APPENDIX 17

STELLENBOSCH MUNICIPALITY

WAYLEAVE POLICY

2024/2025

REVISED

SECTION: **DEVELOPMENT SERVICES, ASSET MANAGEMENT & SYSTEMS, PROJECT MANAGEMENT UNIT (PMU)**
DIRECTORATE: **INFRASTRUCTURE SERVICES**

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WAYLEAVE POLICY

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1. INTRODUCTION

1.1 Legal Context

In terms of Section 151 of the Constitution of the Republic of South Africa, 108 of 1996, a municipality has the right to govern on its own initiative, the local government affairs of its community, subject to national and provincial legislation.

Section S156 of the Constitution grants the municipalities the right to administer the local government matters listed in Schedule 5B, which include municipal roads. A municipality may make by-laws for the effective administration of municipal roads.

This Policy will be converted into municipal by-laws to give it legal effect.

1.2 Need for Co-ordination

The collective value of services infrastructure services contained within the public road reserve, and the road itself and Municipal Lands amounts to a considerable value. This infrastructure needs to be maintained, periodically rehabilitated and replaced or upgraded from time to time. Such activities can result in considerable delays, inconvenience, danger and additional costs to the road users and Municipality itself if not well planned and coordinated. The potential damages that can be suffered by either party include:

- Damage to roads and other services;
- Damage to vehicles;
- Injury to vehicle occupants or pedestrians Inconvenience to road users;
- Reduction of the useful life of the road, footway or other services; and
- Time and social costs caused by delays.

It is imperative apparent that careful control and co-ordination permission is a prerequisite offor all Work conducted in the the public road reserves and in Municipal Lands is a prerequisite for careful control and co-ordination of the Works to avoid effective disturbance to service delivery and public inconvenience. This responsibility resides with the Stellenbosch Municipality and its infrastructure services departments to continuously improve their capability to provide such services.

Being As the custodian of all municipal road reserves, the Infrastructure Services Directorate —Roads, Transportation and Stormwater Department Sub-Unit within The Stellenbosch Municipalityto an initiatedive a programme to establish the necessary co-ordination activities and policies regarding Work conducted in the public road reserves. This wayleave policy document (this document) iswas the first deliverable of the programme. This initiate was later transferred to the Asset Management and Systems (Wayleaves) UnitIt. This document attempts to provide a basic framework for ensuring proper co-ordination and co-operation between the various departments as well as external parties who conduct Work in the public road reserves and Municipal Lands.

The document was prepared with the aim to minimise and strive to eliminate any negative the effect or disruptions to services installed of all Work in the public road reserves and on Municipal Lands as a consequence of uncoordinated and carefully controlled Works.to the benefit of all concerned and in particular the ratepayers, road users (motorists and pedestrians), and eventually the coordinating body within The Stellenbosch Municipality. Included in tThis document covers are the procedures to apply for, process and approve Wayleaves, procedures to follow for undertaking and completion of Work, as well as a reference to specifications according to which the Work must be done.

This initiative can only succeed if all internal and External parties that involved in carrying out

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Work ~~work~~ in the public road reserves and Municipal Lands constructively cooperate by working according to this Code, related policies and supporting documentation.~~and by providing feedback on how the system can be improved~~.

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1.3 Establishing a ~~Service Co-ordinator~~Service Co-ordinator

The Infrastructure Services Directorate has identified that this co-ordination function will need to:

- Improve the interdepartmental communication on annual Work plans and the execution of such Work;
- Coordinate and regulate all Work carried out within the public road reserves and Municipal Lands;
- Minimise the danger and inconvenience to the public;
- Minimise the disturbance and damage to existing Services;
- Reduce and prevent illegal works carried out in the road reserves and Municipal Lands;
- Reduce the number of legal claims; and,
- Promote the use of technology, such as Geographical Information Systems (GIS) to locate Services~~.~~
- Assist in protection and safe guarding of the municipality infrastructure assets.

In order to effectively implement and sustain such a function for a ~~Service Co-ordinator~~Service Co-ordinator and a Quality Control Engineer (collectively the Asset Management & Systems (Wayleaves) ~~s~~Section) are being established within The Stellenbosch Municipality. The four essential tasks that must be accomplished in the process of establishing the ~~Service Coordinator~~Service Co-ordinator and the Quality Control Engineer are:

- Establishing the necessary Council Policy in this regard (covered by this document);
- Establishing effective and simplistic procedures (covered by this document and detailed standard operating procedure);
- Establishing effective Municipal Bylaws (~~future activity~~in the process of formation)~~, and,~~
- Establishing an effective Organisational Structure (in the process of formation~~future activity~~)~~.~~; and,
- Proper record-keeping of each approval and work done on-site (~~future activity~~active).

The process to develop thi~~s~~ Policy included the following activities:

- Identifying and documenting the Stellenbosch Municipality requirements in terms of the Policy and procedures;
- Identifying representatives for both internal and external stakeholders to participate in the policy formulation process;
- Researching existing documentation and other information sources as provided by the Stellenbosch Municipality and representatives;
- Developing of a draft Policy and Procedures;
- Facilitating workshops on the document; and
- Finalising documentation and getting approval from the Stellenbosch Municipality Council.

1.4 Document Structure

This document is organised into three sections. The following is a brief description of each section:

Section 1 – Introduction: This section aims to illustrate the need for coordination and responsibility of the ~~custodian of the public road reserves to~~ wayleaves service coordinat~~e~~ion team. It ~~continues by~~ further ~~explaining~~elaborate on the development approach ~~that was followed~~adopted.

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Section 2 – Definitions: This section is a summary of definitions of terms used throughout the document.

Section 3 – Policy: The Wayleave Policy as adopted by Council is explained under a collection of topics, including the Basic Wayleave Procedure. This structure was used in order to simplify the use of the document.

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1.5 Supporting Documents

Three supporting documents, which documents are incorporated and form part of this Policy.

- Wayleave application form,
- The General Wayleave Conditions ~~relating to Wayleave Applications~~. These general conditions may be amended by the ~~Service Co-ordinator~~Service Co-ordinator depending on the nature of the Work to be carried out.~~,~~
- Wayleave Work Permit~~/~~ or Approval ~~form~~letter,
- Services Verification Meeting ~~Certificate~~Record
- Public Liability Insurance Checklist~~Wayleave Guarantee Checklist~~,
- Wayleave Tariffs as approved per financial year,
- Certificate of Works Completion

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2. DEFINITIONS

The following words and phrases have the meaning assigned to them in this Code unless the context otherwise indicates:

"Authorised Agent" means an agent who is authorised by the ~~Service Co-ordinator~~Service Co-ordinator to perform specified Services;

"Backfilling" refers to the replacement of the structural layers in the trench or excavation and may ~~includes~~include the base, sub-base, selected subgrade and subgrade, but excludes the surfacing ~~(~~which is covered under ~~see~~ 'Reinstatement'~~)~~;

"Certificate of Works Completion" means the document issued by the Professional Engineer appointed by the Wayleave Holder as proof that Work in the public road reserves has been completed ~~according to~~complies with the ~~specifications~~ requirements and conditions of this document and that of the approved wayleave and issued to the Wayleave Holder;

"Code" means the Policy (this document) for Work in the Public Road Reserve (PRR) and other Municipal Lands as approved by the Council and as agreed to by the Parties including ~~any~~the accompanying appendices ~~attached~~ thereto;

"Council" means the Municipal Council of The Stellenbosch Municipality established by Provincial Notice No. 352 of 2000 dated 19 September 2000, as amended, or its successor in title, and any committee or person to which or whom an instruction has been given or any power, function or duty has been delegated or sub-delegated in terms of, or as contemplated in, section 59 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000);

"Distance of Excavation" means the shortest horizontal distance between the electrical equipment or electrical structure nearest to the excavation. "Electric structure" means any power line tower, electric pole, switch box, miniature substation fence or building or any other structure used in the distribution of electricity;

"Emergency Work" is defined as any Work that is required to prevent or end a dangerous situation, to prevent or end an unplanned interruption in the supply of a Service, or to avoid any substantial losses. It is important to note that a lack of proper planning of Work to be carried out will not justify Emergency Work and such activities will be reasonably stopped by the ~~Service Coordinator~~Service Co-ordinator;

"External" refer to anything not belonging to the Council as applicable in the context.

"Illegal" refer to Works conducted without an approved Wayleave or without a valid authorisation from the Council.

"Internal" refer to anything belonging to the Council as applicable in the context.

"Lane Rentals" mean the rentals that are paid to the ~~Service Coordinator~~Service Co-ordinator by a Service ~~Agency~~Agent, excluding a Municipal Department, whose Work in the Public Road Reserve (PRR) results in time delay costs (TDC) being incurred by the users of the Public Road Reserve (PRR);

"Non-compliance" refers to any violation of the approved wayleave conditions and requirements as applicable.

"Municipal Department" means any Department that belongs to or is controlled by the Council;

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"Municipal Land" any land that is owned or is under controlled of the Stellenbosch Municipality;

"Professional Engineer" means a person registered as a Professional Engineer/ Technologist in terms of the Engineering Professions Act, 2000, appointed and funded by the Wayleave Holder to ensure compliance with the requirements and Conditions of the Code and the Approved Wayleave. Appointment of such a person is required to control the Works wherever any excavation and overhead installations are involved.

"Public Road Reserve" means the full width of a public road, and includes the verge and the roadway;

"Reinstatement" refers to replacement of the final layer in the case of roads, footways and verges and this may be the bituminous surfacing, paving blocks, concrete, or grass, etc, as originally discover on the site or may be instructed in the Wayleave Approval.

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"Routine Maintenance Work" is defined as all types of Work involved in maintaining the services in the public road reserves and other Municipal Landsand that does not require excavation, traffic control or reinstatement activities;

"Security Deposit" means the refundable deposit required to be paid to the Municipality in respect of each Wayleave approval issued, either a fixed amount per the tariff register (for smaller projects), a percentage of the costs of the works to be undertaken or in an approved and valid form of bank guarantee;

"Service" means any structure or system installed by a Service Agent for supplying a public need that a Service Agency has on or /in the Public Road Reserve (PRR) and in a Municipal Land to provide service to the public or individuals;

"Service Agencyt" means any Municipal Department, Public or Private Agencyt or utility that has, intends to install a Service in the Public Road Reserve (PRR) on in a Municipal Land;

"Service CoordinatorService Co-ordinator" means the person/ or official/ or institutional body established by the Council respective department(s) with the sole responsibility to carry out the administrative functions of receiving and processing wayleaves applications for wayleaves, obtaining comments from the various internal and external service agenciesinternal Agents, and (following the decision by the Strategic Management Committee) conveying this decision in writing to the Applicant, namely to approve with conditions, or reject with reasons, any wayleave application, and to provide record-keeping of each application and installation;

"Service owner" the owner of a particular Service.

"Service-Sharing Installation" means utilisationinstallations of a service which are designed to (by one or more Service Agents) of utilise the same existing or new ducting or pipelines installation or structure as support or protection of a service without the need forto avoid and/ or the need for additional excavations, or installation of a protection or supporting structure except minimal excavation/ construction at junctions or terminals;

"Quality Control Engineer" means the person/official/institutional body identified by the Stellenbosch Municipality to coordinate and regulate any work undertaken in those sections of the public road reserves that fall within the Municipal area of the Council;

"Wayleave" generally means the formal approval to carry out Work following certain conditions and requirements concerning planned and any existing services within the Public Road Reserve or Municipal Land. in specific positions and during a specific period.The wayleave approval must not be misconstrued as permission to build or install a structures or service or to plant or to connect a service. The onus is on the wayleave applicant or wayleave holder to ensure that he/ she attains all Council required permissions and approval prior to commencing with his/ her Works.

"Wayleave Applicant" means the individual or institution or Service Agencyorganisation who has applied for a wayleave and has not received an approval who currently owns or would own the future Service, who applies for a Wayleave;

"Wayleave Holder" means the individual person, institution or organisation Service Agency who is in possession of an approved wayleave issued by Wayleave Approval Document/Work Permit approved by the Service Co-ordinatorService Co-ordinator;

"Wayleave Work Approval Document/ Work Permit" means the signed document/s issued by the Service CoordinatorService Co-ordinator, detailing the Work which has been

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approved and the period during which the Work shall be carried out, and includes approved drawings/plans as applicable and, requirements Conditions of approval;

"Work(s)" refers ~~in the Public Road Reserve means~~to any underground or overhead installation ~~any activity~~activities (irrespective of the size), including the activities provided for in Section 1 of this Code, carried out within the Public Road Reserve and Municipal Land. ~~It includes any project related activities, irrespective of the size of the project.~~

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3. POLICY

3.1 Overview

3.1.1 The coordination of Work in the public road reserves and Municipal Land deals with two aspects, namely:

3.1.1.1 Planning the time schedule for future Work in the public road reserves so that the Work can be executed in a logical sequence, e.g. avoiding the placement of a Service in a road that was surfaced during the previous month. This could involve new construction, rehabilitation or Routine Maintenance ~~Work;~~Work; and

3.1.1.2 The application for and approval of a Wayleave for the execution of any Work in the public road reserves and in Municipal Land.

3.1.2 The co-ordination of Work schedules described under 3.1.1.1 above may result in specific co-ordination issues where the ~~Service Co-ordinator~~Service Co-ordinator, in consultation with the Quality Control Engineer, has to ensure that an acceptable solution is defined by the Service Agen~~ciet~~(s) involved.

3.1.3 The role of the Quality Control Engineer is to facilitate coordination between the various Service ~~Agencies~~Agents. Each Service Agen~~cyt~~ will have its own project leaders and Professional Engineers. They are responsible for the implementation of their projects together with compliance with the Council's policies, procedures and standards.

3.1.4 The approval of a Wayleave means that:

3.1.4.1 The Wayleave Holder has permission to:

3.1.4.1.1 Conduct excavations in the Public Road Reserve ~~place a new Service in the Public Road Reserve;~~

3.1.4.1.2 With attainment of relevant approvals and permissions from other departments as relevant and applicable; Place a new service, upgrade or maintain an existing underground or overhead service within the Public Road Reserve or Municipal Land, under specific requirements and conditions as stipulated in the wayleave;~~do excavations in the Public Road Reserve;~~

3.1.4.1.3 Obtain approval from the relevant department(s) to ~~do~~ conduct vehicular and pedestrian control in the Public Road Reserve and in Municipal Land as applicable; and,

3.1.4.1.4 ~~do~~ Conduct excavation Reinstatement Works on the road, walkways, road reserve and other areas ~~and pavement surfaces where excavations have been made~~as applicable.

3.1.4.2 The Council intends to protect and safeguard all of its infrastructure assets/ services and other services belonging to external service providers, ~~the new Service in its position in~~ install within the ~~the public~~ road reserves and Municipal Lands~~against damage by other parties while working in the public road reserves~~. However, the Council~~it~~ does not take responsibility and cannot be held ~~responsible~~ liable for any disturbance and/ or damages to the other services belonging to external/ other service providers~~incurred~~.

3.1.4.3 For any External Services installed within the road reserve and in Municipal Land, ~~T~~any~~he~~ cost associated with temporary works, removal, relocating or upgrading ~~the~~se Service due to Council's or External projects such as developments, upgrades, rehabilitations, etc, those costs ~~when a road is widened or rebuilt~~ remains with the installed Service ~~Agency that~~ owners ~~the~~

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Service.

3.1.4.4 AllThe all associated costs for temporary works, removal, relocating or upgrading of to relocate a Service owned by the Council must be included in the project cost.

3.2 Planning Work Time Schedules

3.2.1 The necessary procedure that must be followed for planning the time schedule of future Work is as follows:

3.2.1.1 Within a designated time period from the approval of this Policy and publication of the by-laws, each external Service Agencytcy shall provide to the Council with digital records of all of its services within the jurisdiction of Stellenbosch Municipality for capture intocapturing purposes the Council's GIS, of all of its services within the jurisdiction of Stellenbosch Municipality. This will form the basis for all future planning and updating of new installations.

3.2.1.2 By 30 March of each year, theThe various internal and external Service AgenciesAgents shall submit Work Plans, for the next 1-year period to the Service Co-ordinatorService Co-ordinator.

3.2.1.3 These Work Plans shall show:

a) The nature of the Work, e.g. the placement of new water mains, or the replacement of a water/ sewer linenetworks.

b) The location of the Work in terms of street blocks and the side of the public road reserves where the Work will be executed, with due regard for the Councils typical cross-section for the public road reserves.

c) The extent of the Work, i.e. the start and end positions.

d) The planned timing of the Work, i.e. from month/year to month/year.

e) Reference to the Work in the latest approved Integrated Development Plan of Council if applicable.

3.2.1.4 The Service CoordinatorService Co-ordinator, in consultation with the Quality Control Engineer, shall review the Work plans in order to determine possible conflicts in the planned Work.

3.2.1.5 Before the end of June each year the Service CoordinatorService Co-ordinator, in consultation with the Quality Control Engineer, shall schedule a Service co-ordination meeting with the internal and external Service AgenciesAgents where the identified conflicts will be discussed and resolved.

3.2.1.6 A second co-ordination meeting may be held in July/August to resolve any changes that may have resulted out of the budget approval process.

3.3 Basic Wayleave Procedure

3.3.1 The basic procedure that is required for Work in the public road reserves and in Municipal Land is as follows:

3.3.1.1 Permission to work in the public road reserves and/ or in Municipal Land must be obtained from the Service CoordinatorService Co-ordinator through a formal Wayleave application in the form of a letter describing the Work to be done with details and design drawings/plans.

3.3.1.2 The Wayleave Applicant must firstly obtain Service plans, indicating the

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positions of existing Services from the Service ~~Agencies~~Agents / ~~-~~Owners identified by the ~~Service Coordinator~~Service Co-ordinator, where available. The Service plans must indicate the positions and type of Services in the area where Work will be undertaken. It may be necessary for the Applicant to carry out certain preliminary Work in order to determine precise positions and dimensions of any existing services which are not clear from the Service Plans which have been consulted.

3.3.1.3 The ~~Service Coordinator~~Service Co-ordinator shall arrange a Services Verification Meeting on behalf of the Wayleave Applicant to meet up with the necessary Service Owner or Agent~~scies~~. This will help facilitate the process mentioned in 3.3.1.2. The ~~Service Coordinator~~Service Co-ordinator shall only arrange a Services Verification Meeting once the ~~the~~ Wayleave Applicant ~~is in~~is in good standing in terms of any compliance with the Stellenbosch Municipality.

3.3.1.4 In the Services Verification Meeting, ~~T~~the Wayleave Applicant and the Service Co-ordinator shall ensure that the control section on the Services Verification ~~Wayleave application form~~Report form is signed by each Service Agen~~cy~~t, indicating that in principle whether there ~~is~~ are no objections to the issuing of the Wayleave to the applicant, ~~alternatively~~ where there is an objection then detailed reasons and motivations for such objection must be given. This approval will be subject to technical compliance with the standards of the Service ~~Agencies~~ Agents involved as well as compliance with the standards of ~~T~~the Stellenbosch Municipality and the Work planned by the Council within the area under consideration.

3.3.1.5 Once the Services Verification Report ~~control~~ section has been completed by all the Service ~~Agencies~~Agents, the application must be made for the issuing of a Wayleave Work Permit in accordance with the procedure set out in this document. No Work in the public road reserves may commence before a Wayleave has been approved and ~~a Wayleave Work Permit~~ issued ~~for that Work~~to the applicant.

3.3.1.6 The ~~Service Coordinator~~Service Co-ordinator, in consultation with the Quality Control Engineer, will review the Wayleave application and prepare a report on the application, with recommendations.

3.3.1.7 The ~~Service Co-ordinator~~Service Co-ordinator shall submit the report to the Manager: Asset Management and Systems detailing the application, the various Service ~~Agencies~~Agents consulted, their comments received, confirmation of payment of the processing fees and the relevant ~~security deposit~~, and confirmation of the appointment by the Applicant of a Professional Engineer or Technologist if any excavation is involved in the proposed Works, and after consultation with the Quality Control Engineer, the proposed decision, with conditions to be imposed upon approval, or the reasons for refusal.

3.3.1.8 Once approved, the decision to approve with conditions, or to refuse with reasons, shall be forwarded by the ~~Service Co-ordinator~~Service Co-ordinator to the Applicant. In the case of approval, the documents forwarded to the Applicant will ~~include two copies of each of the letter indicating~~ indicate approval of the application and the conditions under which the approval is given, the signed approved plans, signed Site Services Verification ~~Certficate~~ Record from and the signed Wayleave Work Permit ~~form~~. ~~One copy of the letter of approval with Conditions imposed by Council together with the approved plans for a specific project must be signed as accepted by the Applicant and returned for filing~~The applicant will be required to acknowledge receipted and understanding of the approved wayleave with stated requirements and condition, by signing and returning the signed copy of the approved wayleave.

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~~3.3.1.9 The security deposit must be deposited in a Municipal suspense account for the purpose and will be used to correct unsatisfactory Work or reinstatements if need be.~~

3.3.1.10 The Work must be carried out according to this Policy~~, any other applicable laws and policies, and the procedures and specifications as referred to in the Conditions of Approval~~ and relevant support documents where applicable.

3.3.1.11 The Wayleave Work Permit and the Service plans of the Service ~~Agencies~~Agents must be kept on-site while the Work is in progress.

3.3.1.12 Additional copies of the Wayleave Work Permit and approval documents may be obtained from the ~~Service Coordinator~~Service Co-ordinator if the Wayleave is applicable to more than one Work area or Work team.

3.3.1.13 Work will be stopped if ~~either~~ the approved Wayleave Work Permit ~~or the Service plans~~ and relevant supporting documents are not available during inspections on-site or if any of the Wayleave Conditions are not being ~~met~~adhered to. Work will be stopped until the required documents are available ~~on site~~on-site.

~~3.3.1.13~~3.3.1.14 Failure to comply with the approved ~~-~~Wayleave Conditions may negatively impact ~~other~~ future wayleave applications ~~being made by the same Service Provider~~of the same applicant. This may include penalising and withholding wayleave approval of the applicant until the non-compliance ~~he/ her rectifies the non-compliance.~~has been rectified.

~~3.3.1.14~~3.3.1.15 On completion of the Work, all trenches and excavations in the public road reserves must be Backfilled and Reinstated according to the specifications of the Quality Control Engineer, referred to by this document or as specified in the approved wayleave conditions.~~.~~

~~3.3.1.15~~3.3.1.16 On completion of the Work and permanent Reinstatement, a Certificate of Completion signed by the Wayleave Holder's Professional Engineer must be sent to the ~~Service Coordinator~~Service Co-ordinator by the Wayleave Holder.

~~3.3.1.16~~3.3.1.17 The Quality Control Engineer must review the Completion Certificate as well as carry out an inspection of the site after receiving the Completion Certificate, and sign the certificate confirming that all conditions have been met.

~~3.3.1.17~~3.3.1.18 The applicable guarantee period will be stated in the letter of approval/ conditions (usually 12 months).

~~3.3.1.18~~3.3.1.19 Work performed under an approved Wayleave can only be performed in normal working hours (Mondays – Thursdays 08:00-17:00 and Fridays 08:00-15h00). Working after hours, on public holidays or on the weekend is not permitted without authorisation from the Service Co-ordinator and other involved departments, except for cases of Emergency Work. Any unauthorised work performed outside of business hours will attract a penalty as per the approved Municipal Tariffs. This ~~penalty~~penalty will apply and must be settled before any new applications will be accepted from the ~~Wayleave Applicant or non-Wayleave Holder~~Applicant who violated this requirement.

~~3.3.1.19~~3.3.1.20 Where work in the road reserve has been performed without an approved wayleave, the penalty as per the approved Municipal Tariffs will apply. This ~~penalty~~penalty will apply and must be settled before any new applications ~~will~~ may be accepted from the ~~Wayleave~~ Applicant who is guilty of this violation ~~or non-Wayleave Holder~~.

3.3.2 This Code applies to all ~~persons~~ individuals and organisations ~~that~~ who ~~carry out~~ conducts Work in the public road reserves and ~~in~~ on the ~~M~~municipal ~~area~~land, ~~of the~~

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Council, such this includesas Internal Municipal Departments, External organisations, Service AgenciesAgents and contractors. It does not apply to work in national or provincial Road Reserves within the judicial area of the Council.

3.4 Work in the Public Road Reserve

3.4.1 Work in the public road reserves includes the digging of trenchinges, tunnelling, erection of signboards, erection of structures, street shaping, planting of trees in the public road reserves and any other Work that may affect motorists, cyclists, pedestrians, the road, footways, kerbing, traffic signs, traffic signals, street lighting, underground or overhead Services or any other structure or Service that is contained within the public road reserves.

3.4.2 The types of Work that require approval from the relevant Service AgenciesAgents before a Wayleave is granted are deemed to be a provision of a new Service and will be conducted according to the procedures in Section 3.3 above. In general, such Work refers to the positioning of a new Service, excavation in the public road reserves, traffic control and Reinstatement of the roadway and pavements. Examples include inter alia:

3.4.2.1 Work relating to the installation or maintenance of underground or overhead Services by Council's Service AgenciesAgents like Roads and Transportation, Water and Sanitation, Electricity, Land and Environmental Planning and City Planning.

3.4.2.2 Work relating to the installation or maintenance of underground or overhead Services done by non-Council Service AgenciesAgents such as telecommunication, data cables, electricity, gas, oil and regional water supply.

3.4.2.3 The erection of structures that require approved building plans in terms of the National Building Regulations and Building Standards Act 103 of 1977;

3.4.2.4 The erection of advertising signs and structures that require approval in terms of the relevant by-laws;

3.4.2.5 Works in the public road reserves, such as the construction of new roads, road widening or accesses to developments, paving, bollards, garden walls, etc. undertaken by developers or private property owners;

3.4.2.6 The installation of new connection points for municipal Services, such as water, sewers, electricity and stormwater drainage from developments.

3.4.3 The types of Work for which prior wayleave approval from Service AgenciesCo-ordinators cannot be obtained due to the nature of theis can be waiveredd areaare Works is deemed to be Emergency Work and must be undertaken according to the procedures set out in Section 3.17. However, the Applicant who will carry out the Works is required to contact, inform and attained approval (verbal/ written) from the Councils' Service Agents from the operations department as listed in Service Verification Record form. The Applicant is required to complete this form and attain all the required signatures prior or after he/ she is granted approval by the Internal Services Agent and return the completed form to the Service Co-ordinator to finalise the wayleave application.

3.4.4 The types of Work that do not include any construction or installation Work are deemed Routine.

3.4.5 Maintenance Work and must be executed according to the procedures set out in the Ssection 3.3 in this document.

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3.4.6 An application shall also be made in respect of Works classified as Service-Sharing Installations which involve minimal or no excavation. Only if there is absolutely no excavation involved does it become unnecessary to appoint a Professional Engineer to be in control of the Works.

3.5 Wayleave

3.5.1 ~~A~~All Work in the public road reserves and in Municipal Lands are~~is~~ controlled by a Wayleave. A Wayleave is simply permission to work at a specified time in a specified area in the public road reserves ~~according~~ in accordance with the ~~to~~ approved wayleave conditions and requirements. The wayleave must not be misconstrued as permission to build or install a structures or services or to plant or to connect a service. The onus is on the wayleave applicant or wayleave holder to ensure that he/ she attains all Council required permissions and approvals prior to commencement~~ing~~ with his/ her Works applied for in the wayleave. -

3.5.2 A Wayleave Application may be submitted for a small or large project that covers Work in any part of the Municipal Area, provided that the position and expected start/end dates of all Work in the public road reserves or Municipal Land are adequately described under the description of the Work to be done.

3.5.3 General conditions are stated on the Wayleave ~~form~~ approval ~~a~~and may include, but are not restricted to, the following:

3.5.3.1 Description of Work to be done;

3.5.3.2 Timeframe within which the Work must be done and validity period of the approved wayleave;

3.5.3.3 Location of Work to be done. (Provision can be made for big projects with multiple locations. The scope of big projects must be limited to manageable portions from the Wayleave perspective. The ~~Service Coordinator~~Service Co-ordinator/Quality Control Engineer will be able to direct project managers in this regard;

3.5.4 Additionally, there may be Specific conditions relating to the Wayleave which will be stated on or referred to on the Wayleave. Such conditions may include:

3.5.4.1 Specific working conditions required in terms of the Occupational Health and Safety Act (Act no 85 of 1993);

3.5.4.2 Methods of Work execution in protected roads and precincts; and,

3.5.4.3 Reinstatement requirements.

3.5.4.4 A Wayleave Work Permit must be obtained before any approved Work may be done in the public road reserves.

3.5.5 To obtain a Wayleave, a Wayleave application form must be submitted, together with:

3.5.5.1 A traffic control plan showing how vehicular and pedestrian traffic will be accommodated during the execution of the Works in the public road reserves, where applicable.

3.5.5.2 Digital ~~Two (2) c~~copies of the design drawing/plans showing details of the proposed Work. ~~An additional legible digital copy is also required.~~

3.5.5.3 Subject to 3.5.7 below, proof of payment of the required processing and inspection fee(~~-~~s).~~and the applicable deposit or submission of proof of sureties already held by the Council over the Work~~.

3.5.5.4 Proof of appointment of Professional Engineer or Technologist appointed to monitor the construction and Reinstatement and to provide a Completion

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Certificate once completed.

3.5.5.5 Proof of valid, appropriate and sufficient public liability insurance and indemnity insurance.

3.5.6 Details required on the design drawing referred to in 3.5.5.2 are:

3.5.6.1 A clear depiction of the proposed Work.

3.5.6.2 Indication where Services are to be installed and the depth of the Service below the surface level of the relevant portion of the public road reserves.

3.5.6.3 Distance of the Service from the public road reserves boundary (i.e. the property boundary).

3.5.6.4 Position and extent of all structures, including underground structures such as manholes, chambers and junction boxes.

3.5.6.5 The location of all other Services in the public road reserves in relation to the proposed services to be installed. Services are located by obtaining information from the Service ~~Agencies~~Agents within the Council and by doing cross-cuts where required. The use of cross cuts, as explained in paragraph 3.14, is strongly recommended.

3.5.6.6 A Wayleave Work Permit will only be issued once all the requirements have been complied with and will be subject to any conditions specified in Section 3.3 and issued in terms of this Policy.

3.5.7 When the Wayleave Applicant is an Internal Council Department, then the Wayleave Applicant or Wayleave Holder is responsible and shall provide a written assurance that they will be responsible for obtaining the deposit or proof of sureties (see 3.5.5.3) and the appointment, either internally or externally, of a suitably qualified engineer to supervise the project (see 3.5.5.4) that are required to protect the Council's interests.

3.5.8 The application for a Wayleave must be submitted timeously to ensure that the Wayleave can be issued before the Work is programmed to start. **WORK BEING CARRIED OUT IN THE PUBLIC ROAD ~~RESERVE~~RESERVE OR ON MUNICIPAL LAND WITHOUT A WAYLEAVE MUST BE REPORTED TO THE ~~SERVICE CO-ORDINATOR~~SERVICE CO-ORDINATOR AND WILL BE STOPPED BY THE COUNCIL OFFICIAL ON SITE**. A copy of the Wayleave Work Permit and other supporting documents as defined must therefore always be on site when Work is being done in the public road reserves and ~~i~~on Municipal Land.

3.5.9 The ~~Service Coordinator~~Service Co-ordinator will strive to limit the duration of the application review approval process to thirty (30) working days.

3.5.10 The Wayleave Holder accepts full responsibility for all costs (Refer to Section 3.10) associated with and resulting from the Work carried out in the public road reserves.

3.5.11 Only Work described in the Wayleave Work Permit may be executed. If the conditions on-site necessitate a deviation from the planned Work, the ~~Service Coordinator~~Service Co-ordinator must be informed before any work is done. These deviations may be in relation to the placement of the Service or the timing of the Works. The ~~Service Coordinator~~Service Co-ordinator may inform the Wayleave Holder of additional approvals that must be obtained from the Service ~~Agencies~~Agents affected by the deviation as well as further requirements in terms of drawings and specifications. Work will only be allowed to continue once the ~~Service Co-ordinator~~Service Co-ordinator is satisfied that all the additional requirements have been met.

3.5.12 The Wayleave Holder must complete the Work within the time specified on the Wayleave Work Permit or the approved time extension.

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3.5.13 A Wayleave Holder who fails to complete the Work within the specified time window will be given a two (2) day notice period to either complete the Work or apply for a time extension.

3.5.14 If upon expiry of the notice period referred to in 3.5.12 or 3.5.13 the Wayleave Holder is still in default, the Work will be stopped, and the Wayleave Holder will be given a further specific timeframe by the Quality Control Engineer to make the site safe. If the Wayleave Holder fails to do so the site may be made safe by the Quality Control Engineer, at the expense of the Wayleave Holder.

3.6 Existing Services and Planned Services

3.6.1 The Wayleave Applicant must submit Service drawings indicating the position of all Services in the area of Work with the Wayleave application form. This information is obtained from the relevant Service ~~Agencies~~Agents.

3.6.2 Service ~~Agencies~~Agents may require additional precautions relating to Work in the vicinity of their Services and must specify these in writing to the Wayleave Applicant and included in the approved wayleave conditions.

3.6.3 As part of the Undertaking/Indemnity on the Wayleave application form, the Applicant has to confirm that the necessary information has been obtained from the Service ~~Agencies~~Agents and undertakes to adhere to the additional conditions laid down by the various Service ~~Agencies~~Agents. The control section on the Wayleave application form, signed by the Service ~~Agencies~~Agents, will serve as proof that the Internal Service ~~Agencies~~Agents approved that a Wayleave Work Permit may be issued.

3.6.4 The Wayleave Applicant will verify with all Internal Service ~~Agencies~~Agents whether future Work is planned for the area indicated in the Wayleave application. Such planned Work may dictate whether a Wayleave is approved and the conditions under which a Wayleave is approved. The planning horizon will depend on the planned life of the new Service as well as the Council's ~~five year~~five-year Work plan.

3.7 Road Categories

3.7.1 All roads are classified into one of the functional categories described below. The functional category of a road determines the Backfilling and Reinstatement specifications applicable to that road.

3.7.2 The following definitions apply for the road categories:

Category	Road Type	Administration
1	National Roads Primary – (inter) provincial Urban Freeway/Motorways	SANRAL PGWC PGWC
2	Primary – (inter) provincial Major (inter) urban arterials	PGWC PGWC
3	(Inter) district connectors Minor (intra) urban arterials	PGWC PGWC
4	Major and minor collectors Inter neighbourhood distributors	PGWC ~~Service Coordinator~~Service Co-

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	Intra neighbourhood distributors	ordinator (STM) ~~Service Coordinator~~Service Co-ordinator (STM)
5	Residential streets	~~Service Coordinator~~Service Co-ordinator (STM)

3.7.3 All roads will be categorised into one of the above by the Council. For a specific road, this information can be obtained from the Quality Control Engineer.

3.7.4 Work carried out on arterials, major collectors and central business district roads will be restricted to outside the following periods, namely from 6:30 to 09:00 and 15:30 to 18:00, to ensure the free flow of traffic during peak hours. These times apply seven days a week.

3.8 Restricted Roads

3.8.1 Over and above the road categories defined in Section 3.7 of this Code, certain roads are further classified as restricted roads (no-dig roads).

3.8.2 Restricted roads are roads across which no digging of trenches is permitted. A road is protected if it has been designated a restricted road by the Council. Roads are designated as restricted when they are of particular strategic importance (Categories 1 to 4 in the new road asset classification) or if they pose special engineering difficulties.

3.8.3 Any road that has been newly constructed, overlaid or resurfaced will be restricted for a seven (7) year period. A list of roads that falls in this category is available from the Quality Control Engineer.

3.8.4 If a road is restricted, it will be indicated as such on the Wayleave Work Approval/Permit.

3.8.5 Restricted roads may only be crossed using trenchless methods. If trenchless methods for some reason cannot be used, special permission to excavate must be obtained from the Quality Control Engineer. These road crossings will only be allowed after hours (Monday to Fridays 6 pm – 6 am, Saturday 2 pm to Monday at 6 pm).

3.8.6 For the purpose of planning Work done by Service ~~Agencies~~Agents, categories 4 and 5 may be regarded as unrestricted unless they have been newly constructed, overlaid or resurfaced and fall within the protected period and provided that the first 20m from an intersection with any other road category is considered to be restricted.

3.9 Protected Precincts

3.9.1 Works in protected precincts are subject to special trenching methods and care to ensure minimal damage to specialised and expensive material and furniture. The Quality Control Engineer will inform the Wayleave Applicant of the required methods and might request that a third-party contractor must be used to carry out the Work.

3.9.2 A list of protected precincts is available from the Senior Manager: Roads and Transport.

3.10 Costs and Tariffs

3.10.1 Administration, ~~&~~ Supervision, ~~Fees~~Non-compliance and Illegal Works Tariffs

3.10.1.1 The administration and supervision fees are the tariff amounts that are

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payable by the Applicant upon submission of a Wayleave application form. These fee amounts will be determined by the Council on the recommendation of the Quality Control Engineer from time to time, ~~and~~as included in the Municipal Tariffs.

3.10.1.2 The administration and supervision fees ~~covers~~cover the Council's costs for Work done by the ~~Service Co-ordinator~~Service Co-ordinator to process the Wayleave application and for regular site inspection to ensure compliance and attending to related queries from the Wayleave Holder.

3.10.1.3 The non-compliance Tariffs will be issued to the Wayleave Holder as applicable should Wayleave Holder deviate from the conditions and requirements of the approved wayleave.

~~3.10.1.2~~3.10.1.4 The illegal Works Tariffs will be issued to any individual or organisation or Wayleave Holder as applicable should he/ she be found conducting Works in the road reserve ~~on in~~or on Municipal Land without an~~d~~ approved wayleave or permission ~~to do so.~~

3.10.2 ~~Security Deposit~~ Public Liability Insurance

~~3.10.2.1 A refundable security deposit will be charged for each Wayleave being issued. Security deposits will not be charged for Work done by Internal Service Agencies~~Agents ~~(Council Departments) themselves.~~

~~3.10.2.2 The deposit amount will be based on a percentage of the value of Work to be carried out or the greatest value based on the on-site service verification, as per the Council's tariffs.~~

~~3.10.2.3 The Council will have the right to use the deposit to cover costs incurred by the Service Coordinator~~Service Co-ordinator ~~in relation to the Wayleave under consideration. This does not detract from the Municipality's legal remedies in enforcing this Policy or by-laws.~~

3.10.2.4 The Council requires that ~~responsibility remains with the~~ the Wayleave Holder ~~to ensure that any of its contractors or agents~~ engage~~d~~ in the implementation of the Work in the road reserve and ~~i~~on Municipal Land must be ~~is i~~in possession of an appropriate, valid and sufficient public liability insurance. It is an express condition of ~~this approval that~~ the Wayleave Holder indemnifies and holds the Council harmless against any claims, demands or losses incurred as a result of any work performed ~~in terms of the Application Form~~as applied for and approved the ~~and under any W~~Wayleave ~~approval~~.

~~3.10.2.4~~3.10.2.5 Should the Wayleave Holder damage or leave any of the Council's Infrastructure Services unsafe and fail to notify the Council and rectify it timeously, the Council may rectify the damage using its own resources and materials, and the subsequent costs will be borne by the Wayleave Holder.

3.10.3 Reinstatement Cost

3.10.3.1 The total cost of the permanent Reinstatement on the site of the installation in terms of the Wayleave Approval/Work Permit will be borne by the Wayleave Holder ~~plus 10% Administration Fee~~.

3.10.4 Other Costs

3.10.4.1 Other costs can result from any of the following:

3.10.4.1.1 Damages to existing Services;

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3.10.4.1.2 Relocation of existing Services;

3.10.4.1.3 Testing of Services and Backfills;

3.10.4.1.4 Costs claimed by the Council's Municipal Traffic from external Service ~~Agencies~~Agents for loss in revenue due to disestablished parking bays;

3.10.4.1.5 Rentals (Lane rentals during construction and perpetual rental after completion of the Works); (See Tariff)

3.10.4.1.6 Services rendered by the ~~Service Coordinator~~Service Co-ordinator in completing Work or altering Work to conform to ~~Wayleave specifications~~Wayleave specifications; and

3.10.4.1.7 Claims that may result from the Work. In this case, it is expressly recorded that the Wayleave Holder shall be responsible for any shortfalls in the Security deposit and insurances in respect of any claim arising from the execution of the Works;

3.10.4.1.8 Any penalties or tariffs for Non-compliance and Illegal ~~in~~Works in terms of the Municipal tariffs (See Tariff) and as stated in this document.

~~3.10.4.1.9 Loss of income to the Council as a result of disestablished parking bays (See Tariff).~~

3.10.4.2 All such costs will be borne by the Wayleave Holder. An additional 10% Wayleave Administration Fee will also apply.

3.10.4.3 A party wishing to dispute the costs charged to him as a result of any of the above reasons will do so at their own cost.

3.11 Traffic Control

3.11.1 It is the responsibility of the Wayleave Holder working in the public road reserves to ensure that all laws regarding traffic, safety, traffic signs and barricading are complied with while executing Work.

3.11.2 The Wayleave Holder working in the public road reserves shall, therefore, take all necessary measures and provide all necessary facilities to ensure an adequately safe and easy passage for traffic and pedestrians through areas in which Work is in progress, or is incomplete.

3.11.3 The ~~Service Coordinator~~Service Co-ordinator can request that a traffic management plan be submitted Manager: Transport, Roads and Stormwater for approval. Any such Approved Traffic Management Plan shall be kept available on site.

3.11.4 Traffic signs and barricading shall be done according to the latest edition of the Southern African Development Community Roads Traffic Signs Manual.

3.11.5 The Wayleave Holder must contact the relevant traffic authority to ensure that all requirements have been met for the particular location where the Work is being done and whether points-men will be required.

3.11.6 The importance of adequate traffic signs and barricading is emphasised. These measures are intended to ensure the maximum safety for motorists, pedestrians and workers and also the minimum disruption of vehicles and pedestrians. Worksites must be properly barricaded and signed irrespective of how long the Work will last.

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The safety precautions must be maintained for the full time that risks exist in the public road reserves due to Work being performed in the public road reserves.

3.12 Road Closure

3.12.1 The granting of a Wayleave does not give the Wayleave Holder the authority to close the road completely to traffic. Methods of construction and programmes of Work must, therefore, be determined on the basis that no road, or portion of the road, may be completely closed to traffic for any considerable period.

3.12.2 In exceptional circumstances, permission may be granted for the closure of a road or portion of the road to traffic. The Wayleave Holder must apply to the Council separately for approval two weeks prior to the road being closed. A road closure will be approved for a specific period only, i.e. from and to a specific time on a specific date and is only valid for that specific period. If the Work is not carried out in that period, an application for a new road closure will have to be made.

3.13 Lane Rental

3.13.1 Lane rental refers to the rental of space in the public road reserves for the storage of construction materials, site offices or the closure of lanes for a period exceeding two weeks.

3.13.2 Lane rental is managed by the Council's Roads and Transportation Division.

3.13.3 The rates for Lane Rentals are to be set by the Council and will be included in the tariffs.

3.14 Preliminary Works and Cross-Cuts

3.14.1 In respect of all preliminary Work requested by the Service ~~Agencies~~Agents and cross- cuts, the specifications from the relevant Service ~~Agencies~~Agents and in this document must be adhered to before Work will be allowed to start. Such requests include inter alia that:

3.14.1.1 The Municipal Traffic Department must always be notified in writing seven (7) working days in advance by the Wayleave Holder.

3.14.1.2 The ~~Service Coordinator~~Service Co-ordinator and the contact person of each Service ~~Agency~~Agent involved must be informed 48 hours prior to commencing with the Work by the Wayleave Holder.

3.14.1.3 Alternatively, notice periods specified by the Service ~~Agencies~~Agents must be adhered to.

3.14.1.4 The Municipal Traffic Department must be requested to remove parking meter heads where Work necessitates the temporary disestablishment of parking bays with the due agreement for compensation in loss of revenue where applicable.

3.14.2 The Applicant may be required to do cross cuts in the area where Work is planned. The purpose of cross cuts is to establish and confirm the position of Services in areas where the information on Services are unclear.

3.14.3 A cross-cut is done by excavating a trench that runs from the verge of the road up to the property boundary, perpendicular to the normal direction of Services. Excavation must always be done by hand.

3.14.4 The minimum depth of the cross-cut trench is 1 meter below the lowest point of the public road reserves.

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3.14.5 A separate Wayleave Work Permit approval needs to be obtained for prior preliminary or cross-cut Work to be undertaken.

3.14.6 A ~~non-refundable~~non-refundable Roadway Open Trench Fee will apply as well as outlined in the Municipal Tariffs.

3.15 Excavations

The Wayleave Holder shall be responsible for ensuring that:

3.15.1 The area that is excavated must always be kept to a minimum. The width of the trench must be uniform in length and depth; in other words, the sides must be parallel and vertical. The top of the trench must be cut with a saw to ensure smooth, uniform edges.

3.15.2 All excavations must comply with the statutory requirements for health and safety. The Wayleave Holder must pay specific attention to:

3.15.2.1 Excavations must be executed according to the Occupational Health and Safety Act referred to in Section 5.

3.15.2.2 Excavations deeper than 1.5 m must be shored or V-cut according to the Occupational Health and Safety Act.

3.15.2.3 Excavations deeper than 1.5 m must be registered with the Department of Labour prior to commencement of the Work. The registration includes the scope of the Work, depth of the trench and the construction method (shoring or V-cut method according to the Occupational Health and Safety Act).

3.15.3 The minimum depth that any Service may be placed under a road is 800 mm measured from the level of the surfacing of the road to the top of the Service. The minimum depth at any other place in the public road reserves, e.g. on a verge, is also 800 mm measured from the level of the surfacing of the road and not from natural ground level. Services not subject to being laid at a specific grade such as water pipes and cables should not be placed at depths in excess of the 800 mm as this could interfere with future Services that has to be laid at a specific grade, such as sewers and stormwater pipes.

3.15.4 All excavated material and equipment must be placed and demarcated in such a way as to cause the minimum disruption to vehicles and pedestrians.

3.15.5 The view of motorists must at all times be kept clear of any obstructions such as excavated material, road signs or hoardings.

3.15.6 Safe passage must be kept open for pedestrians at all times.

3.15.7 Excavation areas must be clearly demarcated with warning signs that allow ample time for motorists and pedestrians to alter their routes.

3.15.8 The Wayleave Holder is held responsible for any damage to existing Services. Services, indicated on the drawings or on-site by representatives from the relevant Service ~~Agencies~~Agents, must be opened by careful hand excavating. If the Services cannot be found, the relevant organisation must be contacted again for further instructions. Under no circumstances may a Wayleave Holder excavate with mechanical equipment before known Services have been found and marked. When found, Services must be marked and protected or supported as required by the owner. If Services need to be relocated, instructions from the owner must be

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followed carefully. The Wayleave Holder will be responsible for all relocation costs. If any Service is damaged as a result of the Work, the relevant Service ~~Agency~~Agent and the ~~Service Coordinator~~Service Co-ordinator must be contacted immediately.

3.15.9 Under no circumstances will the Council be held liable for any incorrect information provided by any external service ~~agency~~Agent or for any damages, losses and claims resulting from such incorrect information.

3.15.10 Adequate preventative measures must be taken to ensure that no water (e.g. due to rain) flows into the open trenches since this will result in the weakening of the structural layers of the road. Any water that is present in the trenches must be pumped out before Backfilling. Water must be pumped into the stormwater system and not into sewer manholes. Any material that has become wet must be removed from the bottom of the trench before Backfilling.

3.15.11 The Wayleave Holder must prevent foreign materials from entering the drains and ensure that silting does not occur either from pumping operations or as a result of rain. If any silting or other contamination does occur, the Wayleave Holder must clean the drains or request the ~~Service Coordinator~~Service Co-ordinator to do it at the cost of the Wayleave Holder.

3.15.12 All re-usable materials such as concrete blocks, slabs, kerbs, gutters, channels and stormwater inlets must be removed with care and re-used if possible. Any surplus material must be returned to the Roads and Transportation stores. The address will be available at the ~~Service Coordinator~~Service Co-ordinator.

3.15.13 If any street furniture (e.g. street names, traffic signs, bus shelters, etc.) have to be removed, arrangements must be made with the relevant authority for the removal, storage and re-erection. The cost specified by the relevant authority will be for the Wayleave Holders account.

3.15.14 Where excavations are made through entrances to properties, access must be maintained by using steel plates, planks or other temporary bridges of sufficient strength that are adequately secured against movement. The occupants of the properties must be kept informed at all times of how their accesses will be affected.

3.15.15 The cleaning up of the construction site and the Reinstated to its previous condition is considered part of the Work and must be completed within 14 days after Reinstatement of the trench has been done. If the Wayleave Holder fails to do so, action will be taken by the Council as indicated in Sections 3.5.12 – 3.5.14.

3.15.16 Where a roadway is crossed, a ~~non refundable~~non-refundable Roadway Open Trench Fee will apply as well as outlined in the Municipal Tariffs.

3.15.17 Where a road crossing is planned and executed the Wayleave Holder shall provide three 110mm ~~dai~~diameter sleeves and one 160mm diameter ~~dai~~ sleeve.

3.15.18 Road crossing to be clearly mark and painted in yellow on sidewalk.

3.15.19 ~~Backfilling~~Backfilling of road crossings: excavated material CANNOT be used to backfill road crossing trenches. The Wayleave Approval will ~~specifiy~~specify the acceptable backfilling material. All excavated material must be removed from site before backfilling to avoid reuse.

3.16 Trenchless Methods

3.16.1 If trenchless methods are used, disruption of traffic flow and pedestrian movements can be reduced considerably or totally eliminated. However, it is crucial that the Wayleave Holder using such methods must have all the

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necessary equipment and expertise to complete the Work successfully. The trenchless method can be used for all road categories but shall be used for all roads classified as "Restricted" (Refer to Sections 3.7 & 3.8).

3.16.1 The position of existing Services must be located accurately. If any Services are damaged, the Wayleave Holder will be responsible for all costs.

3.16.2 The depth to the top of any tunnel that is drilled for the installation of new Services must be at least 800 mm measured from the lowest level of the road surfacing.

3.16.3 Where a directional drilling is planned and executed the Wayleave Holder shall provide and additional sleeve for future municipal use.

3.16.4 Direction drilling to be clearly ~~mark~~marked and painted in yellow on sidewalk.

3.17 Emergency Work

3.17.1 Emergency Work is defined as any Work that is required to prevent or end a dangerous situation, to prevent or end an unplanned interruption in the supply of a Service, or to avoid any substantial losses. It is important to note that a lack of proper planning of Work to be carried out will not justify Emergency Work, and such activities will be stopped by the ~~Service Co-ordinator~~Service Co-ordinator.

3.17.2 A categorised list of Emergency Work will be maintained by the ~~Service Coordinator~~Service Co-ordinator. It will serve as a guideline for Service ~~Agencies~~Agents as well as the ~~Service Co-ordinator~~Service Co-ordinator in determining whether Work is an Emergency.

3.17.3 The ~~Service Coordinator~~Service Co-ordinator will provide an emergency number for the use of Service ~~Agencies~~Agents that requires information on the position of Services in the area where Emergency Work is to be carried out.

3.17.4 The ~~Service Coordinator~~Service Co-ordinator must be notified in writing within one working day from commencing with Emergency Work and an Emergency Wayleave application submitted timeously. The Emergency ~~notification certificate~~Wayleave application option and process must be used and followed as state in the Wayleave application form~~for this purpose~~. ~~If the Service Co-ordinator is not notified within 24 hours from the first working day, the Work will be reinstated by the Service Coordinator, and the cost thereof will be invoiced against the Service Agency.~~ The Emergency notification document can be obtained from the ~~Service Co-ordinator~~Service Co-ordinator. If the Service Co-ordinator is not notified within 24 hours from the first working since the time the Emergency Work was discover, this work may be regarded as Illegal and penalised as applicable in the approved Council Tariffs.

~~3.17.5~~ The emergency notification must always be certified by an Authorised Agent of the Service ~~Agency~~Agent as an emergency situation that requires their immediate attention.

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3.17.6 Emergency Work must be done in accordance with all procedures as set out in paragraph 3.15 above and specifications applicable to the type of Work as set out in the Municipality's specifications.

3.17.7 Backfilling must be done immediately, and full Reinstatement of the area must be done as soon as possible in accordance with the provisions of paragraph 3.19 below.

3.17.8 The responsibility remains with the Service ~~Agency~~Agent to ensure that their drawing information is updated according to the alterations made during the Emergency Work.

3.18 Routine Maintenance Work

3.18.1 Routine Maintenance Work is defined as all types of Work involved with maintaining the Services in the public road reserves and does not require excavation, traffic control or Reinstatement of the public road reserves as part of the Work.

3.18.2 A categorised list of Routine Maintenance Work will be maintained by the ~~Service Coordinator~~Service Co-ordinator. It will serve as a guideline for Service ~~Agencies~~Agents as well as the ~~Service Coordinator~~Service Co-ordinator in determining whether Work is Routine Maintenance Work.

3.18.3 Such Work can include inter alia:

3.18.3.1 Any Work that relates to maintaining the vegetation in the road reserve through cutting planting, removing or relocating of plants.

3.18.3.2 The placement of advertising material on or within structures pre-erected for that purpose.

3.18.3.3 Temporary diversion of traffic for public events, i.e. sport, mass action, parades.

3.19 Backfilling and Reinstatement

3.19.1 Any trenching activity disturbs the structural integrity of a road or footway. Backfilling and Reinstatement must, therefore, be done in such a way as to ensure that the reinstated trench and its immediate surroundings do not fail structurally, thus resulting in road user discomfort and increased costs.

3.19.2 Backfilling refers to the replacement of the structural layers in the trench or excavation and includes the base, sub-base, selected subgrade and subgrade, but exclude the surfacing.

3.19.3 Reinstatement refers to replacing the bituminous surfacing or paving blocks in the case of roads, or the paving blocks, paving slabs, bituminous surfacing or grass in the case of footways and verges.

3.19.4 Backfilling must in all cases be done by the Wayleave Holder in accordance with the Council's specifications. The Service ~~Agency~~Agent is responsible for the maintenance of the site in a safe condition until the final Reinstatement has been done.

~~3.19.5~~ Permanent Reinstatement must be done by all external Service ~~Agencies~~Agents within five (5) working days. Reinstatement of the public road reserves will be done by the Council's Roads, Transportation and Stormwater Sub-Unit only for internal Council Service ~~Agencies~~Agents, upon receipt of a notification from the respective Municipal Department that the Work has been completed.

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3.19.6 The Wayleave Holder must obtain prior written approval from the Council's Roads, Transportation and Stormwater Sub-Unit for the project specification to be used for backfilling public road reserves. The proposed specification shall be submitted to the Council's Roads, Transportation and Stormwater Sub-Unit, who shall provide written comments on the specification, or an alternative specification, within seven working days after the receipt of the request.

3.19.7 Permanent Backfilling and Reinstatement done by the Wayleave Holder will be subject to a guarantee period of one year based on the performance specifications described in the specifications document.

3.19.8 If the Reinstatement done by the Wayleave Holder fails during the ~~one year~~one-year guarantee period, the Wayleave Holder will be required to rectify the situation within 14 days of notification. If the Wayleave Holder fails to rectify it, then the Quality Control Engineer will carry out the permanent Reinstatement at the applicable rates defined by the Council and will deduct the costs from the security deposit of the Wayleave Holder.

3.19.9 Temporary Reinstatement must be done where the Wayleave Holder leaves the site with the view of returning to complete the Work. The Wayleave Holder must maintain this temporary Reinstatement.

3.19.10 The Wayleave Holder may not leave the site for more than fourteen days without permanently reinstating the site.

3.19.11 If a Wayleave Holder who leaves the site unattended for more than the period specified in 3.19.10, a penalty fee will be charged. The amount will be determined by the Council.

3.20 Certificate of Completion

3.20.1 On completion of the Work, the Professional Engineer appointed by the Wayleave Holder must ~~provide~~ furnish the Service Co-ordinator as soon as practica~~ble~~l, with the Completion Certificate with information as may be required by the Council to know the exact location and condition of the Service install in/ on its land~~to the Service Coordinator within two working days~~. The Quality Control Engineer will then set up a site meeting with the Wayleave Holder to carry out an inspection and will sign off the Certificate of Completion if all requirements have been met. The 12-month guarantee period for Reinstatements by the Wayleave Holder then commences.

3.20.2 Completion of the Work means that all Work has been completed, the Reinstatement has been done by the Wayleave Holder and that all materials, equipment and rubble have been removed and the site is completely cleared and cleaned. Furthermore, it requires that all applicable documentation and as-built drawings as specified on the Wayleave form have been handed to the ~~Service Coordinator~~Service Co-ordinator for recording.

3.20.3 If Work involves more than one street link (street block), then a Completion Notice must be submitted after completion of each phase of the Work.

3.21 Policy Enforcement

3.21.1 Council reserves the~~its~~ right to exercise its discretion in the implementation and enforcement of this Policy.

3.2.1.2 Notwithstanding any penalty or tariff or remedy expressly provided for in this Policy; the Council reserves the right to exercise any other legal remedy at its ~~may have in~~

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disposal to enforcing this Policy.

3.22 Exemption, Appeal and Revoking

3.22.1 The Accounting Officer may, upon written motivation by a Wayleave Applicant or Wayleave Holder or the Wayleave Service Co-ordinating Department, and after having considered any comment and advice on such motivation by other interested parties, authorise a deviation from this Policy or revoking of an approved wayleave. Such deviation or revoking shall be subject to such conditions as the Accounting Officer may stipulate in writing.

3.22.2 The Accounting Officer may authorise an amendment to any conditions imposed by the Council in respect of a Wayleave Approval, provided that an application for such amendment shall be referred to all interested and affected parties for comment, which comments shall be duly considered by the Accounting Officer.

3.22.3 Any person affected by or having an interest in the administration of this Policy shall have a right of appeal as determined in terms of Section 62 of the Local Government Municipal Systems Act in respect of any decision taken by the Council.

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