

POLICY : SECURITY TOWNSHIPS (NEW DEVELOPMENTS)

Item B-DP (5-2003) MC 12.6.2003 STANDARDISATION OF DEVELOPMENT PLANNING POLICIES : SECURITY TOWNSHIP POLICY (NEW DEVELOPMENTS)

RESOLUTION

1. **That** the report on the Standardisation of Development Planning Policies in respect of the "Security Township Policy" (New Developments), **BE NOTED** and that the said policy **BE APPROVED**.
2. **That** with the approval of security township applications, the following conditions pertaining to a Security Township Development **BE APPLICABLE**:

2.1 A NEW SECURITY TOWNSHIP

The township is subject to the following conditions:

- (a) A legal entity must be instituted by the owner/developer.
- (b) All the relevant conditions must be incorporated into the constitution of the legal entity.
- (c) A copy of the constitution of the legal entity must be submitted to the local authority before the approval of any site development plan or building plan.
- (d) The owner/developer is liable for the cost of the installation of a street-lighting network. The maintenance thereof and the power usage cost will be the responsibility of the legal entity / respective property owners.
- (e) The local authority will not take over the street-lighting network.
- (f) The street lighting supply should be metered and the legal entity is liable for the electricity consumption.
- (g) Once the electrical network has been installed, same will be transferred to the local authority free of cost, who shall maintain the networks (except the internal streetlights).
- (h) Plans for the internal electrical network certified by a Registered Professional Electrical Engineer must be submitted to the relevant department for consideration and final approval.
- (i) The sewer, water and electrical networks must be installed to the satisfaction of the relevant departments.
- (j) A "right-of-way" servitude must be registered over the private road in favour of all the proposed erven and the local authority.
- (k) A servitude for municipal services in favour of the local authority must also be registered over the private road.
- (l) The above-mentioned servitudes must be indicated on the general plan and be registered simultaneously with the transfer of any erven to their respective owners.
- (m) The design of the internal roads (by a professional Civil Engineer) must be submitted to the relevant department for approval.
- (n) A storm-water management plan (designed by a professional engineer) must be submitted to the relevant department for approval.
- (o) The roads and storm-water infrastructure will not be taken over by the local authority and the maintenance of these services remains the responsibility of the legal entity.

- (p) The legal entity must indemnify the local authority against any and all claims regarding:
- the maintenance and the provision of any roads and storm-water services in the development (the provision of engineering services under paved areas to be avoided);
 - any damage to the paving which is caused by an emergency vehicle or any vehicle of the local authority that is involved in any maintenance of services; and
 - any damage and/or incidental damage to the water and sewer infrastructure (shall be for the account of the owner).
- (q) The owner / developer is responsible for all road markings and signs in the proposed development. Road markings and signs must be determined in conjunction with the relevant departments.
- (r) Unhindered access must be given to emergency vehicles and all service authorities (water, electricity, Telkom, etc) at all times.
- (s) The owner/developer is liable for the erection of street name signs on the private road (Right-of-Way servitude).
- (t) The owner/developer must undertake to notify all buyers of all the conditions as stipulated by the local authority in writing.

The following must also be incorporated in the Conditions of Establishment:

(i) Pre-proclamation conditions:

Indication of Servitude

- (a) The applicant shall at his own expense indicate a servitude for municipal purposes in favour of the Local Authority over the whole of Erf on the general plan.
- (b) The applicant shall at his own expense indicate right-of-way servitudes in favour of all the other erven over the whole of Erf on the general plan.

General

The applicant shall satisfy the local authority that a street name has been approved by the local authority.

(ii) In Conditions of Establishment

Engineering Services

- (a) The applicant shall be responsible for the installation and provision of internal engineering services to the satisfaction of the relevant department.
- (b) Once water, sewer and electrical networks have been installed, same will be transferred to the Local Authority, free of cost, who shall maintain these networks (except internal street lights) subject to (a) above.
- (c) The 'legal entity will be responsible for the maintenance of' the internal roads (including storm-water) and the internal streetlights (including electrical power usage).

(iii) In Conditions of Title

- (a) Every owner of the erf, or of any subdivided portion thereof, or any person who has an interest therein shall become and shall remain a Member of the Home Owners' Association and be subject to its constitution until he/she ceases to be an owner of aforesaid. Neither the erf nor any subdivided portion thereof nor any interest therein shall be transferred to any person who has not bound himself/herself to the satisfaction of such Association to become a Member of the Home Owners' Association.
- (b) The owner of the erf or any subdivided portion thereof, or any person who has an interest therein, shall not be entitled to transfer the erf or any subdivided portion thereof or any interest therein without the Clearance Certificate from the Home Owners' Association that the provisions of the Articles of Association of the Home Owners' Association have been complied with.
- (c) The term "Home Owners' Association" in the aforesaid conditions of Title shall mean the home owners association of (a duly recognized legal entity).

Erf

- (a) A servitude for municipal purposes in favour of the local authority, as indicated on the general plan to guarantee access to the local authority's personnel and vehicles in order to carry out repair and maintenance work to the water, sewer and electrical networks (excluding street lights) after they have been taken over by the local authority must be registered over the entire erf.
- (b) The erf shall be registered in the name of the duly registered legal entity.
- (c) A right-of-way servitude in favour of all the other erven in the township as indicated on the general plan must be registered over the entire en to guarantee access to a public road to all the residents.

2.2 THE SUBDIVISION OF RESIDENTIAL ERVEN

- (i) A "Right-of-Way" servitude over the whole of proposed portion in favour of erven and as indicated on Sketch Plan , must be registered.
- (ii) A servitude for "Municipal purposes" in favour of the Local Authority covering the total area of proposed portion and as indicated on Sketch Plan , must be registered.
- (iii) The above- mentioned servitudes must be registered simultaneously with the transfer of any portion to its respective owner
- (iv) The roads and storm-water infrastructure will not be taken over by the Local Authority and the maintenance of these services remains the responsibility of the legal entity.

- (v) The legal entity must indemnify the Local Authority against any and all claims regarding:
 - the maintenance and the provision of any roads and storm-water services in the development. (The provision of engineering services under paved areas to be avoided);
 - any damage to the paving which may be caused by an emergency vehicle or any vehicle of the Local Authority that is involved in any maintenance of service; and
 - any damage and/or incidental damage to the water and sewer infrastructure (shall be for the account of the owner).
- (vi) The design of the internal roads (by a professional civil engineer) must be submitted to the relevant department for approval.
- (vii) A storm-water management plan (designed by a professional engineer) must be submitted to the relevant department for approval.
- (viii) The owner/developer is responsible for all road markings and signs in the proposed development. Road markings and signs must be determined in conjunction with the relevant departments.
- (ix) Unhindered access must be given to emergency vehicles and all service authorities (water, electricity, Telkom, etc.) at all times.
- (x) The street name be allocated to the private road/servitude (.....) as indicated on, Sketch Plan.....
- (xi) The owner/developer is liable for the erection of street name signs on the Private Road! "Right-of-Way" servitude.
- (xii) A legal entity must be instituted by the owner/developer.
- (xiii) All the relevant conditions, for example conditions (iv), (v) and (vi), must be incorporated into the constitution of the legal entity.
- (xiv) A copy of the constitution of the legal entity must be submitted to the Local Authority.
- (xv) The developer/owner must accept all the above-mentioned conditions in writing. This written acceptance from the owner/developer must also include an undertaking that all buyers will be notified of all the conditions stipulated by the Local Authority, in writing.
- (xvi) Plans for the internal electrical network certified by a Registered Professional Electrical Engineer must be submitted to the relevant department for consideration and final approval.
- (xvii) The owner/developer is liable for the cost of the installation of a street-lighting network. The maintenance thereof and the power usage cost will be the responsibility of the legal entity/ respective property owners.
- (xviii) The Local Authority will not take over the street-lighting network.
- (xix) The street-lighting supply should be metered and the legal entity is liable for the electricity consumption.
- (xx) Once the electrical network has been installed, same will be transferred to the Local Authority free of cost, who shall maintain the network (except the internal streetlights).
- (xxi) The water, sewer and electrical networks must be installed to the satisfaction of the relevant departments.

3. **That** where necessary, the relevant Town-planning schemes **BE AMENDED** in order to incorporate the definition of a private road as proposed and although not a necessity, include a private road use zone.

4. **That** the provisions of the policy **BE APPROPRIATELY COMMUNICATED** to Ward Committees and relevant stakeholders by the Development Planning Department.
5. **That** the Executive Director: Development Planning **INCLUDES** the comments of other departments, to the extent appropriate, in the conditions reflected in (2) above.