

# **POLOKWANE MUNICIPALITY**



*POLICY REVIEW*

## **GATED COMMUNITIES IN POLOKWANE, MAY 2005.**

**Private complexes; Security Villages;  
Enclosed neighbourhoods; Lifestyle Estates.**

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# GATED COMMUNITIES IN POLOKWANE, MAY 2005.

## PART A: STUDY OVERVIEW

### 1. INTRODUCTION

#### 1.1 An overview

The Polokwane Municipality approved a policy titled: “*Policy pertaining to Enclosed and Security Neighbourhoods*”, on 2 August 2001. Henceforth referred to as the *current policy* or *August 2001 policy*.

This policy’s purpose was mainly to deal with matters pertaining to the so-called enclosed neighbourhoods and security villages, which addressed aspects of security measures by residents and access control to such areas.

However, the more common international term used to refer to this phenomenon, is *gated communities*.

However, the history of gated communities in Polokwane started in the early 1990’s with the approval of Bendor Extension 10 and 11, or the so-called Bendor Village.

The demand for similar developments in Polokwane as well as the phenomenon countrywide, led to several similar applications being lodged with the municipality.

The applications however were mainly for new townships or purpose-built ones, which all address controlled access in one-way or the other. The municipality considered such applications on their own merits on an ad-hoc basis.

However, due to some concerns on the spatial impact of such gated communities at that stage, and because the municipality also received requests for existing neighbourhoods to be enclosed or converted into gated areas, the municipality embarked on a process to introduce a policy.

Research done by the CSIR during 1999/2000 was *inter alia* utilized to compile Polokwane Municipality’s current policy.

The principles and approved policy will be discussed in paragraph 3 below in more detail.

#### 1.2 Current concerns and shortcomings

Although the municipality introduced the current policy in August 2001 which addressed most of the spatial issues, there are still some concerns, which *inter alia* include:

- Spatial implications;
- Management aspects;
- Legal implications;
- Security issues.

These concerns and shortcomings will also be discussed in paragraph 4 below in more detail.

The municipality and community of Polokwane acknowledge that the Constitution provides in the Bill of Rights for privacy, security, freedom of association, which on its turn provides the opportunity for persons of gated communities to take measures to secure themselves.

Therefore, a balance between security desires of one group of people against freedom of movement, privacy and dignity of other persons and community groupings, should also be taken into account. The municipality, as institution empowered by law to ensure integrated development planning, to manage land use and spatial planning issues, should ensure that all the desires of the community is addressed satisfactorily and lawful.

The municipality must therefore ensure that all its actions, decisions, policies and by-laws are lawful and fair.

## **2 METHODOLOGY**

### **2.1 Methodology**

The municipality investigated the current policy adopted in August 2001 thoroughly. However, it is now realized that shortcomings may exist and that the policy needs review.

It is therefore acknowledged that the current policy will provide the basis and only to improve on the shortcomings in order to be consistent with aspects such as legislation and other practicalities.

Furthermore, some case studies and research were done in order to learn from other experiences and opinions countrywide.

A public participation process was also undertaken with various stakeholders to ensure that the policy is not only the product of Council and its officials, but the people of Polokwane.

Lastly, all of this enabled the municipality to put a revised policy for *gated communities* in place which is not only the product of the residents of Polokwane, but which is lawful, fair and which protect the rights of all citizens.

## **2.2 Public participation**

During several workshops with various stakeholders in 2003, the policy of the municipality dated August 2001 as well as current trends and shortcomings were discussed.

The following workshops in this regard were *inter alia* held, namely:

- 16 May 2003: Town and Regional Planning consultants; Managers of Polokwane Municipality;
- 6 June 2003: Developers; Home Owner's Association and residents as well as other interested individuals/parties;

After the first round of workshops a *draft document/policy* was accepted by Council for purposes of further formal participation.

The draft policy was advertised in the media and a final workshop was held in Nirvana Hall during November 2004. Most interested and affected parties, such as Home Owner's Associations, attended the workshop.

Some inputs were received during this workshop/hearing, which have been incorporated in the policy where applicable.

## **2.3 Findings of the South African Human Rights Commission**

The South African Human Rights Commission (SAHRC) made an inquiry into enclosed neighbourhoods in terms of the legal and Constitutional context during the latter part of 2004 and early 2005.

Subsequently findings and recommendations of the Commission were made available in a report released in 2005. In the foreword of this report the chairperson expressed the view that the findings of the commission will assist policy makers, legislators and the public.

It is therefore considered essential for Polokwane Municipality to assess these findings and incorporate the relevant issues/findings in this policy.

## **3. THE STATUS QUO**

### **3.1 Current policy – definitions, the classification, conditions and criteria**

#### **3.1.1 Definitions**

For purposes of this document only a few definitions contained in the August 2001 policy are highlighted in order to understand some deliberations henceforth. They are:

**EMERGENCY SERVICES** – means institutions and government organisations which deliver life essential services to the general public and includes institutions and organisations such as the S.A. Police Service, ambulance and para-medical services, community protection services or city police force services and fire brigade services rendered by the local municipality.

**PROPERTY** – means any portion of land which is registered in a Deeds Registry, and “ERF” shall have a consonant meaning.

**PRIVATE OPEN SPACE** – means private land zoned for open space or for a sport field, play field or rest or recreation field or as an ornamental garden to which the general public doesn't have a right of access, except by consent.

**PUBLIC OPEN SPACE** – means land intended for use by members of the public as undeveloped land, park, garden, conservation area, a playground, a square or recreation ground.

**SERVICES or MUNICIPAL SERVICES** – means engineering services and includes water, sewerage, electricity, stormwater, roads and telecommunication. It also includes those other services rendered by the local municipality and therefore also includes *inter alia* services for refuse removal, health control, land use control, building control etc.

**SITE DEVELOPMENT PLAN** – means a plan as described in Schedule 3 to the Pietersburg/Seshego Town Planning Scheme, 1999 and/or amendments or additions thereto.

**SPECIAL or SPECIAL USE** – means land or property used or a building designed or used for any purposes not defined in the Pietersburg/Seshego Town Planning Scheme, 1999, or contained in Table “A” thereof, and/or similar land use control mechanisms in operation in the area.

**STREET or ROAD or PUBLIC ROAD** – means the area or portion occupied by any street, road, bridge, subway, avenue, lane, thoroughfare or right of way shown on the General Plan of a township or agricultural plot or in respect whereof the public has acquired a right of way by prescription or otherwise [also refer to Section 63 of the Local Government Ordinance, 1939, (Ordinance No. 17 of 1939)].

**PRIVATE STREET or PRIVATE ROAD** – means an area or portion or property or erf and privately owned land occupied by a street, road, bridge, subway, avenue, lane, thoroughfare or right of way for exclusive use by the owners of such property, other persons and institutions specifically mentioned in this policy document, and where the general public doesn't have a right of access, except by consent. Such property or erf, street, road, bridge, subway, avenue, lane, thoroughfare or right of way may also be shown and indicated as such on the General Plan of a township or agricultural plot.

### 3.1.1 Classification and level of access

The policy of August 2001 basically provides in an approach which classifies types of development of *gated communities* in 3 models, which is important for purposes of this document, namely:

#### **Model 1: Restricted Access (Sectional Title Development)**

*“In this neighbourhood the applicant wants to restrict all access. Access is limited to the residents and their guests only. Access to the local municipality is also restricted in a certain sense and cannot deliver services inside this development. The only possible way in which the local municipality can deliver services in terms of the ordinance to this type of development is by allowing the development to take place on a single property/erf where the residents own the property via Sectional Title and it should be classified as a **Sectional Title Development**.”*

#### **Model 2: Partially Restricted Access (Security township/village)**

*“In this type of neighbourhood the applicant wants to restrict access not allowing the general public and limiting the access to the residents, their guests, emergency services as well as the local municipality to deliver certain services. Because the general public don't have access, the roads within such a development must be registered and zoned as private roads belonging to the residents/home owners' association (Section 21 Company). This type of development should be classified as a **Full Title Security Township/Village**.”*

#### **Model 3: Controlled Access (Enclosed neighbourhood)**

*“In this type of neighbourhood the applicant only desires to control the access to the development or residential area. Nobody will be denied access to this area. This type of development should be classified as a **Full Title Enclosed Neighbourhood**.”*

### 3.1.2 Other requirements and issues

The following is also important to note from the August 2001 policy:

#### **(i) Conversions v.s. new townships**

In respect of models no. 2 and 3, a clear distinction is also made between a new or purpose-built township being established v.s. and existing township/neighbourhood or part thereof being closed-off. For the latter certain additional procedures for closure of public streets must be followed, (e.g. Ordinance 17 of 19390.

## (ii) Provision of services

In the case of Sectional Title Developments all the services inside the development takes place on one erf. The local municipality's responsibility as far as services are concerned, therefore ends at the erf boundary. What happens inside the erf in respect of services, including road maintenance, is the responsibility of that particular management body/property owner and is managed normally as any other erf.

In the case of a new **security township (Model 2)** the roads are zoned and registered as private roads belonging to the residents/home owners' association. In contradiction to public roads, these roads are in fact provided with an erf number. All services are to be provided by the local municipality, except for the maintenance of roads, as these are on private property.

In the case of **enclosed neighbourhoods (Model 3)** the roads remain public roads. The only difference between this and a normal township is the fact that it is enclosed with fencing and has controlled access.

In the case of Models no. 2 and 3 specific requirements must be met before such a development can be approved/implemented which *inter alia* include:

- The access gate must be manned 24 hours per day 7 days a week;
- A traffic impact study must be provided by the applicant in which the connection to adjacent streets, vehicle stacking space and traffic flow is investigated and resolved;
- An erf for purposes of the access control for security staff may be provided at the entrance and registered in the name of the residents association;
- The access control facilities must be designed in such a way that extra heavy vehicles, such as the fire brigade and refuse removal can pass through. Enough overhead and lateral clearance must therefore be provided for this type of vehicle.

## (iii) Servitudes

In order to facilitate the provision and maintenance of services in **security townships (Model 2)**, the following additional conditions must be met in this model of gated area. The roads in these developments are registered as private roads and are privately owned. This necessitates the following:

- In spite of the local municipality not being allowed to maintain the privately owned roads, they should still

approve the design and check the construction in the case of new roads. This will ensure that these taxpayers are not left to the mercy of the developers.

- A servitude must be registered across the whole road reserve (private road/erf) in favour of the local municipality so that services such as water, sewage, refuse removal, electricity and landscaping can be provided and maintained.

#### (iv) Land uses and public facilities

No public facilities, especially those of a social nature (e.g. public schools, clinics, etc.), can be situated or provided within these developments.

#### 3.1.3 Criteria

With the adoption of the August 2001 policy the following criteria were accepted which was based on research done by the CSIR in 1999/2000.

To quote from the 2001 policy document, the criteria against which all applications for Models no. 2 and 3 must be motivated were as follows:

- **“The sense of community:** *The area to be gated or enclosed should create a sense of community and unity between residents. The enclosure should not lead to conflict between residents and/or between neighbourhoods.*

*New township establishment applications are therefore much easier to motivate, plan and create a sense of community.*

*In the case of existing townships to be gated or enclosed, the support of 100% of the residents/property owners directly affected by the enclosure and 66% of adjacent land owners, shall be obtained in the prescribed manner set out by the local municipality.*

- **Urban form and traffic patterns:** *The urban form and land uses should be taken into account. The creation of the gated area should not lead to urban fragmentation and disturbed traffic and pedestrian patterns.*

*Long term implications and distortion of the urban form should be taken into account. In this instance enclosure of well established townships and streets are not recommended, unless the applicant can prove that the urban form and traffic patterns will not be disturbed in any manner.*

- **Spatial implications:** *Long term spatial implications with respect to the future of urban form should be addressed. Technical considerations with respect to proposed arterial roads, land uses and community facilities should be taken into consideration.*
- **Safety and security:** *Apart from the fact that the applicant should motivate the need for security by residents of the proposed gated area, the safety and security of the larger community should be addressed.*

*The applicant should prove to the satisfaction of the local municipality that the response times of emergency services are not being placed in jeopardy at all.*

*The applicant shall therefore, apart from convincing the local municipality of above mentioned need and desirability, submit a letter from the SAPS and other organisations which the City Engineer may deem fit, in support of the application for gated area.*

- **Technical aspects:** *No enclosure should be allowed where through routes are involved. Therefore in the case of existing townships/neighbourhoods to be closed, only local access roads, local distributor roads and preferably, cul-de sac roads, should under normal circumstances be allowed.*

*Aspects such as maintenance of engineering services and delivery of municipal services should be addressed. Provision should be made for the municipality to deliver services to residents and also to ensure the protection of municipal and other engineering services by means of servitudes etc.*

*With respect of land uses, provision of community and/or public facilities should be addressed.*

*No erven for purposes of and/or zoned public open spaces (parks), municipal, educational (in cases of public schools), business or institutional as defined in this policy and/or elsewhere in the Pietersburg/Seshego Town Planning Scheme, 1999, should be allowed in the gated area in normal circumstances. However, with motivation and in special circumstances, uses such as institutional and business may be provided subject thereto that only the residents will make use of such facility. For example, in a retirement village it may be necessary to provide an institutional zoned erf for purposes of a clinic and medical consulting rooms.*

*Community facilities for purposes of recreation and utilisation by the gated community, i.e. Private Open Space, may be provided and motivated.*

*With regard to the access control gate and roads in the gated area, specifications and generic guidelines required by the City Engineer should be adhered to.*

- **Management aspects:** *The manner in which the access control and/or communal/private land will be managed within the gated area, must be addressed to the satisfaction of the local municipality.*

*The establishment of a Section 21 Company with Articles of Association are required to set out the necessary, powers, obligations, conditions and responsibilities for such a gated community. This proposed document should be submitted with the application.*

*In cases of new township establishments, conditions pertaining to the Section 21 Company as mentioned above, should be provided for in the conditions of establishment and title conditions of erven affected by the gated area.*

- **Legal implications:** *All procedures pertaining to legal requirements should be followed and completed before the gated community may be introduced.*

*The local municipality shall not be held responsible for public liability within the gated area.*

- **Role players:** *All role players affected by the gated area shall be consulted to the satisfaction of the local municipality.*

*In cases of existing townships and neighbourhoods that are to be enclosed, at least the following role players must be included in negotiations and in writing indicate their support for the enclosed area in the degree as set out below, namely:*

*100% of all land owners to be included in the gated/enclosed area, shall indicate their full support and be committed to establish a Section 21 Company.*

*66% of all residents/land owners directly adjacent to property included in the gated area, must indicate their support for the proposed gated/enclosed area.*

*The SAPS shall indicate their support and confirm that their services shall not be placed in jeopardy by the establishment of the enclosed area.*

*Where applicable, community policing forums and neighbourhood watches shall indicate their support.*

*The Head Community Protection Services shall indicate his/her support and confirm that their services shall not be placed in jeopardy by the establishment of the enclosed area.*

*The City Engineer and other relevant departments, which must deliver municipal services, shall indicate their support and confirm that their services shall not be placed in jeopardy by the establishment of the enclosed area.”*

### **3.2 Current development in Polokwane**

For purposes of subsequent discussions, the Restricted Access (Sectional Title Development) Model 1, is not included since there exist in normal circumstances clarity about his and the principle is simple.

However, Models 2 and 3 and these developments within Polokwane are of interest.

*Table 1* below indicates the status of existing and approved gated communities and developments. However, the most of these developments were approved prior to 2001 and adoption of the policy.

*Table 2* below on the other hand, indicate proposed gated communities which is currently under consideration and lodged i.t.o. the August 2001 policy.

There is also a total different form of gated community which can't be classified i.t.o. one of the models mentioned in the August 2001 policy. However, it is not a township at all but subdivided farm portions served by a servitude of Right of Way to allow access to individual portions (sites) within the gated area. This is the so-called Broadlands Estate development located outside the Pietersburg/Seshego Town Planning Scheme, 1999 boundary. Previously the area was located outside the borders of the former Pietersburg/Polokwane Transitional Local Council. In a certain sense it is similar to Model 2 where the road/streets are privately owned and not public roads.

TABLE 1: SUMMARY OF STATUS OF EXISTING AND APPROVED GATED COMMUNITIES IN POLOKWANE i.r.o. MODELS 2 AND 3 OF THE AUGUST 2001 POLICY.

TOWNSHIP EXT. (COMMUNITY NAME)	CLASSIFICATION	STATUS	COMMENTS
Bendor X 10, 11 (Bendor Village)	Security Township (Model 2)	Approved, t/ship proclaimed; Implemented	1 <sup>st</sup> example in Polokwane
Bendor X 35 (Sunset Boulevard)	Security Township (Model 2)	Approved, t/ship proclaimed; Implemented	
Bendor X 18 (Bendor Place)	Enclosed Neighbourhood (Model 3)	Approved, t/ship proclaimed; Implemented wrongly (Illegal)	2 separate streets. Boom erected wrongly/illegal across public road, and not according to layout plan on Access Control erf.
Bendor X 19	Enclosed Neighbourhood (Model 3)	Approved, t/ship proclaimed; Not implemented	
Bendor X 22	Enclosed Neighbourhood (Model 3)	Approved, t/ship proclaimed; Not implemented	
Bendor X 26	Enclosed Neighbourhood (Model 3)	Approved, t/ship proclaimed; Not implemented	
Bendor X 30	Security Township (Model 2)	Approved, t/ship proclaimed; Not implemented	3 separate streets, mainly <i>cul-de-sac</i>
Bendor X's 53 - 56	Security Township (Model 2)	Approved, t/ship proclaimed; Not implemented	Different townships, but each township consist of higher Density "Res 2" erven. Mentioned t/ships all served by one private street with access control erf.
Ivy Park X 9	Enclosed Neighbourhood (Model 3)	Approved, t/ship proclaimed; Not implemented	
Bendor X 69 (Cycad Estate)	Enclosed Neighbourhood (Model 3)	Approved, t/ship; Proclaimed. Implemented.	Approved i.t.o. August 2001 policy; Purpose-built.

TABLE 2: SUMMARY OF SOME RECENTLY PROPOSED AND APPROVED GATED COMMUNITIES IN POLOKWANE i.r.o. MODELS 2 AND 3 OF THE AUGUST 2001 POLICY.

TOWNSHIP EXT. (COMMUNITY NAME)	CLASSIFICATION	STATUS	COMMENTS
Bendor X 8 (Silverkruin)	Enclosed Neighbourhood (Model 3)	In process to be converted; Not implemented	
Bendor X 62,63 & 64 (Bendor Ridge)	Security Township (Model 2)	Approved, t/ship, Proclaimed; under construction.	
Bendor x 84 (Woodlands)	Security Township (Model 2)	Approved t/ship; Under construction	
Bendor x 77 (Acacia)	Security Township (Model 2)	Approved t/ship; Under construction	

### **3.3 Trends and case studies elsewhere in South Africa**

#### **3.3.1 Tswane Metropolitan Municipality**

A case study was made of the Tswane Metropolitan Council's policy/report on gated communities introduced in March 2003.

The following major point/principles from the policy are highlighted subsequently:

They identified 3 types of gated communities, i.e.:

- Enclosed neighbourhoods;
- Security Villages/complexes;
- Lifestyle communities (Golf and leisure estates; new towns).

There exist two mechanism to create gated communities:

#### **(i) Security villages and Lifestyle communities;**

Because it is planned (purpose-built) specifications and procedures forms part of the township establishment process. The merits of introducing such development is therefore evaluated during the township establishment application process.

At the point of access an erf zoned for access purposes is provided with a right of way to provide access to residents.

Therefore it seems that public roads are provided within the gated area.

(ii) Enclosed neighbourhoods.

This model is used where an existing neighbourhood is converted to an enclosed or gated area through specific provision in legislation which enables the restriction of access to public space (public roads).

In this instance specific legislation exist in Gauteng to allow this practice, i.e. the Gauteng Rationalisation of Local Government Affairs Act, 1998 (Act 10 of 1998).

An evaluation of gated communities was done and positive and negative aspects are discussed in the report, namely:

- Positive aspects:
  - Context evaluation;
  - Exceptionally low<sup>4</sup> incidents of crime;
  - Sustainability;
  - Integration;
- Negative aspects:
  - Legibility of the city;
  - Access to public facilities;
  - Impact on traffic flows;
  - Payment on impacts on entire road networks i.t.o. the Gauteng Rationalisation of Local Government Affairs Act, 1998 (Act 10 of 1998);
  - Deterioration of roads;
  - Crime displacement;
  - Response times of emergency vehicles;
  - Social exclusion;
  - Transportation; and
  - Urban fragmentation and separation.

It is also evident from this policy that access control and measures are regarded as temporary measures to assist in improving the safety and security in an area and only forms part of a broader security strategy. The policy also indicates that there exist other measures to increase security, for example through environmental design.

These crime prevention measures through environmental design is defined in the mentioned policy (p.22) as: *“.... a planning tool that focuses on the proper design and use of the built environment. Appropriate design of the physical environment can play a role in addressing crime issues in built-up areas.”*

Four basic principles of design criteria are discussed, namely:

- Natural surveillance – Organising of physical features, activities and people in such a way that it maximize visibility, criminals can be observed and therefore reduce criminal activity;
- Natural access control – Physical guidance of people by placement of entrances exists, signs, fencing and lighting in order for criminals to have difficulty to enter space without being observed and also to have no opportunity to justify their presence in private or semi-private spaces;
- Territorial reinforcement – Use of physical attributes to express ownership and clearly defining hierarchy of space from public to private;
- Management and maintenance – Continued use of space for the intended purpose which serves as expression of ownership and territoriality.

As part of crime prevention through the environmental design there are apparently also certain approaches, namely:

- Victim-orientated approach – target hardening and security measures to protect the victims of crime (fencing and walling);
- Offender approach – addressing social/criminological backdrop to crime;
- Built environment-orientated approach – focus on the built environment through management and maintenance to reduce crime and to decrease the fear of crime;
- Combination-type approach - incorporating physical design, management and social/organizational aspects.

The application procedure and some technical guidelines are also set out in the policy.

The application procedure is based on provision of the Gauteng Rationalisation of Local Government Affairs Act, 1998 (Act 10 of 1998).

Then the technical guidelines as well as criteria are also dealt with in a specific annexure to the policy. For example, it is clearly set out which order roads streets could be closed off and where access restriction can be allowed or not. Other requirements, such as traffic impact study, are also included.

The classification and order of roads which can be considered for gated area is discussed in detail and can be summarised as indicated in the Table 3 below, namely:

TABLE 3: ACCEPTABILITY FOR ROAD CLOSURES AND ACCESS RESTRICTUION ACCORDING TO FUNCTION AND CLASSIFICATION OF ROUTES

ROADS WHICH MUST NOT BE RESTRICTED	ROADS WHERE ACCESS RESTRICTION MAY BE CONSIDERED SUBJECT TO TRAFFIC IMPACT STUDY.	ROADS WHERE ACCESS RESTRICTION WILL NORMALLY BE ACCEPTABLE WITHOUT TRAFFIC IMPACT STUDY.
Primary routes (Class 1)	Local distributors (Class 4) that carry low volumes and which have close alternative routes	Cull-de-sacs
Major arterials (Class 2)	Accesses to offices and other businesses, not dependant on passing traffic	Access streets (Class 5)
Minor arterials (Class 3)	Informal public transport routes	
Local distributor (Class 4) with no convenient alternative route	Accesses to substations, reservoirs, sewer pumps, local schools, library, parks etc.	
Local distributor (Class 4) carrying high volumes (1000 veh./day or 100 veh./peak hour)		
Bus or other formal public transport routes		
Access to regional facilities.		
Access to retail shops, filling stations etc. dependant on passing traffic.		

### 3.3.2 City of Johannesburg [Johannesburg Road Agency (JRA)]

Because it is common knowledge that the phenomenon of gated communities in the City of Johannesburg is very familiar, including the erection of illegal booms, the policy of the City of Johannesburg, Johannesburg Road Agency (JRA) was also studied.

Therefore, following important points should be noted for purposes of this document.

First of all, as in the case of Tswane, the JRA policy and to introduce restriction of access to public places, also utilize the Gauteng Rationalisation of Local Government Affairs Act, 1998 (Act 10 of 1998).

However, their view in the first part of the policy (P1) clearly stated that restriction of access “..... shall mean restriction is limited to access control, no denial of access and no discrimination actions nor infringements on the rights of individuals.”

This policy/document therefore deals with:

- Security alternatives;
- Legislation affecting access restriction;
- Policy proposals and guidelines;

### Security alternatives

In respect of the above mentioned the focus is therefore placed on alternative methods to deal with crime. The conventional method is discussed as aspects such as keeping property occupied, provision of dogs, burglar alarm systems etc.

The alternative methods for crime prevention are:

- Increased surveillance; and
- Crime protection measures which are funded by private sector and which do not interfere with the general public or which assist the police.

Subsequently, the principles of crime prevention in this instance is discussed and summarised as follows, namely:

- Surveillance and visibility – Discourage high walls, encourage see-through fencing; encourage property overlooking streets; encourage police presence or other security surveillance; encourage pedestrian traffic; avoid creating quiet poor visible areas.
- Territoriality and defensible space – encourage neighbourhood to take over responsibility of non-essential public space.
- Access and escape routes – Prevent large open space from harbouring criminals; avoid ending roads and un-used land; provide clear pedestrian routes;
- Image and aesthetics – Decay and neglect encourage crime; impersonal buildings and layout encourage crime; Don't create hiding places;
- Target hardening – Physical strengthening of buildings, boundary walls etc.

### Legislation affecting access restriction

The major point of discussion which is of importance for Polokwane, is the discussion i.r.o. the Constitution of the Republic of South Africa, 1996.

In the JRA's policy document the following opinion is *inter alia* held:

- Everyone has the right to freedom and security of person. This could justify access restriction, but a security checkpoint could interfere with the right to privacy;
- Freedom of movement, residence and the rights to "enter anywhere" could be affected by control of access to public place;
- Decisions must promote the values that underline an open and democratic society based on human dignity, equality and freedom and consider other relevant legislation.

Furthermore, the Local Government Ordinance, 1939 (Ordinance 17 of 1939) is also discussed.

The ordinance also permits the following, which is used for restriction of access or allowing gated areas (section 67), namely:

- Section 63: The control, management and repair of public roads for use and benefit of the public vests in the municipality;
- Section 67: Permanent closure of roads where a new erf is created and rezoned. As such the new erf can be sold, built or used like any other parcel of private land.

### Policy proposals

The policy approaches the prevention of crime and adopting a policy on gated areas as follows:

- Long term solutions to combat crime :-
  - Encourage the public to take over all responsible measures to protect itself;
  - Discourage crime by increasing employment and to reduce poverty;
  - Discourage crime by visible and effective police force;
  - Discourage crime by active identification and prosecution of criminals.
- Short term following certain street-related security measures :-
  - Purpose-built privately controlled developments;
  - Street guards only, with no access restrictions;
  - Closed circuit TV (CCTV) surveillance;
  - Security access restrictions in accordance with legislation restricting access to public places.

The procedure, specification and criteria for allowing access restrictions as set out in the JRA policy are subsequently dealt with:

### Purpose

- Access restrictions must be to enhance safety and security;

- Primary function of access control is to minimize the number of points to be monitored and to direct traffic to monitoring points;
- Access restrictions are equally applicable in wealthy, poor, residential, business and industrial areas;
- The basic constitutional right of freedom of movement must not be unreasonably restricted. Unrestricted public access to an area must be available, at all times.

#### Duration

- Duration of an approval for access restriction will be maximum of 2 years;
- An application to extend period must be submitted according to specific time periods.

#### Acceptability of an area for access restrictions

The possibilities of roads where access will be restricted is dealt in the same manner as set out in Table 3 of paragraph 3.3.1 above.

#### General requirements

General requirements and standards are also dealt with in the policy under a specific annexure.

The following points are however important to note and found to be relevant for Polokwane's situation and perhaps previously not incorporated in the policy, namely:

- Personnel manning the access control point may only monitor activity. In line with the requirements of the constitution, they may not search vehicles or people, may not require the filling in of any register or supplying personal information nor delay traffic other than the absolute minimum required to open any gate, or boom;
- Orders for the security staff of a control point must be in writing and on public display at the control point;
- 24 hour contact numbers for the security company and local SAPS must be on public display. The security company, SAPS should be in possession of the contact numbers of the resident's association;
- Control point staff to be registered with security Officer's Board, and produce registration cards on request;
- No fee may be charged for access;
- Fencing should be attractive and must not pose a hazard to vehicles or pedestrians, with any barbed wire, sharp projections or electric fencing out of reach of pedestrians;
- The municipality reserves the right to require alterations at the cost of the residents if access operations create queues, traffic problems developed elsewhere or if any other problem occur;
- Total closures will not normally be permitted; unrestricted pedestrian gate must be installed at every closure;

- Signs must be erected with directions to the permanently open gate or boom and any closer pedestrian gate if no pedestrian gate is installed;
- In respect of vehicular access, at least one gate or boom into the area must be permanently opened (24 hours unrestricted), either manned or left open, with full, free and unhindered vehicular and pedestrian access at all times;
- Vehicular gates or booms in operation during hours of darkness are to be adequately illuminated;

#### Application fees

The City of Johannesburg introduced application fees for consideration of applications in connection with access restriction.

The fees are as follows:

- Application fee – fixed cost: R6 200;
- Application fee – additional cost per access restriction point: R350

There are also provisions i.r.o. other costs.

### **3.4 Provision of the Pietersburg/Seshego Town Planning Scheme, 1999 – the scheme in operation**

Currently, only one land use scheme is in operation and applicable in a part of the jurisdiction area of Polokwane Municipality. This is the Pietersburg/Seshego Town Planning Scheme, 1999.

The remainder of Polokwane Municipality's area of jurisdiction is governed by other land use regulations and legislation. However, in future it is envisaged that the total area of jurisdiction will be covered by land use/zoning schemes to ensure proper land use management.

As indicated above, many applications for gated communities have been approved in the past and all are located in the scheme boundaries of the Pietersburg/Seshego Town Planning Scheme, 1999. Since the current scheme has been adopted in November 1999 all developments and conditions related to gated communities and access control has been standardized and the following Annexure to the scheme is applicable and stipulates the following, namely:

#### “Annexure 46:

##### *SPECIAL*

*The erven are subject to the following conditions:*

1. *The erf shall only be used for the purposes of a private road and access control.*

2. *The local municipality may maintain the private road at the cost of the owner, should the owner not maintain the said road to the satisfaction of the local municipality.*
3. *Buildings, screen walls, security booms and gates on the erf, shall be erected in accordance with an approved Site development Plan.”*

However, there are shortcomings in the applicable town planning scheme and/or this annexure since access control is not defined and no further conditions laid down in this respect.

### **3.5 Existing spatial pattern and urban functioning of Polokwane**

To predict future spatial impacts and the impact that gated communities can have on the spatial form of Polokwane, it is important to understand the current spatial form.

Firstly, urban development and the spatial manifestation of settlement of people in Polokwane is characterized by the following:

#### **3.5.1 The apartheid city**

It must be understood that due to the apartheid legacy the urban form of Polokwane is distorted in many ways. Residential areas were segregated from each other, residential areas were segregated by buffer zones, residential areas were segregated by means for certain types of land uses which provided these buffer zones (e.g. industries) and certain residential areas were located far away from places of work of the largest part of the majority of people.

Furthermore, due to the apartheid system it is found that Polokwane consist of urban areas and formal towns such as Polokwane (Pietersburg), Mankweng and also of less former town or villages in rural areas.

It is therefore also found that vacant pieces of land exist between areas which in a certain sense led to urban sprawl, cities that are not compact. All these facts have an impact on agglomeration benefits and cost effective delivery and installation of services.

Thus, typical town planning and urban design methods as found elsewhere in the world could in most instances not be utilized today to address urban planning matters. The municipality and South Africa were therefore faced to find its own solutions and it is thus clear that integration of these areas is a key issue and concern.

#### **3.5.2 Layout pattern of streets**

The layout patterns of streets in the formal urban townships is characterized by:

- Historical layout methods: A grid street pattern in older parts (e.g. Pietersburg proper); and
- New town/neighbourhood concept: A street pattern with interrupted parallels, loops, cul-de-sac streets in the newer suburbs.

Largely, the new neighbourhood concept rely much on a clearly defined hierarchy of streets and street pattern where higher order routes are clearly defined to carry higher order traffic volumes and which serves as distributor and collector roads, collecting traffic from local streets and areas within neighbourhoods. Mobility between areas is difficult and restricted in a certain sense.

The historical grid pattern embodied in a large part of Polokwane has no clearly defined hierarchy of streets and mobility between areas is very high. However, the implementation of one-way street systems, are restraining mobility in a certain sense.

### 3.5.3 Radial road network from the region

Polokwane has a radial road network linking rural areas and the entire region with the city, especially linking it to the CBD and the older parts of Pietersburg.

### 3.5.4 Transport

Due to segregation and location of places of residence far away from the work place, the socio-economic circumstances of the largest part of the residents of Polokwane, public transport forms an integral part of the day-to-day lives of these residents.

Polokwane has therefore a well established public transport sector and well established forums to deal with these matters.

### 3.5.5 Land ownership

Privately owned land is in most instances the more favorable choice for the middle and higher income development, especially i.r.o. gated communities. Therefore, these types of township are privately developed and services are only taken over by the municipality for future maintenance after installation.

There is indeed also land owned by the municipality where middle and higher income development does occur, but the chance for developing it into gated communities, is limited.

The land where it is expected that the most of these developments for gated communities can occur, is indeed in private ownership. Thus, although privately owned and developed, the municipality will have to make sure that development takes place in an orderly manner and must, on a continued basis assess spatial planning impacts in these are to

ensure that ad-hoc development doesn't constrain long term expansion/development and effective service delivery.

#### **4. NEW CONCEPTS, CONCERNS, AND SHORTCOMINGS IN POLOKWANE'S POLICY**

Some of the main concerns of the current policy as well as concerns countrywide regarding the concept of *gated communities* can be classified under 4 groups as summarized below.

There are also new concepts which were not previously part of Polokwane's policy approach which need to be indicated. Some issues were part, but more research was done in this regard.

These are:

- The constitution's legal implications;
- Spatial implications & urban form;
- Management issues & other legal implications; and
- Security issues.

Henceforth,

#### **4.1 Constitution's legal implications**

##### **4.1.1 General**

The concern exist that these gated communities, with specific reference to the control of access, infringe on a person's rights i.t.o. the Constitution in that they: -

- Restrict freedom of movement of people;
- Security guards and management bodies violate people's right to privacy;
- Impact on human dignity.

However, the constitution also protects/provides other rights, such as:

- Freedom and security of the person;
- Privacy;
- Freedom of association;
- An environment that is not harmful.

The question now arises how to balance these security desires of one group against freedom of movement of other persons on the other hand. (Also see paragraph 1.4.2 below)

The main concern therefore is the legality of erection of booms or gates which prohibits access to general members of the public and tax payers to public roads.

As explained in afore mentioned paragraphs, Model no. 3 of the August 2001 policy, provide for public roads within the gated area and controlled access is applied.

Two issues, namely restricting or controlling access and access to public space/roads now clashes.

It is common course that access to public places/roads can't be denied and people should be free to move as they wish, without interference. It can now be argued that controlled access in effect is just doing that, or at least infringing on person's rights to privacy and freedom of movement.

What is however more confusing is the fact that there exist a difference in practices in Gauteng and in Limpopo Province, since different legislation is applicable. In Gauteng the *Gauteng Rationalization of Local Government Affairs Act, 1998 (Act 10 of 1998)* provides the legal means to restrict access to public places.

In the case of Limpopo Province and Polokwane Municipality, the *Local Government Ordinance, 1939 (Ordinance 17 of 1939)* read together with the *Town Planning and Township Ordinance, 1986 (Ordinance 15 of 1986)* is the only means by which closures of roads can be handled and used as "tool" to achieve the desired outcome for gated communities.

In the case of Limpopo it is therefore argued from a legal point of view that access to a public road couldn't be denied or restricted and therefore erection of booms or gates across a public road or any other measure preventing free access to a public road is unlawful. This principle was indeed tested during the public participation process and no body denied this.

Thus, it is clear that the definition of "controlled access" and "partially restricted access" must be reviewed and clearly defined to ensure that it is lawful.

Model no. 2 of the August 2001 policy, provide for private roads, which are privately owned by residents within the gated area, via a Section 21 company. Partially restricted access or controlled access is applied and, subject to certain conditions, indeed regarded as lawful since it is private property and not public space.

Furthermore, the SA Human Rights Commission made an inquiry into enclosed neighbourhoods and their findings are subsequently discussed.

#### 4.1.2 Findings of the SA Human Rights Commission i.r.o. enclosed neighbourhoods

As mentioned above, the South African Human Rights Commission (SAHRC) made an inquiry into enclosed neighbourhoods in terms of the legal and Constitutional context.

**(i) Commission's Findings**

In an undated document published under reference ISBN: 0-620-33516-5 the SA Human Rights Commission made the following findings and recommendations i.r.o. gated communities or enclosed neighbourhoods, namely:

- “1. *The Commission does not generally support the use of boom gates and gated communities. The Commission is of the view that based on the information it has, these measures cause social division, dysfunctional cities and lead to the further polarisation of our society. In addition, the proposed benefits they bring by way of enhanced safety and security are in doubt and the subject of considerable debate.*
2. *The Commission finds that the use of road closures/boom gates has the potential to and does indeed in practice violate a number of rights as indicated in the Report. While such infringement of rights in most instances occurs in violation of the policy of the local authority, there was little recourse for those whose rights had been violated. Evidence remains inconclusive that the use of alternative measures for safety and security had been sufficiently explored.*
3. *The Commission takes cognisance of the fact that legislation such as the Gauteng Local Rationalisation of Government Affairs Act 10 of 1998 does indeed provide for access restrictions, including road closures. It also notes with concern that notwithstanding the existence of relatively strict conditions normally attached to an approved closure (eg. a commitment to free and unhindered access)there was considerable evidence of non-compliance with such conditions coupled with an inability, due mainly to capacity and practical difficulties, to effectively monitor compliance. The consequence accordingly was that a breach or non-compliance with such conditions was not visited with any sanction or adverse consequence.*
4. *Responding effectively to the phenomena of crime and violence does indeed require closer co-operation between the State and citizens, and therefore the Commission encourages continued community efforts in liaison with the authorities, to make communities safer. More resources for policing, greater police presence and visibility, effective community police forums and effective police response to the needs of the community will all contribute to making a difference.*
5. *The Commission, even though satisfied that a legal basis does exist for security access restrictions, including boom gates and*

*road closures, urges local authorities and communities to consider and exhaust alternate access restrictions, including guards and guard houses, traffic calming measures and closed circuit television.”*

**(ii) Contents of report and relevant issues**

Before positive and negative issues/findings in the report are discussed, it is important to note that there exist a difference in legislation between Gauteng and the other provinces such as Limpopo Province.

It has been pointed out above that the *Local Government Ordinance , 1939 (Ordinance 17 of 1939)* read together with the *Town Planning and Township Ordinance, 1986 (Ordinance 15 of 1986)* is the only means by which closures of roads, and eventually Gated Communities, can be handled in Limpopo Province.

It is further interpreted that public streets can't be closed off in a similar manner as permitted i.t.o *The Gauteng Land Rationalisation of Government Affairs Act, 1998* which permits the restriction of access to a public street by means of a boom or gate.

It should therefore be noted that the Commission dealt with the inquiry and considered enclosure of public streets as part of “enclosed neighbourhoods” (adopted in this policy as “public complex”), and not so sere with the issue of private streets and security villages or lifestyle estates (adopted in this policy as “semi-private complex”). However, this does not mean that some principles discussed in the report/findings of the commission, should be disregarded.

For purposes of input to this policy, the subsequent paragraph will summarise the negative and positive issues/findings contained in the report of the commission.

Positive issues/findings in the report of the SAHRC on gated communities/road closures:

- The committee is satisfied that legal basis does exist for security access restrictions including boom gates and road closures. However, local authorities should exhaust alternate access restriction methods;
- The commission didn't regard road closures done i.t.o. *The Gauteng Land Rationalisation of Government Affairs Act, 1998*, which permits the restriction of access to a public street by means of a boom or gate, unconstitutional. It was *inter alia* pointed out that: “*In terms of the National Road Traffic Act, the local authority has the power to legislate by-laws for the purpose of restricting or prohibiting any matter or thin in relation to that purpose either absolutely or conditionally. The use of a boom as a traffic calming measure or a safety measure is not substantially a policing function even though done in the interest of safety and security.*”

- The report pointed out that eThekweni Municipality in Durban, which seems to have a similar Ordinance as in the case of Limpopo, does not allow the erection of any device which obstructs the public roadway and that applications for security measures will only be considered on lower order streets. It is evident that the erection of guard houses are permitted, but guards should only monitor access and may not stop or search any person and vehicle. Service providers and essential services may not be restricted access;
- Although the commission dealt with Gauteng Province, it was pointed out that the report may be relevant to all South African provincial and local governments.

Negative issues/findings and unsolved questions in the report of the SAHRC on gated communities/road closures:

- The commission found that although the City of Johannesburg has a policy in place to manage road closures and the operation thereof, conditions and requirements laid down are not always complied with. The monitoring and effective regulation to ensure that enclosed areas are functioning within the parameters of the law, is questioned;
- A shortcoming of policies i.r.o. road closures are that it has no monitoring or enforcement provisions for non-compliance. It is also acknowledged that monitoring the enclosures could be problematic because of resources;
- The committee was concerned that the closure of roads has far-reaching consequences on urban functionality, traffic, road maintenance and socio-economics;
- No statistics could be found to prove or disprove the effect road closures and boom gates have on crime rates. Road closures should only be seen as the last resort to curb crime in a specific area and other measures could be used. However, these “other measures” are seldom used by residents to seek relief.

Shortcomings in the report of the SAHRC on gated communities/road closures:

- The report does not address the legality of road closures i.t.o. the *Local Government Ordinance , 1939 (Ordinance 17 of 1939)*, as this legislation is applicable in Polokwane Municipality’s case;
- The report does not address the model of gated communities i.r.o. private streets (private property) known as security villages or lifestyle estates. The focus seems to be on road closures where the street remains a “public place”;
- It is not clear from the report if the focus was on road closures or conversion of existing townships into gated areas, and whether “green field” developments are considered in a similar manner;
- Although the report gives a discussion on several legal issues, it does not provide clear and concrete recommendations which will enable local municipalities to incorporate into a policy;

- The report on the one hand states that: “*The Commission does not generally support the use of boom gates and gated communities*” but on the other hand it also recognizes that it is legal and urge local authorities to consider alternative access restrictions methods.

### (iii) Conclusion on SAHRC findings

In conclusion: The report and findings of the SAHRC does not exclude the existence of gated communities although road closures and gated communities are not generally preferred because of possible negative implications like human rights violations, impact on urban structure and mobility of the city.

Local authorities are urged to explore alternative methods in order to facilitate the development of gated communities which has the primary aim to create a safe and crime free environment for residents.

Polokwane Municipality’s policy should therefore attempt to introduce “alternative” measures to assist communities in crime prevention in their neighbourhoods, instead of road closures as the only solution in the case where public streets are involved. In the case of private streets the municipality should also attempt to ensure that access control facilities comply with the law.

## **4.2 Urban sustainability: Spatial implications and the urban form**

### 4.2.1 Introduction

Prior to 2001, the concept of gated communities was still new in South Africa and especially Polokwane. In a certain sense the municipality’s policy of August 2001 provided criteria to ensure that spatial implications are carefully considered before any gated community was considered. Even during the period after 2001, the actual impact of gated communities on Polokwane’s urban form, was perhaps not understood with all its dimensions.

Landman, K 2000:2; says “*In many instances urban future is shaped by specific and powerful ideas. ‘Gated communities’ is one such an idea, which has the potential to radically transform the urban environment in the 21<sup>st</sup> century.*” She goes on in saying that “*..... they could have a dramatic impact on the long term sustainability of the city.*”

After 2001 much research followed by the Council for Scientific and Industrial Research (CSIR). Landman contributed a lot on the subject of gated communities in South Africa.

There are new facts and spatial issues coming forth, which weren't previously considered or incorporated in the municipality's policy and criteria.

The subsequent discussion focuses on additional aspects, both impacting positively and negatively on the urban form, namely:

- Legibility and accessibility of entire city;
- Socio-economic impacts;
- Urban fragmentation & integration;
- Land uses;
- Impact on traffic flow and transport patterns
- Lifestyle communities.

As pointed out, one of the biggest issues to consider, which incorporates many other issues, is "urban sustainability".

From the recent research it is evident that there is increasing concern with urban sustainability over the long term when it comes to gated communities. Landman, K; 2000:2 quotes from the UN Habitat's Programme for Sustainable Cities where "*a sustainable city is a city where achievements in social, economic and physical development are made to last. It strives for:*

- *Economic efficiency in the use of development resources (including goods and services provided by the natural environment,*
- *Social equity in the distribution of development benefits and costs (with special emphasis on the needs of low income groups),*
- *Avoidance of unnecessary foreclosure of future development options."*

Landman, K; 2000:2 goes further and say that "*Hall and Pheiffer have extended this notion to the idea of 'multiple' sustainability. Applied to the city, they have come up with a number of key dimensions or aspects of sustainability. These are:*

- *A sustainable urban economy: Work and wealth;*
- *A sustainable urban society: Social coherence and social solidarity;*
- *Sustainable urban shelter: Decent affordable housing for all;*
- *Sustainable urban environment : Stable ecosystems;*
- *Sustainable urban access: Resource-conserving mobility;*
- *Sustainable urban life: Building the Liveable city;*
- *Sustainable urban democracy: Empowering the citizenry."*

In continuation, Landman, K; 2000:2 submits that: "*One cannot be concerned with the legacy and resources you leave future generations without considering the long term impact that certain types of development in urban areas have on our future.* Landman submits that

there are key issues regarding gated communities to consider because they may have long term impact for urban development.

Landman, K; 2000: 2 identifies six key issues in this regard. Some were briefly discussed in former paragraphs, namely:

- A sense of community;
- Safety and security;
- Social exclusion;
- Urban fragmentation and separation;
- Urban Planning and management;
- Financial implications.

Subsequently:

#### 4.2.2 Legibility and accessibility of entire city;

Cities and suburbs are normally designed to ensure that residents and people can easily find their way or associate with their environment.

Therefore the legibility of a city according to Lynch, K; 1960:2 means “... *the ease with which its parts can be recognized and can be organized into a coherent pattern.*”

Visual aspects therefore form a crucial part of legibility and it is based on the mental image of the city, which is held by people or residents.

In design planners and urban designers must recognize the concept of legibility. Therefore certain elements such as paths, edges, districts, nodes and landmarks are used in a specific manner to enhance legibility of the city.

Lynch, K; 1960:96 says “*The paths, the network of habitual or potential lines of movement through the urban complex, are the most potent means by which the whole can be ordered.*”

The legibility and elements such as paths found in city form can now be distorted by booms/gates which creates diversions or blocking of common paths in resident’s “mental image of the city”. The city form can become distorted and “disorganized” if certain paths are blocked off.

#### 4.2.3 Socio-economic impacts and social exclusion

It is evident from various resources that gated communities is a worldwide phenomenon and will not easily be excluded from future urban planning. Landman, K; 2002: 5 confirms this statement and indicates that gated communities occur in developed countries such as USA and UK as well as in developing countries such as South Africa and Brazil.

Therefore, it is clear that gated communities will play an increasing important role in current the current town planning and the urban milieu. If this is the fact it is important to consider its impact on urban sustainability.

Landman, K 2000: 6 say that *“In essence urban sustainability calls for a holistic and integrated approach towards city making, considering not only the parts, but emphasizing their relationship to each other and importantly the sum total of the parts. Thus sustainability is concerned with the city as a whole, and includes the city today and tomorrow. This evaluation revealed several critical concerns and indicated that gated communities have the potential to negatively impact on the goal of urban sustainability relating to all seven key dimensions.”*

It is submitted in some research that gated communities can cause segregated communities not interacting with each other on a socio-economic level. Landman, K 200:4 even states that: *“Gated communities create a barrier to interaction and may add to the problem of building social networks that provide an opportunity for social and economic activities. They could also add to social and political exclusion, which touches on the social dimension of sustainability.”* Landman goes further and submits that: *“Fundamental social divisions will have an effect on vibrant urban life and urban diversity, where shared facilities and opportunities will gradually fade as tension grow. This also touches on the issue of individual rights to public space and the fundamental principle of democracy. Gated communities have the potential to impair the rights of fellow residents and the detrimental long term urban sustainability and political stability.”*

#### 4.2.4 A sense of community

This issue relates to a sustainable urban life (building the Liveable City) as well as a sustainable urban democracy.

It is evident from the findings of the SAHRC that there are two schools of thought i.e. those against it saying gated communities creates “barriers for social exclusion” and those in favour, submitting that gated communities contributes towards a stronger feeling of community in an area.

Landman, K 2000:3 submits that: *“International and South African studies have indicated that gated communities can either enhance or reduce a sense of community.”*

It is evident from research that concerns exist that that gated communities may reduce the sense of community. Landman, K; 2000:3 says that *“A reduced sense of community coupled with increased conflict, can lead to negative relations between neighbours. This could have a significant impact on the quality of life in an area and on building a liveable and vibrant city. It could also lead to the formation of political pressure groups and attempts to pressurize the local government into making certain*

*decisions. It could not only influence the notion of local participation, community democracy and daily management of the area, but also urban democracy in general.”*

On the other hand, continued exposure of residential areas to crime, can jeopardize the sustainability and function thereof. The possibility exist that such areas can turn into slum areas or areas where decay will set in, resulting in decreased property values.

This obviously will not only negatively affect owners, but also affects the economic viability of the entire city in general, because it indirectly impacts on issues such a property rates and taxes based on property values, of which the municipality arrives its income from.

It is a known fact that the market respond negatively in areas adversely affected by crime. Although it is agreed that there exist longer term solutions to solving crime and poverty, it is also accepted that short term measures also contribute towards safer areas or at least providing citizens with peace of mind and they at least feel safe.

The effect of crime is also not only present in the higher income areas, but in all socio-economic groupings of the community. Therefore, he policy should be applicable to all areas of the municipality.

Therefore, the argument is that if residents want to ensure that crime be prevented before it sets in or where crime is already present to ensure their security of person, it should be seen against the sustainability and economic impact it may have.

However, gated communities must not intend to create social exclusion. The urban economy, liveable cities and democratic dispensation must be considered to ensure the long term sustainability of the city. (Also see paragraph 4.2.5 below)

#### 4.2.5 Urban fragmentation & separation or integration

One of the highest priorities in current town planning is promotion of integrated development and to ensure that distorted spatial patterns created by the Apartheid philosophy, is eliminated. If this could not ultimately be eliminated, and attempt should at least be made not to continue to create distorted spatial patterns similar to Apartheid.

Integration includes not only social integration but integration of land uses, facilities etc. This principle is one of the key principles contained in the Development Facilitation Act, 1995 and also one of the key issues built into Polokwane Municipality’s Spatial Development Framework which is part of the Integrated Development Plan of the municipality.

Communities of gated areas should not be seen as separate entities from the rest of the city. It should therefore be guarded that gated communities

not be an extension of an apartheid system fragmenting not only communities from each other, but distorting the spatial form and function of the city. Thus, creating an undesirable urban structure.

Physical barriers may create physical exclusion as well as social and political exclusion. If gated communities consider themselves as a social exclusive community/group not part of the rest of the city, they may start making their “own rules” and regard themselves in a certain sense as a “form of governance governing their own area” replacing the municipality. This may lead to a situation where the municipality is confronted with issues pertaining to services to be taken over by such body normally delivered by a municipality and eventually request for reduction of rates and taxes. (Also see paragraphs below). Indications are that such pressure groups were formed in the USA in the past and may create similar situations in South Africa.

However, integration can still be ensured even if gated communities are allowed. The argument is that the urban structure, especially residential areas, was always recognized and designed in a manner which creates certain pockets or cells (neighbourhoods), each with a provision of certain facilities catering for the local area. These pockets are linked through a framework of routes or paths connecting them.

The function of roads, other community and public facilities therefore play an important role in linking different areas or neighbourhoods and integrating communities. It is therefore argued that the geographical or physical enclosure of areas will not necessarily jeopardize integration, it may even enhance it.

It is however considered that certain order routes *inter alia* ensure the proper functioning of the urban framework through the movement patterns of people. Thus if higher order paths are disturbed it will lead to distortion of the larger framework and eventually fragmentation of the city.

#### 4.2.4 Interaction between land use and traffic

Needham, B; 1977:131 highlight the importance of routes and traffic systems in the structure of a city as well. He quotes Webber, 1969, and it reads “*The metropolis is, in effect, a massive communication switchboard through which contacts are maintained between friends, buyers and sellers, servants and served, helpers and helped. Within that switchboard, the communications and transportation system comprise the channels through which links between interacting patterns are joined. The transportation system ..... is the vital medium through which the interdependencies of complex urban societies get satisfied – through which societal integration is accomplished.*”

#### 4.2.5 Impact on traffic flow and transport patterns

It was indicated in the above mentioned paragraphs that roads play an important role in the urban fabric. Transport and movement of people is

therefore directly associated with the road network. Specific socio-economic grouping may be most effected by increased trip distances due to barriers of a distorted road network.

Undesirable closure of roads or a distorted, not legible road network will not only lead to increased discomfort by residents of the entire city, but will also impact on the economic viability of the city and service delivery over the long term.

It is therefore evident from the case studies and discussion above that certain order of routes can't be considered for closure at all. Even purpose-built development, although on private property may require that higher order routes must pass through the area to ensure sufficient road networks and proper spatial form.

It is therefore accepted that certain classes of roads couldn't be closed off or access denied.

#### 4.2.6 Lifestyle communities

Previously the focus was mainly on Security Villages, obvious with the focus on security. However, the recent trend is to provide more than just security, but a lifestyle, a specific standard of living and other communal facilities/benefits to residents.

The examples of these types of lifestyle communities are golf and leisure estates.

Residential areas/erven within a golf estate is normally incorporated into a private golf course and owners have the benefit to enjoy certain privileges in this regard. The golf course or club is not exclusively reserved for residents within the gated area and residents from outside the gated area may also become members.

Lifestyle communities therefore provide in additional facilities to cater for a specific socio-economic grouping, normally in the higher income bracket.

These types of developments normally include the following "building blocks" of the urban structure, which is used for marketing purposes, namely:

- Security and privacy;
- Conditions ensuring a specific character and standard of buildings and property;
- Communal facilities (e.g. Swimming pool, golf course, entertainment areas, gym, sauna, beauty salon, children play areas);
- Information Technology (internet connections); and
- Landscaping and open space.

Therefore, these types of development can in a large extent be compared with a Security Village.

However, care must be taken not to create a situation which might lead to social exclusion and the introduction of rules and conditions, which is in conflict with municipal by-laws, legislation and accepted planning practices.

#### **4.3 Management issues & other legal implications**

Management issues were mostly sufficiently addressed in the 2001 policy of the municipality. However, the case studies revealed some aspects which can only contribute towards Polokwane's new approach/policy. Some might need reconsideration. Obviously, the most of the points also have a legal implication.

Subsequently, the issues of importance are the following:

- Maintenance of roads and services;
- Managing bodies, the residents and financial implications;
- Public functions;
- Compliance with legislation and municipal policies.

##### **4.3.1 Maintenance of roads and services**

Although it is accepted that private roads should be maintained by such owners – i.e. the section 21 company of which all owners are shareholders - the long term risk for the municipality as well as individuals should be examined.

Concerns exist that if such management body or gated community is not properly maintaining the roads, that the municipality may eventually end up with the problem if the roads deteriorate beyond repair. It is also seen as the municipality's responsibility to "protect" individual owners (also rate payers in our city) in a gated area against mismanagement by home owner's associations.

The current policy is clear that in Polokwane's case all services are maintained in a normal manner. However, in the case of Security Villages with private roads, the maintenance is done by the owners, or the management body which is a Section 21 company.

To address the problem in the instance where roads are not properly maintained, provision must be made that the municipality can maintain such roads on the cost of the owner. This is already incorporated in the conditions pertaining to the zoning of such private roads as contained in Annexure 46 to the Pietersburg/Seshego Town Planning Scheme, 1999 (Refer to paragraph 3.4 above)

It may however not be sufficient should it happen that the owner (the Section 21) company is insolvent and no funds are available to maintain or rebuild the roads. This is still an unresolved issue. The only proposal at this stage is that the municipality must, as part of their pavement management system, also inspect private roads to detect mismanagement at an early stage and intercept if necessary.

#### 4.3.2 Managing bodies, the residents and financial implications

During this policy review it became clear that gated communities and the management bodies don't adhere to municipal by-laws and this policy. This seems to be a nationwide trend because the SAHRC also pointed out that gated communities in Gauteng failed to adhere to conditions laid down by municipalities and the authorities.

For example, municipal vehicles were denied access to gated areas in almost all instances of current gated areas. In another instances it seems that even the Fire Brigade or other emergency vehicles will be required to sign the register at the entrance gate.

This is a matter of concern and may not only hinder officials to execute their duty, but may threaten human lives if reaction times of emergency vehicles are retarded. (Also see paragraph 4.4.3)

Therefore some form of control or provision should be introduced by the municipality. Because some property is private of private roads it makes control more difficult. However, a possible measure is to control it by means of provisions in the land use/zoning scheme and/or applicable use zone or annexure thereto. For example, in respect of the erf zoned Special for purposes of Access Control, it could be entertained by means of a consent use procedure with conditions of renewal etc. Non-compliance can lead to withdrawal of the right by the municipality. It may therefore be necessary to review the specific annexure (Annexure 46).

Another dimension is pointed out by Landman, K 2000: 5, namely that of *"...costs involved in the establishment and maintenance of gated communities. In addition to the initial capital costs (application fees and costs of physical infrastructure), residents are also liable to pay ongoing running costs for the management and maintenance of the area. These costs differ ....but could involve a substantial amount .... This could result in a burden to those residents with lower incomes in the area and in turn could result in increased internal conflict and loss of capital investment. It could negatively impact on long term sustainability, including a sustainable economy, urban society and urban democracy.*

#### 4.3.3 Privatisation of public functions

Geldenhuys, K, undated says *"Gated communities do not only affect residents who are living in enclosed areas. They can also have*

*implications for the local government in terms of their traditional public function. For example, municipal services such as refuse removal, maintenance, emergency services and traffic control can be affected.”*

*The author goes further and points out that “Enclosed neighbourhoods have the potential to privatize public space, and reduce government resources through demands for tax reductions for public functions performed privately. In an article in the Rapport of 20 May 2001, it is said that in America the residents have so much power that they become micro governments and claim tax discounts while some of them even refuse to pay taxes to their local authorities. How are local authorities going to function without those taxes? Enclosed neighbourhoods are common in South Africa’s wealthier areas, and this can have a big implication for the poor areas if municipality taxes are not paid in full.”*

Therefore, the fact that residents choose to enclose themselves and thus need to maintain their own roads, can be seen as their free choice and therefore they can’t accept from the municipality to allow tax discounts in this regard. The argument in any event is that there exist similar other examples of *servitude roads* over farms and small holdings, which the municipality is not maintaining. It is private property and those owner’s responsibility.

If discounts are allowed, it may lead to a situation where the municipality is confronted with issues pertaining to services to be taken over by such body normally delivered by a municipality and eventually request for reduction of rates and taxes.

To allow gated communities to receive discounts on taxes will surely create a precedent with negative affects for the community at large. However, every body is indeed using other roads within the city and therefore it can be argued that taxes is for general maintenance of all public roads. In any event, to calculate and administer such discounts is not practical and viable for the municipality. Communities in gated areas must therefore sacrifice that they must pay full tax and still maintain their own roads in those cases where it is applicable (private roads).

Another issue of concern should also be discussed. In paragraph 4.4.2 it was mentioned that gated communities in Polokwane already shows indications that municipal by-laws and policy guidelines are not adhered to by hindering free access to emergency and municipal vehicles.

Gated communities can’t be allowed to make rules or accept their own constitution etc. which is negatively affecting the larger community or even residents within the gated area. All rules must be lawfull and not intended to duplicate or take over those public functions assigned to government and especially municipalities.

It must again be guarded against that management bodies and gated communities don’t become “micro governments” within the municipality making rules and requirements which is not only “duplicating” municipal

functions, but also which is in conflict with the Constitution, laws, municipal by-laws, the policy and general planning practices.

This will for example complicate issues that the municipality must deal with aspects such as land use and planning matters, building control, traffic control, licensing, taxes and land values etc.

#### 4.3.4 Compliance with legislation and municipal policies

It is generally accepted that local municipalities can make policies and by-laws in order to ensure proper functioning of the city and the built environment. These policies can also attempt to ensure that human rights are not being violated. A good example is this specific policy on Gated Communities. For example, a policy on gated communities may provide a condition that access should not be denied for certain services and/or any municipal vehicle.

However, it became evident from the Polokwane Municipality's study when compiling this report/policy, as well as investigations by the SA Human Rights Commission, that enforcement and monitoring is extremely difficult due to aspects such as resources and that these conditions are not being complied with by management bodies of such gated communities.

Because the monitoring and enforcement of conditions in order to ensure compliance is not only difficult because of the extent and nature thereof, but will drain resources of the municipality, it will be necessary to introduce a policy and/or models of gated communities which will not place an additional burden on the municipality or create impractical conditions which can't be enforced. For example, in order to ensure that human rights such as freedom of movement and privacy are not being violated to entrances to public streets, such models could rather be excluded and/or methods introduced which will ensure compliance. In this instance it could mean that no booms are permitted and alternative means of access control be permitted, such as traffic calming measures or surveillance cameras.

Another option as elsewhere contained in this document, will be the introduction of renewal periods, because the erection of boom gates are seen as temporary measures to curb crime.

#### **4.4 Security issues**

In the August 2001 policy safety and security issues was one of the aspects to be addressed. It was stated that when an applicant "... *motivate the need for security by residents of the proposed gated area, the safety and security of the larger community should be addressed.*" The focus was more on the local circumstances pertaining to the specific gated area, and a holistic approach was neglected.

Recent trends and case studies showed that the following is also relevant, namely:

- Long term v.s. short term approach towards crime prevention;
- Built environment and combination approach towards crime prevention;
- Displacement of crime and false sense of security.

#### 4.4.1 Long term v.s. short term solution to crime prevention

The long term solution for crime within the country and the municipality, is based on an *Offender approach* – addressing social/criminological backdrop to crime, ensuring decrease in unemployment and reduction in poverty.

Some of the responsibilities designated to government which can contribute towards the long term solutions are:

- Discourage crime by increasing employment and to reduce poverty;
- Discourage crime by visible and effective police force or other security forces such as City Police;
- Discourage crime by active identification and prosecution of criminals.

However, this is difficult for individuals of smaller communities to solve, thus they turn to other approaches within their capabilities.

The original concept of gated communities is one of those approaches, which mainly focused on a *Victim-orientated approach*. This approach focuses on target hardening and security measures to protect the victims of crime. It therefore involves fencing and walling and eventually restricting access in an area.

Unfortunately, this is now in many schools of thought accepted as only a short term solution to crime. It is therefore not excluded that criminal activities can still occur in gated area and may in a certain sense even embrace criminal activity.

Thus, gated areas may create a “false sense” of security for residents. (also see paragraph 4.5.3 below)

#### 4.4.2 Built environment and combination approach towards crime prevention

The latest approach, which were actually part of training of all urban designers and planners, is focused on the *Built environment-orientated approach*. The focus is on the proper design methods of the built environment through management and maintenance to reduce crime and to decrease the fear of crime.

It is now realized, that a *Combination-type approach* - incorporating physical design, management and social/organizational aspects – should be followed.

The new concept is therefore that design principles also can contribute towards crime prevention and security.

The four basic principles of design criteria are:

- Natural surveillance – Organising of physical features, activities and people in such a way that it maximize visibility, criminals can be observed and therefore reduce criminal activity;
- Natural access control – Physical guidance of people by placement of entrances exists, signs, fencing and lighting in order for criminals to have difficulty to enter space without being observed and also to have no opportunity to justify their presence in private or semi-private spaces;
- Territorial reinforcement – Use of physical attributes to express ownership and clearly defining hierarchy of space from public to private;
- Management and maintenance – Continued use of space for the intended purpose which serves as expression of ownership and territoriality.

Thus, the practical way of introducing these design principles are through purpose-built developments which incorporate not only the physical aspects of target hardening, fencing and walling, but also design principles as set out above.

#### 4.4.3 Displacement of crime and false sense of security

It was pointed out in paragraph 4.5.1 above, that erection of walls and fences is a short term solution to crime. However, this short term solution is also only for that specific area affected and not to solve long term affects of crime for the community at large.

Geldenhuys, K undated points out that *“A study that was done in America, showed that crime in gated communities has a temporary or no impact on crime. Crime is just transferred, and the neighbourhood next door, becomes a crime target.”* It is also said that: *“In some instances, such deterrents lead to more violent crime.”*

Geldenhuys, K further said that *“According to the SAPS Sandton it became evident that crime in the areas which have been cordoned off, in most cases shifted to the bordering suburbs.”*

What is more concerning is that Geldenhuys is pointing out that *“Most of the crime statistics in the suburb which have been cordoned off remained the same and in some cases it became more violent, for example housebreaking has changed to where the perpetrators now commit housebreaking while residents are in their houses or driveways, threatening their very lives in order to gain access to their properties. Hi-jackings also continued in the closed areas.”*

In the above it is clear that gated communities will not provide residents of Polokwane with the long term benefits as they may think. Residents may invest in converting areas to enclosed areas or buy property in enclosed areas only to find that the investment is not the long term solutions for crime.

Thus, in this document alternative means for crime prevention should also be considered. Applicants and residents who wish to enclose their neighbourhood should therefore be informed of the consequences and municipality's approach.

Enclosures of neighbourhoods are therefore seen as a short term solution to address a local problem of crime in an area. Residents should also seek other measures of crime prevention and not only to enclose areas, only to discomfort other residents, the viability of the entire city and still only to displace crime elsewhere.

Paragraph 4.5 below will deal with some suggestions i.r.o. alternative methods of crime prevention and access control.

#### **4.5 Alternative methods of crime prevention and access control**

The argument is first of all that *access control* in a gated area must not unnecessarily hinder free movement of traffic and pedestrians. This is specific the case where public roads (Enclosed Neighbourhoods) are involved.

Considering crime prevention alone, some forms of control systems at control gates can be regarded as worthless in any event. An example is the signing of registers where a visitor can complete any information which is misleading. Therefore, prosecution of criminals after an incident is impossible in any event.

Therefore, the access restriction (access denial) enforced by gated communities if visitors don't want to sign the register is regarded as not affective. The erection of booms or gates, which is not allowed in certain models, is proposed in this document further complicate the matter. It was also pointed out that gated are not providing the only answer for crime prevention and a long term strategy.

Proposed alternative methods therefore includes:

- Surveillance;
- Environmental design;
- Use of space;
- Involving policing forums and city police force;
- Assisting in local economic development.

##### **4.5.1 Surveillance**

In other parts of this document much emphasis was placed on surveillance.

Surveillance can be applied in many ways and forms.

One suggestion therefore is that with modern technology, surveillance cameras can assist and is a much more effective deterrent for crime and control mechanism, which will lead to discourage of crime by active identification and prosecution of criminals.

A second option is visibility of security and resident guards in an area. This is another effective form of surveillance.

The third form is surveillance by residents in the area, meaning that activity and only the presence of people in the area is, not only a deterrent for criminals, but also provide “eyes” in the areas. “Eyes” which should inform the police and security forces of criminal activity.

#### 4.5.2 Environmental design

In paragraph 4.5.2 above, this concept was discussed in detail, namely:

- Natural surveillance;
- Natural access control;
- Territorial reinforcement; and
- Management and maintenance.

Therefore, purpose-built developments could take these principles into consideration.

#### 4.5.3 Use of space

This point has many similarities with paragraph 4.6.2, however, the focus is more placed on the larger environment and public areas surrounding individual property.

It requires involvement of the community in municipal functions. However, the intention is not that functions of the municipality are substituted.

The following is proposed.

- Territoriality and defensible space: Encourage neighbourhood and residents to take over responsibility of non-essential public space.
- Access and escape routes: Prevent large open space from harbouring criminals; avoid ending roads and un-used land; provide clear pedestrian routes.

#### 4.5.4 Involving policing forums and city police force

Active involvement of policing forums in areas affected by high crime is proposed. Communities must therefore actively participate in assisting government.

Although the municipality doesn't have a City Police force, there are currently suggestions to implement such a force assisting the SAPS and government security forces. One of the issues to be considered are patrols in residential areas, especially residential areas most affected by crime. However, the community should participate in taking responsibility to assist the municipality in any effort.

#### 4.5.5 Assisting in local economic development

The community at large must assist the municipality in Local Economic development programs/projects in order to create jobs and eliminate poverty.

This will assist in the long term approach toward crime prevention.

## PART B: POLICY

### 5. POLICY FOR GATED COMMUNITIES IN POLOKWANE MUNICIPALITY'S AREA OF JURISDICTION.

#### 5.1 Introduction

##### 5.1.1 Overview

In respect of gated communities, the municipality introduced a policy in August 2001.

The municipality realized that some shortcomings exist in the 2001 policy. Therefore, the policy below is an attempt to improve on the concept, principles and other issues relevant to these type of developments.

The municipality and community of Polokwane acknowledge that the Constitution's Bill of Rights provide for privacy, security, freedom of association, which on its turn provides the opportunity for persons of gated communities to take measures to secure themselves.

However, a balance between security desires of one group of people against freedom of movement, privacy and dignity of other persons and community groupings, should also be taken into account.

The municipality, as institution empowered by law to ensure integrated development planning, to manage land use and spatial planning issues, should ensure that all the desires of the community is addressed satisfactorily and lawful.

The municipality will therefore ensure that all its actions, decisions pertaining to *gated communities* are lawful and fair to all residents of Polokwane by implementation of this policy.

##### 5.1.2 Points of departure

- The municipality, as institution empowered by law to administer local government affairs in the municipal sphere of government, must:
  - Ensure that all actions, decisions and practices are lawful and fair to all residents;
  - Ensure integrated development planning;
  - Manage land use and spatial planning issues;
  - Ensure that all the desires of the community is addressed satisfactorily and result in sustainable development;
  - Promote the correction of the historically distorted spatial patterns embodied in our city;
  - Promote mixed land uses and accommodate the differentiated needs of residents and the different communities;

- Promote security of tenure;
- Promote environmentally sustainable practices/development.
- Polokwane Municipality and its community should explore alternative methods in order to facilitate the development of safe and crime free environment for residents.
- Polokwane's long term policy should therefore attempt to introduce "alternative" measures to assist communities in crime prevention in their neighbourhoods, instead of road closures as the only solution to address crime in the neighbourhood. Gated communities are therefore only regarded as a short term solution.
- Polokwane Municipality as institution empowered by law to administer local government affairs in respect of spatial planning, is concerned about the long term impact of gated communities on the sustainability of urban areas and will therefore approach gated communities with the necessary attention it requires. Furthermore, the municipality would undertake continued research and investigation into this matter in order to ensure continued sustainability.

## 5.2 Definitions

In section 5 of this policy document, unless the context otherwise indicates, the following expressions shall bear the meanings assigned to them herein, namely:

ACCESS CONTROL or ACCESS CONTROL ERF or ACCESS CONTROL FACILITY – means measures and/or an erf and/or a structure which is zoned and/or used specific for this purpose and which provides in mechanism to ensure "passive access control" or "partially restricted access" as elsewhere defined and subject to conditions as respectively set out in clause 5.3 and 5.5 of this document.

ERF – means land in an approved township registered in a deeds registry as an erf, lot, plot or stand or as a portion or remainder of any erf, lot, plot or stand or indicated as such on the General Plan of an approved township , and includes any particular portion of land laid out as a township which is not intended for a public place, whether or not such township has been recognised, approved or established as such in terms of the Town Planning and Townships Ordinance, 1986 (Ordinance No. 15 of 1986) or the Development Facilitation Act, 1995 (Act No. 67 of 1995) or any similar legislation or repealed law.

EMERGENCY SERVICES – means institutions and government organisations which deliver life essential services to the general public and includes institutions and organisations such as the S.A. Police Service, ambulance and para-medical services, community protection services or city police force services and fire brigade services rendered by the local municipality.

ENCLOSED NEIGHBOURHOOD or ENCLOSED AREA or PUBLIC COMPLEX – means a physical area that have *passive access control* through an access point. The area is normally fenced or walled off with a single or limited number of controlled accesses to the area. The roads or streets within such area are public space/roads and free access to members of the public and residents/occupants shall not be denied. Access and free

movement of emergency services, the local municipality and the post and telecommunication services to the area shall not be denied and/or hindered in any way.

**FULL RESTRICTED ACCESS** - means complete restriction of movement of pedestrians and vehicles of the general public through an access point to a private property. Access is normally restricted by means of gates and/or booms, which is leading to the private owned property, a private road or parking lot. Access is therefore limited to the residents/occupants in the gated area and their guests only.

**GATED COMMUNITY or GATED AREA** – means residents or occupants or a community residing or occupying in a physical area that is fenced or walled off from its surroundings, either restricting or controlling access to such an area by means of gates and/or booms that are erected across a road or a street or a similar entrance normally used by residents and members of the public to gain access to such an area. In the most instances the concept rather refers to residential areas but may also include controlled access to parking lots and areas leading to places of work and other facilities utilized by members of the public, such as office blocks, shopping centers and recreational places.

**GOVERNMENT SERVICES** - means those services and/or government functions rendered by the government of the Republic of South Africa and/or any national or provincial department and/or such agent of the government in the execution of any function, service or duties performed by the South African government and includes *inter alia* services i.r.o. health control, labour matters, election and census registration, servicing of subpoenas, servicing of court interdicts and orders etc.

**LIFESTYLE ESTATE or LIFESTYLE COMMUNITIES** – has a similar meaning as **SECURITY VILLAGE** or **SEMI-PRIVATE COMPLEX** but provides in additional provisions or benefits to the gated community. The a development (urban form) in this gated area is based on the following facets or “building blocks”, or combination thereof, namely:

- o Security and privacy;
- o Conditions ensuring a specific character and standard of buildings and property;
- o Communal facilities (e.g. Swimming pool, golf course, entertainment areas, gym, sauna, beauty salon, children play areas);
- o Information Technology (internet connections); and
- o Landscaping and open space.

**LOCAL MUNICIPALITY** – means the Polokwane Municipality, or its successor in title.

**MANAGER or DIRECTOR**– means a Manager/Director in his/her capacity of the head of the Business Unit/Directorate of the local municipality and/or person employed by the local municipality responsible to manage functions assigned to him/her through provisions in legislation and delegated powers.

**MUNICIPAL PURPOSES** – means uses which the local municipality is legally empowered to excise in terms of empowering legislation and which is also defined in and set out in the Pietersburg/Seshego Town Planning Scheme, 1999 and/or similar land use control mechanisms in operation in the area.

**PARKING LOT** – means land where provision is made for more than one parking space and for such manoeuvring and movement space as may be required to secure orderly traffic flow within such area as well as efficient connection with the flow of traffic in the adjoining street system.

**PARTIALLY RESTRICTED ACCESS** – means the partial restriction of movement of pedestrians and vehicles of the general public through an access point, which is normally done by means of gates and/or booms, which is leading to private owned property, a private road or parking lot. Access is therefore limited to the residents/occupants in the gated area, their guests and emergency services, the local municipality and the post and telecommunication services. The means by which access restrictions are carried out shall at all times be:

- Lawful,
- Not infringe on members of the public's rights as reflected in the Bill of Rights in the Constitution of South Africa;
- Not cause any danger and/or interference with normal traffic and pedestrian movement;
- Not create any danger to human lives; and
- Be consistent with the policy and by-laws of the local municipality.

**PASSIVE ACCESS CONTROL** – means the passive monitoring of movement of pedestrians and vehicles through an access point(s) in such a way that which shall not cause restriction of free movement of pedestrians or vehicles to a public road or a street and/or across any other portion of land or erf leading to a public road or street that are normally used by members of the public to gain access to such an area. The means by which controlled access is carried out shall at all times be:

- Lawful,
- Not infringe on members of the public's rights as reflected in the Bill of Rights in the Constitution of South Africa;
- Not cause any danger and/or interference with normal traffic and pedestrian movement;
- Not create any danger to human lives; and
- Be consistent with the policy and by-laws of the local municipality.

**POST AND TELECOMMUNICATION SERVICES** – means those postal services rendered by the South African Post Office contemplated in the Postal Services Act, 1998 (Act 24 of 1998) and those telecommunication services rendered by government institutions or other institutions i.t.o. the Telecommunications Act, 1996 (Act 103 of 1996).

**PROPERTY** – means any portion of land which is registered in a Deeds Registry, and "ERF" shall have a consonant meaning.

**PRIVATE COMPLEX** - means a physical area that has access through gates or booms to a single private property or erf. The property or erf is normally zoned "Residential 2 or 3" and registered as a sectional title scheme for purposes of higher density dwelling units or as commonly also referred to as town houses. The area is normally fenced or walled off with a single or limited number of controlled accesses to the area. Apart from the internal driveways or paths leading to individual units and over the commonly owned land, there are no roads or streets within such area, which is used by general members of the public or in most cases even the service providers. Therefore the complex is referred to as a *private complex*.

**PRIVATE OPEN SPACE** – means private land zoned for open space or for a sport field, play field or rest or recreation field or as an ornamental garden to which the general public doesn't have a right of access, except by consent.

**PRIVATE STREET or PRIVATE ROAD** – means an area or portion of land or property or erf and privately owned land occupied by a street, road, bridge, subway, avenue, lane,

thoroughfare or right of way for exclusive use by the owners of such property, other persons and institutions specifically mentioned in this policy document, and where the general public doesn't have a right of access, except by consent. Such property or erf, street, road, bridge, subway, avenue, lane, thoroughfare or right of way may also be shown and indicated as such on the General Plan of a township or agricultural plot.

**PUBLIC OPEN SPACE** – means land intended for use by members of the public as undeveloped land, park, garden, conservation area, a playground, a square or recreation ground.

**REZONING** – means the change of land use and/or “USE ZONE” or the “ZONING” by means of the amendment of the Pietersburg/Seshego Town Planning Scheme, 1999, and/or similar land use control mechanisms in operation in the area, by following procedure as set out in the Town Planning and Townships Ordinance, 1986 (Ordinance No. 15 of 1986) as amended and/or similar legislation.

**SECURITY VILLAGE or SEMI-PRIVATE COMPLEX** – means a physical area that have *partially restricted access* through gates or booms across a private road or a street and/or special erf leading to the gated area that are normally used by residents and members of the public to gain access to such an area. The area is normally fenced or walled off with a single or limited number of controlled accesses to the area. The roads or streets within such area are private property/roads and access to general members of the public doesn't have right of access, except by consent, since it is private property. However access and free movement of emergency services, the local municipality and the post and telecommunication services to the area shall not be denied and/or hindered in any way. These private roads must be utilized in a similar manner as public road and/or Right-of-way in order to obtain access to individual/full title erven in the area. Therefore the complex is referred to as a *semi-private complex*.

**SERVICES or MUNICIPAL SERVICES** – means engineering services and includes water, sewerage, electricity, stormwater, roads and telecommunication. It also includes those other services rendered by the local municipality and therefore also includes *inter alia* services for refuse removal, health control, land use control, building control etc.

**SITE DEVELOPMENT PLAN** – means a plan as described in Schedule 3 to the Pietersburg/Seshego Town Planning Scheme, 1999 and/or amendments or additions thereto. Where the mentioned scheme is not in operation the Site Development Plan shall be based on the same requirements and definition as the mentioned above.

**SPECIAL USE** – means land or property used or a building designed or used under provisions of Clause 20 (Special consent use) of the Pietersburg/Seshego Town Planning Scheme, 1999, for any purposes not defined in the, or contained in Table “A” thereof of the scheme (*supra*), and/or similar land use control mechanisms in operation in the area.

**SPECIAL ZONING or SPECIAL** –means a “Use Zone” in its own right which does not contain standard purposes for which land may be used (uses) as well as conditions which the use is subject to. The purpose (use) for which the property may be used for is separately stipulated by means of an Annexure to the Pietersburg/Seshego Town Planning Scheme, 1999. Therefore, a Special zoning must specify the specific purpose (uses permitted) for which the property can be used for, and if necessary provide a definition for such use, and the specific conditions under which it can be used for and buildings erected, which normally include issues such as parking ratio's, Floor Area Ratio's and coverage.

**STREET or ROAD or PUBLIC ROAD** – means the area or portion occupied by any street, road, bridge, subway, avenue, lane, thoroughfare or right of way shown on the General

Plan of a township or agricultural plot or in respect whereof the public has acquired a right of way by prescription or otherwise [also refer to Section 63 of the Local Government Ordinance, 1939, (Ordinance No. 17 of 1939)].

ZONING or USE ZONE – means a part of the Pietersburg/Seshego Town Planning Scheme, 1999, and/or similar land use control mechanisms in operation in the area, as shown on the relevant map(s) thereto, by means of a distinctive notation or edging or other distinctive manner. It primarily includes a use zone as also further set out in the relevant compilation of land use tables thereto.

### **5.3 Classification and types of gated communities**

#### 5.3.1 Broad overview

##### **(i) Broad categories**

- Category A: Purpose-built or green-fields development. (Permanent in nature);
- Category B: Conversion of existing neighbourhood into gated community. (Temporary in nature).

##### **(ii) Development models**

- Model 1: Private complex;
- Model 2: Enclosed neighbourhood (Public complex);
- Model 3: Security Village (Semi-private complex);
- Model 4: Lifestyle Estate (Semi-private complex).

##### **(iii) Implementation of Models.**

TABLE 4: MATRIX OF ALLOWED CATEGORIES PERTAINING TO DIFFERENT MODELS.

<b>MATRIX: Category Model</b>	<b>NORMAL ACCEPTED PRACTISE</b>	<b>*ONLY ACCEPTED IN EXCEPTIONAL CIRCUMSTANCES</b>	<b>NOT ACCEPTED</b>
	<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<b>Model 1</b> (Private complex)	<b>Category A &amp; B</b> Green fields & Conversion	-	-
<b>Model 2</b> (Enclosed neighbourhood)	- -	<b>Category B</b> Conversion	<b>Category A</b> Green fields
<b>Model 3</b> (Security Village)	<b>Category A</b> Green fields	<b>Category B</b> Conversion	-
<b>Model 4</b> (Lifestyle Estate)	<b>Category A</b> Green fields	-	<b>Category B</b> Conversion

*\* Specific procedures and requirements will be laid down in each case. Each case will be considered on its own merits. The municipality will not be obliged in any manner to approve an application/request implied in this column.*

Henceforth:

**(iv) Levels of Access Control**

Level 1: Full restricted access

Access is limited to the residents/occupants in the gated area and their guests only. (See definitions, par. 5.2)

Applied to Model 1; Private complex.

Level 2: Partially restricted access

Access is limited to the residents/occupants in the gated area, their guests and emergency services, the local municipality and the post and telecommunication services. (See definitions, par. 5.2)

Applied to Models 3 and 4; Semi-private complex.

Level 3: Passive access control

The passive Monitoring of movement of pedestrians and vehicles through an access point(s) in such a way that which shall not cause restriction of free movement of pedestrians or vehicles to a public road or a street and/or across any other portion of land or erf leading to a public road or street that are normally used by members of the public to gain access to such an area. (See definitions, par. 5.2)

Applied to Model 2; Public complex.

5.3.2 Model No. 1: Private complex

**(i) Overview**

These types of developments are located or established on a single property or erf. It normally consists of a number of dwelling units located on this single erf and registered in the Deeds Office as sectional title scheme in accordance with the applicable legislation.

It is normally zoned “Residential 2 or 3” for purposes of higher density dwelling units or as commonly also referred to as town houses.

This type of development may also occur where more than one dwelling unit, with Special Consent is erected on a single property under a “Residential 1” zoning and where owners wishes to fence or wall off the property. In effect, all normal property used for normal residential purposes can be classified as such.

Apart from the internal driveways or paths leading to individual units and over the commonly (privately) owned land, there are no roads or streets

within such area which is used by general members of the public to obtain access.

The question whether and when it is gated is up to the owner to introduce such measures at any time. It can therefore be either a purpose built development or conversion at a later stage. No restrictions, except normal building plan approval and land use conditions is required for enclosure into gated area.

**(ii) Access control (Level 1: Full restricted access)**

The property or specific erf has sufficient access from a public road and street system. Therefore, *full restricted access* (Level 1) can be applied since it is private property.

**(iii) Provision of services**

Furthermore, the municipality's or other service provider's responsibility to deliver services ends on the border of the property and the management body (*body corporate*) is the owner of the single property and is therefore the responsible party towards individual units.

5.3.3 Model No. 2: Enclosed neighbourhood (Public complex)

**(i) Overview**

This type of development consists of individual or full title erven located in a physical area that has *passive access control* through an access point. The area is normally fenced or walled off with a single or limited number of controlled accesses to the area.

The roads or streets within such area are public space/roads and free access to members of the public and residents/occupants shall not be denied. No booms, traffic humps or any form of obstruction is permitted. Measures should therefore be introduced which monitor access in a passive manner that doesn't interfere with normal movement of vehicles and pedestrians.

Access and free movement of emergency services, the local municipality and the post and telecommunication services to the area shall at all times not be denied and/or hindered in any way.

**(ii) Purpose and nature**

The main purpose is only to assist residents in the gated community to introduce measures, which will assist in security and crime prevention. However, this model should be considered if there exist a substantial security risk in an area and if the closure could eliminate or reduce crime in the gated area.

This enclosure will only introduce measures which monitor the movement of vehicles and residents through an access point(s). The monitoring will not only discourage crime but will assist security forces (i.e. SA Police Service) with information to apprehend criminals after crimes have been committed in the area.

In most instances this type of gated community should be regarded as a temporary solution to address security concerns in an area.

Therefore, this type of gated community or model will mainly be allowed where existing, already developed neighbourhoods are converted into a gated area. (Category B)

Because this conversion is temporary of nature and to ensure that conditions are strictly complied with, it will be subject to renewal every 3 years or such further period the municipality may grant.

Henceforth:

**(iii) Access control** (Level 3: Passive access control)

*Passive access control* as defined in paragraph 5.2 above can be applied in this instance.

The roads or streets within such area are public space/roads and access to general members of the public can't be denied.

Access from a public road to individual full title erf is hereby ensured and therefore the complex is referred to as a *public complex*.

The monitoring of movement of pedestrians and vehicles through an access point(s) must be carried out to the satisfaction of the municipality at all times and in such a way that it shall not cause restriction of free movement of pedestrians or vehicles to a public road or a street and/or across any other portion of land or erf leading to a public road or street that are normally used by members of the public to gain access to such an area.

Measures should therefore be introduced by the residents or management body of the gated community which monitor access in a passive manner that doesn't interfere with normal movement of vehicles and pedestrians.

In this instance the erection of booms, gates, traffic humps or any other form of obstruction across any road or street which provides access to the area are excluded, since it prohibits free access and may lead to infringement of people's rights.

Alternative measures, such as surveillance cameras to monitor movement of vehicles and pedestrians through the access point in a passive manner, may be introduced.

In the light of above mentioned, the need for the municipality to apply the principle of renewal every 3 years or such further period the municipality may grant as well as detail consideration of a Site Development Plan during the initial assessment/evaluation of the application, is of great importance.

**(iv) Land uses**

Although accessible to the general public, it is preferred that no public facilities, especially those of a social nature [e.g. public open space (parks) public schools, clinics, etc.], can be situated or provided within these developments.

**(v) Provision of services**

As part of the township establishment process, services are constructed, installed by the developer/township founder in a normal manner according to the municipality's policies and provisions in legislation. After successful construction, the municipality will take over all services for future maintenance, including the road surface. Therefore, the maintenance is the responsibility of the municipality.

Services are therefore delivered by the municipality or other service providers in a normal manner as assigned by law.

5.3.4 Model No. 3: Security Village (Semi-private complex)

**(i) Overview**

This type of development consist of individual or full title erven located in a physical area which is normally fenced or walled off, that have access through gates or booms across a private road or a street and/or special erf leading to the gated area that are normally used by residents and members of the public to gain access to such an area.

The erven are normally zoned "Residential 1" for purposes of single dwelling units, but may also comprise of other higher density residential erven (e.g. "Residential 2 or 3").

The roads or streets within such area are private space/roads and free access to members of the public is by consent.

Access and free movement of emergency services, the local municipality and the post and telecommunication services to the area shall at all times not be denied and/or hindered in any way.

**(ii) Purpose and nature**

In most instances this type of gated community is a *purpose-built* or *green fields* development and normally permanent in nature. (Category A)

The main purpose is to ensure security and privacy. Although it addresses security concerns in the gated area, it may also provide other facilities and conditions of the built environment. However, in such instance, the development will rather be classified or referred to as a *Lifestyle Estate*. [Refer to par. 5.3.5. below]

Normally such development is privately developed and rights of the general members of the community are not adversely affected by issues such as street closure, closure of public places etc.

Only in extreme circumstances will this type of gated community or model be allowed where an existing, already developed neighbourhood is converted into a gated area.

Any application, being it purpose built or conversion of existing neighbourhood, it is subject to the criteria, conditions and procedure set out elsewhere in this document.

Henceforth:

**(iii) Access control (Level 2: Partially restricted access)**

*Partially Restricted Access* as defined in paragraph 5.2 above can be applied in this instance.

Although the roads or streets within such area are private property/roads and access to general members of the public is by means of consent, access from a public road to individual full title erven must still be ensured because these private roads are used in a similar manner as a public road and/or Right-of-way. Therefore the complex is referred to as a *semi-private complex*.

Normally servitudes of a *Right-of-way* will be registered across the street as well as servitudes for municipal services, which in effect confirm the status of *semi-private*.

Free movement of emergency services, the local municipality and the post and telecommunication services to the area shall not be denied and/or hindered in any way.

**(iv) Land uses**

No public facilities, especially those of a social nature [e.g. public open space (parks) public schools, clinics, etc.], can be situated or provided within these developments.

However, facilities of private nature for use by residents themselves, e.g. private open space, club house, gym, etc. can be allowed. If this is the case, it is normally associated with a *Lifestyle village* but might not contain all the facets thereof. [Refer to par. 5.3.4 below]. It may be that a Security Village also has private open spaces and/or a club house but no other communal facilities or specific conditions pertaining to buildings are provided.

**(v) Provision of services**

As part of the township establishment process, services are constructed, installed by the developer/township founder in a normal manner according to the municipality's policies and provisions in legislation.

After successful construction, the municipality will take over services for future maintenance assigned to the municipality by law, except the road surface. Although most services are installed within the road reserve, such services serve the larger community and several other neighbourhoods. (Note some services are installed as "mid block" services).

Therefore, the maintenance is the responsibility of the municipality. Where necessary, servitudes must be registered to "protect" the municipality's or other service provider's interests/services.

However, the streets are private property and exclusively used by the residents and their guests within the gated area. Therefore, the future maintenance of the road surface (road paving) will be the responsibility of the residents and the to be established management body.

Regardless of the fact that the municipality is not the owner or responsible for maintenance of the private roads, all designs and construction of such roads should still be approved by the municipality. This is required in order for the municipality to ensure that residents (also rate payers in out city) in the gated area are "protected" from poorly designed and constructed roads. Poor constructed roads might later hold negative consequences for the municipality if owners are not capable of proper maintenance.

The municipality must further ensure that roads are indeed maintained by such owners or management body in the gated area. Certain provisions are therefore laid down to ensure that in the case where roads are not properly maintained, the municipality will perform such maintenance on the cost of the residents/management body.

All other services normally delivered by the municipality (e.g refuse removal) or other service providers and as assigned by law, are delivered and maintained in a normal manner.

### 5.3.5 Model No. 4: Lifestyle Estate (Semi-private complex)

#### (i) **Overview**

This model is similar to Model No. 3: Security Village (Semi-private complex), except that apart from security reasons, it also focuses on other “building blocks” of the urban form which is used for marketing purposes for such developments/complexes.

These *building blocks* of such development are therefore based on:

- Security and privacy;
- Conditions ensuring a specific character and standard of buildings and property;
- Communal facilities (e.g. Swimming pool, golf course, entertainment areas, gym, sauna, beauty salon, children play areas);
- Information Technology (internet connections); and
- Landscaping and open space.

#### (ii) **Purpose and nature**

In this instance and type of gated community is a *purpose-built* or *green fields* development and normally permanent in nature. (Category A). It addresses various issues or facets of the environment as set out in paragraph (i) above.

The main purpose is to ensure security, privacy and to create a specific built environment and standard of living which reflects and accommodate the lifestyle of residents in such gated area. It therefore also provides other communal facilities for the specific use by the residents and/or members thereof.

This form of development accommodates the type of development referred to as *golf estates* or *leisure estates*.

Normally such development is privately developed and rights of the general members of the community are not adversely affected by issues such as street closure, closure of public places etc.

Prospective owners of erven and residents who would like to build a house in the gated area, will also know that certain other benefits and obligations exist which will impact on their property rights and the manner in which it can be developed.

Any application, being it purpose built or conversion of existing neighbourhood, it is subject to the criteria, conditions and procedure set out elsewhere in this document.

Henceforth:

**(iii) Access control** (Level 2: Partially restricted access)

*Partially Restricted Access* as defined in paragraph 5.2 above can be applied in this instance.

Although the roads or streets within such area are private property/roads and access to general members of the public is by means of consent, access from a public road to individual full title erven must still be ensured because these private roads are used in a similar manner as a public road and/or Right-of-way. Therefore the complex is referred to as a *semi-private complex*.

Normally servitudes of a *Right-of-way* will be registered across the street as well as servitudes for municipal services, which in effect confirm the status of *semi-private*.

Free movement of emergency services, the local municipality and the post and telecommunication services to the area shall not be denied and/or hindered in any way.

**(iv) Land uses**

No public facilities, especially those of a social nature [e.g. public open space (parks) public schools, clinics, etc.], can be situated or provided within these developments.

However, facilities of private nature for use by residents themselves, e.g. private open space, club house, gym, etc. can be allowed.

In addition to the above it may be found that extensive recreational facilities form integral part of the development. Normally it is in the form of a *golf estate* where a private golf course is developed in the gated area which may only be used by members of a specific club.

**(v) Provision of services**

As part of the township establishment process, services are constructed, installed by the developer/township founder in a normal manner according to the municipality's policies and provisions in legislation.

After successful construction, the municipality will take over services for future maintenance assigned to the municipality by law, except the road surface. Although most services are installed within the road reserve, such services serve the larger community and several other neighbourhoods. (Note some services are installed as "mid block" services).

Therefore, the maintenance is the responsibility of the municipality. Where necessary, servitudes must be registered to “protect” the municipality’s or other service provider’s interests/services.

However, the streets are private property and exclusively used by the residents and their guests within the gated area. Therefore, the future maintenance of the road surface (road paving) will be the responsibility of the residents and the to be established management body.

Regardless of the fact that the municipality is not the owner or responsible for maintenance of the private roads, all designs and construction of such roads should still be approved by the municipality. This is required in order for the municipality to ensure that residents (also rate payers in our city) in the gated area, are “protected” from poorly designed and constructed roads. Poor constructed roads might later hold negative consequences for the municipality if owners are not capable of proper maintenance.

The municipality must further ensure that roads are indeed maintained by such owners or management body in the gated area. Certain provision area therefore laid down to ensure that in the case where roads are not properly maintained, the municipality will perform such maintenance on the cost of the residents/management body.

All other services normally delivered by the municipality (e.g refuse removal) or other service providers and as assigned by law, are delivered and maintained in a normal manner.

It must be noted that, due to this model’s unique circumstances, additional requirements and issues may be laid down or applicable as required in the specific case.

#### **5.4 Criteria for evaluation**

All the applications or proposed developments pertaining to Models No. 2 to 4 of this policy must at least address and be motivated according to the following criteria, as discussed/indicated in other parts of this document, namely:

- **Spatial implications**
  - Urban form;
  - Legibility and accessibility of entire city;
  - Urban sustainability and socio-economic impacts;
  - Urban fragmentation & integration;
  - Land uses;
  - Impact on traffic flow and transport patterns;
  - Sense of community.
  
- **Safety and security**
  - Long term v.s. short term approach towards crime prevention;

- Built environment and combination approach towards crime prevention;
- Displacement of crime and false sense of security;
- Alternative methods of crime prevention:
  - Surveillance;
  - Environmental design;
  - Use of space;
  - Involving policing forums and city police force;
  - Assisting in local economic development.
- Lifestyle living (if applicable)
  - Security and privacy;
  - Conditions ensuring a specific character and standard of buildings and property;
  - Communal facilities;
  - Information Technology (internet connections); and
  - Landscaping and open space.
- Management aspects;
  - Maintenance of roads and services;
  - Managing bodies & compliance with conditions;
  - Public functions;
  - Section 21 Company (Registration, title conditions of erven, articles of association).
- Technical aspects;
  - Classification of roads in area/affected (See 5.7);
  - Traffic impact study;
  - Land uses affected by closure/development;
  - Long term spatial planning;
  - Generic requirements (See 5.7).
- Legal implications
  - Procedure in legislation;
  - Public liability;
  - Access Control (Controlled Access & Partially Restricted Access);
  - Interference with normal traffic and pedestrian movement;
  - Constitution of South Africa;
  - Liability of Section 21 company.
- Public participation/role players
  - 100% owner directly affected by conversion & to form Section 21 company (where applicable);
  - 67% of owners in adjacent area indirectly affected;
  - SAPS;
  - City Police (Community safety);
  - Traffic police;
  - Fire Brigade;
  - Local/Ward Councilor;
  - Taxi associations/forums (where applicable).

## 5.5 Application procedure

### 5.5.1 Introduction

Both categories pertaining to Models 2 to 4 have provision for some form of access control and therefore will require a specific erf or provision in land use rights to execute it.

In *Category A* (Green fields development) not only will the property in most instances be privately owned, but the land use rights will be more permanent.

In *Category B* (conversions) it will be more temporary, because it is subject to renewal every 3 years and includes public space. For this purpose the land use rights should revert back to original status as public road and therefore also have an impact on ownership thereof.

Another issue is the status of roads. In Model 2 road closures are required.

The following models and categories may therefore be considered in the area of jurisdiction of Polokwane Municipality as set out in Table 4 above, namely:

#### (i) **Model 1: Private complex**

The applicant must only obtain the necessary land use right (e.g. "Residential 2" or "Residential 1" with an increase of number of Dwelling Units) in order to undertake the development on his/her private property.

Such zoning can either be obtained during the original township establishment process or at a later stage to require such rights (e.g. a rezoning).

Thus this model is applicable to Categories A & B.

#### (ii) **Category A (Green fields development); Models 3 & 4: Security Village & Lifestyle Estate (Semi-private complexes)**

The necessary process to introduce these models under Category A entails a normal procedure for township establishment.

Because the development is purpose-built it is planned before hand and all specifications and procedures forms integral part of the normal process of township establishment.

Clear intention is usually also given of the purpose of the development.

The only difference between this *semi-private* complex and a normal township is the status of the internal roads as well as the Access Control erf, which is private property. Therefore additional provision should be made for servitudes of Right-of-Way in order to protect services and access for residents and other parties set out in this policy.

**(iii) Category B (Conversion); Model 2: Enclosed neighbourhood (Public complex)**

It must be put clear that the municipality will only permit this model under exceptional circumstances and after the applicant convinced the municipality that other forms of security measures were introduced but found to be unsuccessful. Under no circumstances should the municipality be obliged to approve any application under this category.

Apart from this, the criteria set out in paragraph 5.4 should be strictly motivated.

The necessary process to introduce this model under Category B entails that it will be necessary that certain portions of public roads must first be closed in terms of provisions in legislation (e.g. Section 67 Of Ordinance 17 of 1939).

Furthermore, because the development is not purpose-built and indeed a conversion of an existing situation and closure of public places, additional requirements should be met. A much wider participation by role players and public comment is required since many rights are affected.

Furthermore,

If this model is implemented, it is only temporary. Therefore suspensive conditions must be laid down.

**(iv) Category B (Conversion); Models 3: Security Village (Semi-private complex)**

Although this model will only be allowed under Category B in exceptional circumstances, the necessary process to introduce this model also entails extra-ordinary procedure. It will be necessary that all portions of public roads within the proposed gated area must first be closed in terms of provisions in legislation (e.g. Section 67 Of Ordinance 17 of 1939).

Ownership of the property must be transferred to the residents' to be established Section 21 Company. It can therefore be regarded as private which will enable this model to be introduced.

The municipality must be convinced without any doubt that the conversion complies with all the criteria and will not have a negative affect on the larger community. In addition, residents must indicate that no other model

will suffice or that alternative methods of crime prevention will not assist crime prevention.

Furthermore, because the development is not purpose-built and indeed a conversion of an existing situation and closure of public places, additional requirements should be met. A much wider participation by role players and public comment is required since many rights are affected.

Under no circumstances should the municipality be obliged to approve any application under this category.

#### 5.5.2 Application procedure

Application procedures under normal accepted practice [refer to Table 4 of par. 5.3.1(iii)] are set out below for the different categories of gated areas are as follows:

##### (i) **Basic procedures for Category A – purpose-built gated area.**

*Decision:*

- Application is made to obtain approval from the municipality for this purpose-built township i.t.o. provisions of relevant legislation (e.g. Section 96 of Ordinance 15 of 1986). Apart from the normal motivation associated with any application for township establishment, the following additional documents/motivation is required, namely:
  - A declaration and motivation setting out the reasons and intention of the owner/developer for the gated area and specific Model (type of gated area);
  - The written consent off the owners of property within a radius of 100meter or such other distance the municipality may require which is affected by the proposed access point(s) to the gated area. Such document must also contain the property description, full names, contact detail and signatures of these owners;
  - A *draft copy* of the Articles of Association of the to be established Section 21 company. Provision should be made in the Title Deeds/Conditions of Establishment of the township for the gated area;
  - A comprehensive motivational memorandum addressing:
    - The evaluation criteria set out in paragraph 5.4 of this policy;
    - A description and map identifying the proposed area to be gated or enclosed;
    - A description of and map indicating all the land uses and current zonings of property indirectly affected by the proposed gated area;
    - A draft Site Development Plan of the proposed access control point, also indicating and describing the measures to apply access control to the gated area,

- the level of access control and provision for vehicles and pedestrian movement etc.;
    - A locality plan showing the existing and planned adjacent road network and classification of all streets in the neighbourhood and its district;
  - A Traffic Impact Study where applicable. (See Table in paragraph 5.7 below);
  - Comments of the relevant role players, which *inter alia* are the following:
    - SAPS;
    - City Police (Community safety);
    - Traffic police;
    - Fire Brigade;
    - Local/Ward Councilor;
    - Taxi associations/forums (where applicable).
  - A comprehensive report and maps indicating the situation of municipal services and the impact the enclosure will have on it. Specific attention should be given to the access control point(s);
  - An initial environmental assessment scoping report;
  - Any other information the municipality may require.
- Eight (8) copies of the above mentioned application must be submitted to the Manager Spatial Planning & Land Use Management in the form required by the municipality;

*Formalising gated area:*

- After approval/decision was obtained from the municipality's Land Use Management Committee for approval of township, normal administrative procedures are followed in order to proclaim the township;
- Specific attention is given to the Services Agreement, since unique circumstances apply i.r.o. maintenance of road surfaces, registration of \*necessary servitudes (see below) etc.
- The Articles of Association must be submitted to the municipality for endorsement prior to the issuing of any services certificates (e.g. Section 101 of Ordinance 15 of 1986) or proclamation of the township AND prior to any commencement of the access control. These articles may not be amended without the consent of the municipality and should be endorsed in the Title deeds.
- Specific provisions should be accommodated in the land use rights pertaining to the access control erf to ensure that the gated community complies with this policy and by-laws of the municipality. This should be provided by means of special consent use procedure (e.g. clause 20 of the Pietersburg/Seshego Town Planning Scheme, 1999) and renewal.

- The applicant and Section 21 Company shall submit the necessary undertaking and financial guarantees as required by the municipality in order to ensure that if the resident's association fails to maintain the roads, sufficient funds will be available to ensure that roads are maintained and/or township converted into a *public complex*.

*\*Registration of servitudes & engineering services*

- The \*necessary servitudes to ensure access and delivery of services shall be registered at the cost of the applicant/township owner/developer;
- All engineering services shall be designed, built and installed to the satisfaction of the municipality. However, since the future maintenance of the road surface is the responsibility of the Section 21 company, these services will not be taken over by the municipality for future maintenance.

*Site Development Plan & building plans.*

- After proper proclamation of the township, the necessary Site Development Plan (SDP) shall be submitted for formal approval prior to any building plans being submitted;
- After approval of the SDP the necessary building plans may be submitted as required by the National Building Regulations and Building Standards Act, 1977 (Act 103 of 1977).

*Commencement of access control.*

- The access control and operation of the gated area may only commence once the necessary Occupation Certificate was issued i.t.o provisions of Section 14 of the National Building Regulations and Building Standards Act, 1977 (Act 103 of 1977).

*Renewal of land use rights for access control erf.*

- The gated community's section 21 company, who is the registered owner of the access control erf and private road should renew the Special Consent (e.g. clause 20 of the Pietersburg/Sesego Town Planning Scheme, 1999) which allow the land use every 3 years or such further period the municipality may grant. Normal application procedure is applicable.

**(ii) Basic procedures for Category B – conversions into gated areas.**

*Principle decision:*

- Application is made to obtain a **principle decision** from the municipality to convert the existing neighbourhood into a gated area. The application must at least comprise of the following:
  - A statement setting out the property description, full names, contact details and signatures of the applicant and/or every land owner, thus 100% of the land owners, directly affected by proposed gated area;
  - A declaration and motivation setting out the reasons and intention of the owners requesting the enclosure;
  - The written consent representing 67% of the owners indirectly affected by the proposed gated area, which will normally consist of the adjacent land owners. Such document must also contain the property description, full names, contact detail and signatures of these owners;
  - The written consent of the owners of property within a radius of 100meter or such other distance the municipality may require which is affected by the proposed access point(s) to the gated area. Such document must also contain the property description, full names, contact detail and signatures of these owners;
  - A *draft copy* of the Articles of Association of the to be established Section 21 company;
  - A comprehensive motivational memorandum addressing:
    - The evaluation criteria set out in paragraph 5.4 of this policy;
    - A description and map identifying the proposed area to be gated or enclosed;
    - A description of and map indicating all the land uses and current zonings of property directly and indirectly affected by the proposed gated area;
    - A draft Site Development Plan of the proposed access control point, also indicating and describing the measures to apply access control to the gated area, level of access control and provision for vehicles and pedestrian movement etc.;
    - A draft plan contemplated in section 67(2) of the Local Government Ordinance, 1939 (Ordinance 17 of 1939) showing the position of boundaries of the street(s) or the portion of the street(s) to be closed; and
    - A locality plan showing the existing and planned adjacent road network and classification of all streets in the neighbourhood and its district;
  - A Traffic Impact Study where applicable. (See the table in paragraph 5.7 below);
  - Comments of the relevant role players, which *inter alia* are the following:
    - SAPS;

- City Police (Community safety);
    - Traffic police;
    - Fire Brigade;
    - Local/Ward Councilor;
    - Taxi associations/forums (where applicable).
  - A comprehensive report and maps indicating the situation of municipal services and the impact the enclosure will have on it. Specific attention should be given to the access control point(s);
  - The municipality may provide for application fees i.r.o. the administration and processing of applications;
  - An initial environmental assessment scoping report;
  - Any other information the municipality may require.
- Eight (8) copies of the above mentioned application must be submitted to the Manager Spatial Planning & Land Use Management in the form required by the municipality;
  - The principle decision above will serve as a decision contemplated in Section 67(1) of the Local Government Ordinance, 1939 (Ordinance 17 of 1939)

*Formalising with street closure & rezoning:*

- After principle decision was obtained from the municipal Council or its delegated structures, **formal procedure i.r.o. street closures** where necessary in terms of provisions of Section 67 of the Local Government Ordinance, 1939 (Ordinance 17 of 1939), must be initiated and concluded as follows:
  - The applicant shall finalise and submit the plan contemplated in subsection (2) showing the position of boundaries of the street(s) or the portion of the street(s) to be closed. All requirements the municipality may have in this instance shall be complied with and all costs pertaining to this matter shall be carried by the applicant;
  - The applicant shall deposit an amount equal all the advertisements costs as well as other actions contemplated in section 67 (*supra*);
  - On completion of the said plan, the municipality shall publish a notice contemplated in subsection (3)(a) calling upon any person who has any objection to the proposed closing or any other matter set out in this subsection to do so;
  - The applicant shall also ensure that the necessary notice is posted in a conspicuous manner on or near the street(s) to be closed as contemplated in subsection (3)(b)(i) and serve the necessary notices on the owners or reputed owners, lessees or reputed lessees and the occupiers of all properties abutting upon the street(s) or portion of street(s) to be closed as contemplated in subsection (3)(a)(ii);

- After objection periods have lapsed, the municipality shall conclude the procedure as set out in subsection (4) to (9);
  - In the case where no objections were received, the Directorate Technical Services of the municipality will be responsible for the physical street closure and any costs incurred in this instance shall be carried by the applicant;
  - After the physical closure was carried out the municipality will issue a Certificate to the Surveyor-General and a copy to the Registrar of Deeds as contemplated in subsection (9)(a);
  - In respect of submission of the Surveyor-General diagrams as contemplated in subsection (10), the applicant will be responsible to submit the necessary diagrams and amendment of General Plan according to provisions of section 37 of the Survey Act, 1997 (Act 8 of 1997) within a period of six (6) months and pay all costs and fees in this regard;
  - After approval of Surveyor General diagrams the applicant shall submit such approved diagrams within 60 days from the date of approval to the municipality.
- If the street closure was unsuccessful, the enclosure of the neighbourhood into a gated area shall not continue.
  - After successful street closure in terms of Section 67 of the Local Government Ordinance, 1939 (Ordinance 17 of 1939), the applicant will commence with the necessary **rezoning and/or to obtain the land use rights** in terms of provisions of the Town Planning and townships Ordinance, 1986 (Ordinance 15 of 1986) or applicable legislation read together with the Town Planning Scheme/Zoning Scheme in operation. This application must be consistent with provisions in this policy and the applicant will be responsible for all actions and costs incurred in this process, including any legal costs the municipality may incur.

#### *Land transfer/lease & registration of servitudes*

- After successful proclamation and/or approval of the required land use rights (rezoning), the property will be either be sold or leased to the resident's home owner's association whatever the case may.
- In the case of an Enclosed Neighbourhood it is normally leased for a period not exceeding 3 years or such further period the municipality may grant, of which the period may be renewed for another period/s;
- In the case of a Security Village or Lifestyle Estate it is normally sold subject thereto that the land shall revert back to the municipality, at the cost of the section 21 company, in the case where the gated area or access control cease to continue/exist. However, under certain circumstances this model may also provide that the land only be leased;
- The municipality shall, at the cost of the applicant, appoint a valuer to determine the land value of land to be sold or leased;
- The necessary servitudes to ensure access and delivery of services shall be registered at the cost of the applicant;

- The land must be leased or transferred to the home owner's association which should be a registered Section 21 company with proper Articles of Association;
- The Articles of Association must be submitted to the municipality for endorsement prior to any transfer or lease of land AND prior to any commencement of the access control. These articles may not be amended without the consent of the municipality;
- The applicant and Section 21 Company shall submit the necessary undertaking and financial guarantees as required by the municipality in order to ensure that the status of the roads and township is returned at the end of the period of the enclosed neighbourhood.

*Site Development Plan & building plans.*

- After proper transfer or lease of the land, the necessary Site Development Plan (SDP) shall be submitted for formal approval prior to any building plans being submitted;
- After approval of the SDP the necessary building plans may be submitted as required by the National Building Regulations and Building Standards Act, 1977 (Act 103 of 1977).

*Commencement of access control.*

- The access control and operation of the gated area may only commence once the necessary Occupation Certificate was issued i.t.o provisions of Section 14 of the National Building Regulations and Building Standards Act, 1977 (Act 103 of 1977).

*Renewal*

- The applicant must renew the lease of the property before it expires but not sooner than 3 months from expiry date;
- The renewal application shall comprise of the following documents, namely:
  - A statement setting out the property description, full names, contact details, identity numbers and signatures of the applicant and/or every land owner, thus 100% of the land owners, directly affected by proposed renewal;
  - A declaration and motivation setting out the reasons and intention of the owners requesting the renewal;
  - A *certified copy* of the Articles of Association of the to be established Section 21 company;
  - A comprehensive motivational memorandum/report addressing:
    - A description of and map indicating all the land uses and current zonings of property directly and indirectly affected by the proposed gated area;
    - Describing the measures to apply access control to the gated area, provision for vehicles and pedestrian movement etc.

- What alternative methods of crime prevention, if any, is also introduced in the area, namely:
  - Surveillance;
  - Environmental design;
  - Use of space;
  - Involving policing forums and city police force;
  - Assisting in local economic development to ensure job opportunities.
- Any other information the municipality may require.

*Ending of gated area.*

- The applicant and gated community shall take all the necessary steps as required by the municipality and be liable for all costs to ensure that the status is returned to normal if the gated area should cease to exist.
- The municipality will be authorized to recall the written undertaking and financial guarantees to ensure that the status is returned to “normal” if the applicant or gated community fails to do so.

## **5.6 Requirements and conditions**

### **5.6.1 General Conditions: Models 2, 3 and 4.**

- It is required that a Section 21 company of which all owners within the gated area are members, is formed as the legal entity;
- The Articles of Association must be endorsed by the municipality and must, in the opinion of the municipality, be consistent with municipal by-laws, the relevant zoning/town planning scheme and Constitution of the Republic of South Africa;
- Access and free movement of emergency services, the local municipality, the post and telecommunication services and government services to the area shall at all times not be denied and/or hindered in any way. The municipality must be ensured that the necessary actions are taken in this regard;
- The land use rights allowed for the *access control* erf i.r.o. Models 3 and 4 (semi-private complex, Level 2 Access control) shall entail the following:
  - Zoning: Use Zone 8 - Special
  - Conditions: The erven are subject to the following conditions:
    - The erf shall only be used for the purposes of a private road and access control and/or as for purposes determined by the local municipality;
    - The use of the property for the purposes of a private road and access control shall be renewed as determined by the local municipality;

- The local municipality may maintain the private road at the cost of the owner, should the owner not maintain the said road to the satisfaction of the local municipality;
  - The application of Access control by the owner, lessee or gated community shall be consistent with policy guidelines of the municipality at all times. Should the owner, lessee or gated community fail to comply with such conditions in the opinion of the local municipality, the rights will cease to exist. The purpose and conditions for which the property may be used in such instance, shall be determined by the municipality;
  - Buildings, screen walls, security gates and booms, shall be erected to the satisfaction of the municipality in accordance with an approved Site Development Plan;
  - Access and free movement of emergency services, the local municipality and the post and telecommunication services to the area shall at all times not be denied and/or hindered in any way.
  - Access control shall not cause any danger and/or interference with normal traffic and pedestrian movement, or create any danger to human lives way in any way.
- Fencing, walling and erection of gates and booms should, in the opinion of the municipality be attractive and not pose any danger to vehicles, people or animals and any barbed wire, sharp projections or electric fencing must be out of the reach of children. It should also be in accordance with other legislative provisions;
  - Security gates and booms or *access control* facilities must be manned 24 hours a day, 7 days a week;
  - Vehicular gates or booms in operation during hours of darkness must be adequately illuminated to the satisfaction of the municipality;
  - Control point staff at any *access control* facility shall be registered with the Security Officer's Board, and produce registration cards on request to any person passing through the control point;
  - Standing or other orders for control point staff or security guards at the access control point must be in writing and on public display at such point;
  - During hours of darkness, all control point staff or security guards at the access control point must wear reflective/day-glo vests or jackets for visibility;
  - The company responsible for control point staff or security guards at the *access control* point must be in possession of contact details for the resident's association and management;
  - The contact detail of the company responsible for control point staff or security guards at the access control point must be posted and put on public display at such point;
  - No fee may be charged at any access control facility;

- All signs erected in the gated area and *access control* facility must comply with the municipality's policy and by-laws on Outdoor Advertisement;
- In the case where existing roads were closed (Category B), signage must be provided and maintained by the applicant in the vicinity of the *access control* facility and any closed-off road, to warn traffic of the closure and direct it to an alternative route. All signage must be in accordance with the South African Road Traffic Signs Manual

5.6.2 Specific conditions: Model 2 for Enclosed Neighbourhood (Public complex)

- The gated area and enclosure is only allowed as temporary measure to assist the community in crime prevention over the short term;
- The enclosure is temporary in nature and the property is only leased for periods of 3 years or such further period the municipality may grant. The applicant must renew the lease of the property before it expires but not sooner than 3 months from expiry date;
- The monitoring of movement of pedestrians and vehicles through access point(s) shall not cause restriction of free movement of pedestrians or vehicles to a public road or a street and/or across any other portion of land or erf leading to a public road or street that are normally used by members of the public to gain access to the gated area;
- The means by which *passive access control* is carried out shall at all times, in the opinion of the municipality, be:
  - (i) Lawful,
  - (ii) Not infringe on members of the public's rights as reflected in the Bill of Rights in the Constitution of South Africa;
  - (iii) Not cause any danger and/or interference with normal traffic and pedestrian movement;
  - (iv) Not create any danger to human lives; and
  - (v) Be consistent with the policy and by-laws of the local municipality.
- Free access to members of the public and residents/occupants shall not be denied. Access and free movement of emergency services, the local municipality and the post and telecommunication services to the area shall not be denied and/or hindered in any way;
- Measures for *passive access control* may only be introduced which monitor access in a passive manner that doesn't interfere with normal movement of vehicles and pedestrians;
- The applicant must submit the proposed means by which the *passive access control* will be introduced and what measures will be put in place to monitor the movement of vehicles and pedestrians through the access point;

- No booms or gates or traffic humps or any other form of physical restriction/barrier shall be erected in order to apply *passive access control*.
- An access control erf may be provided at the point where *passive access control* is to take place, but should not exceed over any portion of paved or tarred road surface normally used for vehicular movement.
- Any road closure which the municipality may deem necessary for the operation of the gated area shall be done in terms of provisions of the Local Government Ordinance, 1939 (Ordinance 17 of 1939), as well as comply with provisions of the Town Planning and Townships Ordinance, 1986 (Ordinance 15 of 1986) or applicable legislation read together with the Town Planning Scheme/Zoning Scheme in operation.
- The land use rights allowed for the *access control* erf i.r.o. Model 2 (public complex, Level 3 Access control) shall entail the following:
  - Zoning: Use Zone 8 - Special
  - Conditions: The erven are subject to the following conditions:
    - The erf shall only be used for the purposes to monitor access to an area subject to further conditions determined by the municipality;
    - The use of the property for the said purposes shall be renewed as determined by the local municipality;
    - The local municipality may maintain any structure on the said property at the cost of the owner, should the owner not maintain it to the satisfaction of the local municipality;
    - The application of monitored access by the owner, lessee or gated community shall be consistent with policy guidelines of the municipality at all times. Should the owner, lessee or gated community fail to comply with such conditions in the opinion of the local municipality, the rights will cease to exist. The purpose and conditions for which the property may be used in such instance, shall be determined by the municipality;
    - No security gates and/or booms shall be erected across any public road and erection of any building an/or structure shall be in accordance with an approved Site Development Plan;
    - Free and unrestricted access through the access control shall be allowed at all times.
    - Access control shall not cause any danger and/or interference with normal traffic and pedestrian movement, or create any danger to human lives way in any way.

5.6.3 Specific conditions: Models 3 & 4 for Security Village & Lifestyle Estate (Semi-private complexes)

- The land use rights allowed for the *access control* erf i.r.o. Models 3 and 4 (semi-private complex, Level 2 Access control) shall entail the following:
  - Zoning: Use Zone 8 - Special
  - Conditions: The erven are subject to the following conditions:
    - The erf shall only be used for the purposes of a private road and access control and/or as for purposes determined by the local municipality;
    - The use of the property for the purposes of a private road and access control shall be renewed as determined by the local municipality;
    - The local municipality may maintain the private road at the cost of the owner, should the owner not maintain the said road to the satisfaction of the local municipality;
    - The application of Access control by the owner, lessee or gated community shall be consistent with policy guidelines of the municipality at all times. Should the owner, lessee or gated community fail to comply with such conditions in the opinion of the local municipality, the rights will cease to exist. The purpose and conditions for which the property may be used in such instance, shall be determined by the municipality;
    - Buildings, screen walls, security gates and booms, shall be erected to the satisfaction of the municipality in accordance with an approved Site Development Plan;
    - Access and free movement of emergency services, the local municipality and the post and telecommunication services to the area shall at all times not be denied and/or hindered in any way.
    - Access control shall not cause any danger and/or interference with normal traffic and pedestrian movement, or create any danger to human lives way in any way.
  
- The means by which *partially restricted access* is applied shall at all times be:
  - (vi) Lawful,
  - (vii) Not infringe on members of the public's rights as reflected in the Bill of Rights in the Constitution of South Africa;
  - (viii) Not cause any danger and/or interference with normal traffic and pedestrian movement;
  - (ix) Not create any danger to human lives; and
  - (x) Be consistent with the policy and by-laws of the local municipality
  
- Measures for *partially restricted access* and the access control facilities must not at any time interfere with normal movement of vehicles and pedestrians on the adjoining road network system. If this is the case, the municipality can require that the applicant and/or

Section 21 Company take the necessary steps to correct any problems which may occur. This may include steps and/or contributions to upgrade the road network in an area;

- Although the gated area is permanent in nature, the municipality will ensure that conditions of this policy are complied with by means of renewal procedure of the land use rights associated with the access control erf/facilities. Every 3 years or such further period the municipality may grant, the Section 21 Company, who is the registered owner of the access control erf and private road, shall renew the land use rights which allows the *partially restricted access*. Normal application procedure is applicable (See par.5.6.1).

## 5.7 Generic/technical requirements

Any application for gated community, shall comply with the following generic requirements:

### 5.7.1 Road system and traffic

A gated area can only be allowed in a situation which ensures that traffic movement (vehicle and pedestrian) are effective and sustainable.

Table 5 below provides the prescription of which order (classification) of roads and under which conditions it can be allowed. It is applicable to both planned and existing roads. (Also refer to Table 6 paragraph 5.7.2 for classification)

TABLE 5: ACCEPTABILITY FOR ROAD CLOSURES, ROAD DIVERSIONS (EXISTING AND PLANNED) AND ACCESS RESTRICTION i.r.o. GATED COMMUNITIES ACCORDING TO FUNCTION AND CLASSIFICATION OF ROUTES

<b>ROADS WHICH MUST NOT BE RESTRICTED</b>	<b>ROADS WHERE ACCESS RESTRICTION MAY BE CONSIDERED SUBJECT TO TRAFFIC IMPACT STUDY.</b>	<b>ROADS WHERE ACCESS RESTRICTION WILL NORMALLY BE ACCEPTABLE WITHOUT TRAFFIC IMPACT STUDY.</b>
Primary routes (Class 1)	Local distributors (Class 4) that carry low volumes and which have close alternative routes	Cull-de-sacs shorter than 100m
Major arterials (Class 2)	Accesses to offices and other businesses, not dependant on passing traffic	Access streets (Class 5)
Minor arterials (Class 3)	Informal public transport routes	
Local distributor (Class 4) with no convenient alternative route	Cull-de-sacs longer than 100m	

Local distributor (Class 4) carrying high volumes (1000 veh./day or 100 veh./peak hour)		
Bus or other formal public transport routes		
Access to any public facility (e.g. schools, parks, hospital) or retail facilities or public office (e.g. shops, government offices).		
Accesses to services facilities (e.g substations, reservoirs, sewer pumps, etc.)		

### 5.7.2 Classification of roads

TABLE 6: SUMMARY OF CLASSIFICATION OF ROADS WITH REFERENCE TO THIS POLICY.

Classification	Description	Function	Comment
<i>Non-residential roads:</i>			
Class 1	Trunk roads (freeway, national, provincial and inter regional)	To facilitate regional distribution of traffic (inter-city movement)	Continuity of route is important
Class 2	Primary distributors (Urban freeways, urban express ways and major arterials)	Primary network for urban area as whole. At long distance traffic movement within city focused on such routes	Restricted access and fairly high speeds. Continuity of route is important
Class 3	District Distributors (Minor arterials and major collector roads)	Distribute traffic between various residential, industrial, major business districts of the city and form a link between the primary network and roads within residential areas.	Major public transport movements are routed on these roads and continuity is also important
<i>Non-residential/Residential roads:</i>			
Class 4	Local Distributors (Minor collectors and collector streets)	They are "local" through-roads which distribute traffic within communities and link Class 3 (District Distributors)	Generally not continuous between adjacent neighbourhood cells.

		routes and provide access to Class 5 (Residential Access Roads).	
<i>Residential roads:</i>			
Class 5	Residential Access Roads	Providing direct access to buildings and land within area. Access of motor vehicles are not their only function.	These roads are descending priority in a hierarchic order
Class 5(a)	Residential Access Collector	Traffic from up to 200 dwelling units. Link between local distributor and other access roads	
Class 5(b)	Residential Access Loop	Traffic from up to 120 dwelling units	
Class 5(c)	Access cul-de-sac	Small informal road spur for access to between 6 and 60 dwelling units	
Class 5(d)	Access way	A closed system road, having and exit at one end only. Traffic from up to 60 dwelling units	
Class 5(e)	Access court	Access to up to 30 dwelling units.	

*Source:* RSA, Dept. Community Development; 1983: Guidelines for the provision of engineering services for residential townships.

### 5.7.3 Access control facilities

The following requirements and standards will be applied i.r.o gated communities and access control facilities as indicated in Table 7 below.

TABLE 7: MINIMUM REQUIREMENTS AND PREFERRED STANDARDS APPLICABLE TO ACCESS CONTROL FACILITIES, ACCESS GATES AND TRAFFIC FLOW i.r.o. GATED COMMUNITIES.

Facet/Measures		Preferred	Required minimum
Set back of gates/booms from nearest through kerbline along public road	Vehicles (access control point)	20m	10m
	Maintenance vehicles gate	10m	7m
Minimum opening (width) gates/booms for vehicles (access control point)	Two-way traffic.	The existing roadway or minimum of 7m	6m (Lightly trafficked)
	Single vehicle		3,5m (Lightly trafficked)
Minimum opening (width) of maintenance vehicle gates		4m	3,5m
Minimum vertical clearance of vehicle gates or any structures		5,1m	5,1m
Were access to gated area is from a busy through road, the following should be provided:	Turning lanes -:	25m long at 3m width;	Other measures to cater for queuing vehicles
	Laybys -:	12m long at depth of 2,5	

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