Under this topic full details of the applicant should be provided. If the applicant is the Section 21 company / homeowners association, the chairman / secretary would be the applicant on behalf of the association. In this instance a certified copy of an authorising resolution should be supplied.

If the applicant is a natural person, full names, address and postal address, telephone, fax and cell phone numbers and e-mail address, should be provided. Likewise for the homeowners association / company.

2. A description of the public place which is the subject of the application:

The street names forming the area to be restricted is the public place. Mention the street names with its intersection and indicate the wind direction.

Here the area / locality plan on A4 or A3 size which is clearly legible should be attached. The locality plan should indicate the boundary of the proposed restriction with a legend, open spaces, unimproved property, schools, churches, public buildings (hospitals, clinics, taxi facilities), sports clubs / facilities, community centres, parks, office blocks, cluster / sectional title developments and five hydrants in and around the area, etc.

3. A description of the circumstances giving rise to the application:

A full motivation for the application should be provided.

The crime statistics relevant to the area (and if no crime has been experienced) the adjoining areas are applicable. The statistics should be tabled and / or reflected in graph format. Although the SAPS may not be able to supply statistics, individual homeowners will be able to supply the information – see mandate form.

The motivation should further reflect the need to balance the security desires of the applicant against the freedom of movement of others – see Chapter 2 of the Constitution of the RSA (Act 108/1996).

Comparisons should be made with other security measures such as Block Watches, closed circuit TV, the efficiency or not of private security companies, etc.

4. The category and estimated number of persons affected by the circumstances giving rise to the application:

The question means that the estimated number of people and their categories who are suffering under the circumstances mentioned under 3, should be provided. It includes persons who reside, work and spend their leisure in the area.

Categories that should be mentioned are the following:

- Households
- Residents including children
- Workers
- Pupils in respect of schools, nursery schools, crèches, etc.
- Teachers in respect of schools
- Office staff in respect of offices.
- Ground staff
- Members in respect of churches
- Visitors
- Sports men / women, etc.
- Vacant land owners (developers)

5. The nature and extent of the restriction in respect of which the application is sought:

[The Ekurhuleni Metropolitan Municipality Guideline (Technical Guidelines for Traffic Impact Studies for Enclosed Neighbourhoods) will provide guidance with the preparation of this requirement].

It is required that full details of every access restriction point should be given.

The number and types of structure and hours of operation.

A plan indicating the positions of the structures (locality plan) should be attached as well as a separate sketch of each access point / closure (A4) indicating:

- the position of every fence, gate, boom and / or guard house;
- all heights, widths and materials to be used;
- street names, road widths;
- position of nearest vehicle entrance, buildings;
- distance to the nearest intersection;
- the wind direction pointing NORTH;
- street lights and fire hydrants / points.

How many restriction points are proposed? The hours of operation of each.

6. The category and an estimated number of persons who may be affected by the restriction in respect of which the application is sought:

[The Ekurhuleni Metropolitan Municipality Guideline (Technical Guidelines for Traffic Impact Studies for Enclosed Neighbourhoods) will provide guidance with the preparation of this requirement].

Again, the category and number are required. Persons from the outside of the area coming into the area (not residents but workers, staff, clients, pupils, congregation members, visitors) are possible categories.

7. Section 45(1)(b):

of the persons in 4. should indicate their support for the proposal. For this purpose, the mandate (Form EMC C&L: 2) is needed. The applicant should compile a summary of the persons / mandates on Form EMC: C&L: 3 in chronological number order per street address. Businesses, schools and churches should be included and separate letters of support or otherwise should be included. In the categories aforementioned, the latter should be supported by a church council resolution, resolution from the Governing Body, etc.

It is important that the mandate forms should not be older than 6 months.

8. The application fee is R2 500,00. A receipt in respect of payment should be included in the application.

The applicant will also be notified of the cost for advertisements. This amount should also be paid when requested to do so.

9. When the application is finalised, it should be presented to the local Station Commissioner of the SAPS and a letter of support / approval should be enclosed in the application.

The wording of the letter forms part of the application form.

10. Traffic Impact Study

A traffic impact study is compulsory, implying that a professional traffic engineer must be appointed to conduct a traffic impact study for the area. The traffic impact study should conform to the Ekurhuleni Metropolitan Municipality Guideline (Technical Guidelines for Traffic Impact Studies for Enclosed Neighbourhoods) and must be done to the satisfaction of the Roads, Transport and Civil Works Department. The traffic engineer should consult with the Roads, Transport and Civil Works Department concerning issues that need to be clarified.

The traffic engineer, as part of the traffic impact study, must also address the road signage and road marks and it must be done in accordance to the "South African Road Traffic Signs Manual" and to the satisfaction of the Roads, Transport and Civil Works Department.

This report should be included in the application.

PROCEDURE TO PREPARE A REPORT FOR CONSIDERATION OF AN APPLICATION FOR THE RESTRICTION OF ACCESS TO A PUBLIC PLACE

1. *Date stamp the application and acknowledge receipt.*
2. Check whether the application complies with the aforementioned criteria.
3. Should the application not comply with anyone of the criteria, refer to applicant to rectify.
4. Circulate application (i.e. motivation, plans, police report, traffic impact study (if applicable) to various departments for comments.
5. Obtain the comments of the Ward Councillor.

REPORT

1. Draft the report incorporating the comments received.
2. Attach full motivation, plans, etc.
3. Make a recommendation to approve in principle.
4. Incorporate all the relevant conditions in recommendation.
5. Include recommendation that applicant should put up and maintain prescribed notice on site.

COVERING LETTER

1. Certify that application complies with Council policy.
(Note: Policies of various SDC's are no longer applicable).
2. Letter to be signed by SDC Head and RED.
3. Make provision for approval by Executive Director: Corporate & Legal.

Application is now approved in principle.

ADVERTISEMENTS

1. Prepare advertisements and arrange for publication in English only in local paper and provincial gazette.
2. Inform applicant of date of publication in order to allow him to prepare notices on site (minimum A3 size).
3. Notices on site to be maintained by applicant.

OBJECTIONS / COMMENTS

1. *Refer comments / objections to various departments for evaluation.*
2. Refer objections to applicant for notification.
3. Incorporate evaluation in final report.

RENEWALS

1. An application for a renewal should be submitted at least one (1) month before the expiry of the restriction – see Section 46(2)(b).
2. The same procedure as for the first application should be followed including obtaining new mandates, revised traffic impact study and the application fee.
3. *Renewals will only be approved for 2 years at a time.*

AMEND EXISTING SYSTEM

1. A number of enquiries have been received regarding the possibility to amend approved systems (prior to the lapsing of the agreement period) by either re-locating a boom to a different position, close-off additional streets, amending hours of operation, etc.
2. The law is silent on such matters and in some instances there is merit in applications of this nature.
3. A proposal how to deal with applications of this nature, is as follows:
 - 3.1 An application should be submitted to Council.
 - 3.2 The application should be accompanied by a sketch plan, revised traffic impact study which conforms with the guideline, motivation and full particulars of the proposed amendment.
 - 3.3 The application must be circulated to relevant Heads for comments.
 - 3.4 The amendment should be advertised in a newspaper, provincial gazette and on site for the cost applicant.
 - 3.5 The amendment should be formalised by means of a report to be submitted to the Executive Director: Corporate & Legal under cover of a letter.
- 3.6 No application fee is applicable.