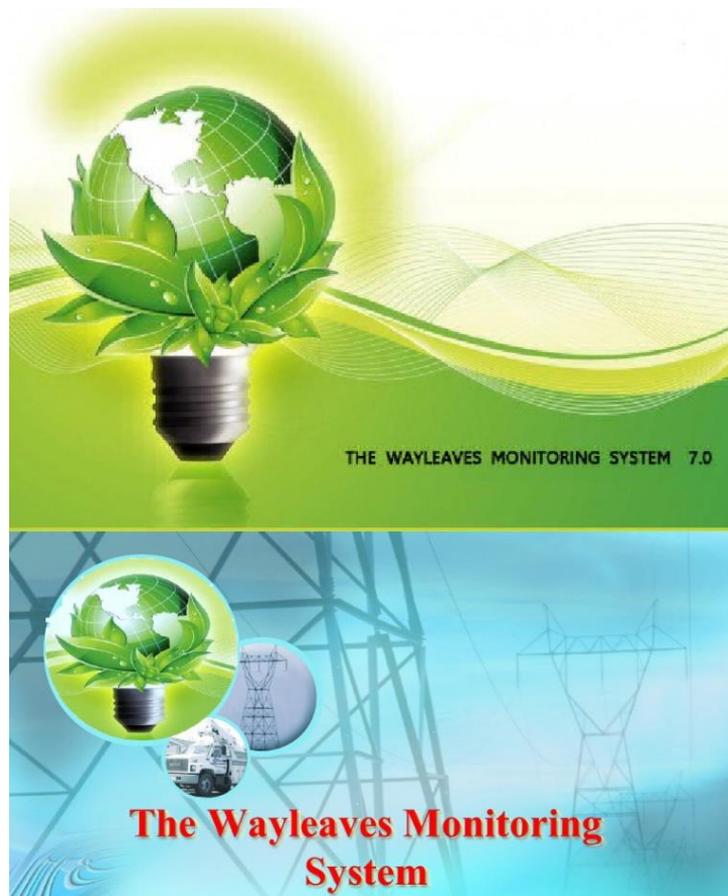


WAYLEAVE POLICY LESEDI LOCAL MUNICIPALITY

APPROVED By Council on 31 May 2021

Council Resolution Number **LC .MC- 54/05/2021**



1. INTRODUCTION

1.1. LEGAL CONTEXT

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

Section 156 of the Constitution, 1996 grants the municipalities the right to administer the local government matters listed in Schedule 5B, which include municipal roads. A municipality may make bylaws for the effective administration of municipal roads.

This policy will be converted into Lesedi Local Municipality Bylaws to give it legal effect.

1.2 NEED FOR CO-ORDINATION

The collective value of Services infrastructure contained within the Public Road Reserve (PRR) and the road itself amounts to a considerable value. This infrastructure needs to be maintained, periodically rehabilitated, and replaced 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;
- Reduction of the effective life of the road, footway, or other Services; and
- Time and social costs caused by delays.

It is apparent that careful control and co-ordination of all Work in the PRR is a prerequisite for effective Service delivery. This responsibility resides with the Lesedi Local Lesedi Local (LLM) and its Service departments to continuously improve their capability to provide such Services. Being the custodian of all municipal Road Reserves, the Service Delivery Department - Roads and Stormwater Division within the LLM initiated a program to establish the necessary co-ordination activities and policies regarding Work in the PRR. This document is the first deliverable of the program and attempts to provide a basic framework for ensuring proper co-ordination and

cooperation between the various departments as well as external parties who conducts Work in the PRR. The document was prepared with the aim to minimise the effect of all Work in the PRR to the benefit of all concerned, and in particular the ratepayers, road users (motorists and pedestrians), and eventually the coordinating body within LLM. Included in this document are the procedures to apply for, process and approve Wayleaves, procedures to follow for undertaking and completion of Work, as well as reference to specifications according to which the Work must be done.

This initiative can only succeed if all internal and external parties that Work in the PRR constructively cooperate by working according to this Code and by providing feedback on how the system can be improved.

1.3 FUNCTIONS OF THE WAY LEAVE OFFICE

The Roads and Stormwater Department has identified that this co-ordination function will need to:

- Improve the inter departmental communication on annual work plans and the execution of such work;
- Coordinate and regulate all work carried out within the PRR;
- Minimize the danger and inconvenience to the public;
- Minimize the damage to existing services;
- Reduce the number of legal claims; and,
- Promote the use of technology such as Geographical Information Systems (GIS) to locate Services. In order to effectively implement and sustain such a function a Way Leave Office was established within the EMM. The four key tasks that must be accomplished by the Way Leave Office are:
 - Establishing effective and simplistic procedures (covered by this document);
 - Establishing effective Municipal By-Laws (future activity); and
 - Establishing an effective Organisational Structure (future activity).

1.4 DOCUMENT STRUCTURE

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

Section 1 – Introduction: This section aims to illustrate the need for co-ordination and responsibility of the custodian of the PRR to coordinate. It continues by explaining the development approach that was followed.

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

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

Section 4 – The Wayleave Process and Procedures: This section is organised into four parts. The overview explains the process of obtaining a Wayleave to Work in the PRR in general and the categorisation of Work in the PRR. The succeeding three parts each addresses specific procedures relevant to a category of Work.

Section 5 – References: This section provides a list of documents, by-laws, standards, and resolutions referred to in the Code of practise together with contact information for officials from whom the documentation can be obtained.

1.5 SUPPORTING DOCUMENTS

Two supporting documents are available.

Addendum A provides certain policy details that are restricted to internal Council distribution. This includes the policy dealing with:

- Policy Enforcement; and,
- Policy Update.

Pro-formas provides a collection of application forms that has to be completed by the Applicant, Designated Municipal Official and inspectors. A summary of the Wayleave conditions forms part of the Wayleave form.

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 which is authorised by the Designated Municipal Official to perform specified Services;

“Backfilling” refers to the replacement of the structural layers in the trench or excavation and includes the base, subbase, selected subgrade, and subgrade, but exclude the surfacing (see Reinstatement);

“Certificate of Completion” means the document issued by the Designated Municipal Official as proof that Work in the PRR was completed according to the specifications of this document;

“Code” means the Code of Practice for Work in the Public Road Reserve (PRR) as approved by the Council and as agreed to by the Parties including any appendices attached thereto;

“Completion Notice” means the document submitted by the Wayleave Holder to the Designated Municipal Official when the Work in the PRR has been completed;

“Council” means the Municipal Council of the Lesedi Local Municipality (LLM) established by Provincial Notice No. 6770 of 2000 dated 1 October 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 subdelegated 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 electric 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 stopped by the Designated Municipal Official;

“Lane Rentals” mean the rentals that are paid to the Designated Municipal Official by a Service Agency, 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);

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

“Public Road Reserve (PRR)” means the full width of a public road, and includes the verge and the roadway;

“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;

“Routine Maintenance Work” is defined as all types of Work involved in maintaining the Services in the PRR and does not require excavation, traffic control or Reinstatement activities;

“Service” means any system for supplying a public need that a Service Agency has on the Public Road Reserve (PRR);

“Service Agency” means any Municipal Department, public agency or utility that has a Service in the Public Road Reserve (PRR);

“Designated Municipal Official” means the institutional body established within the Council's Municipal area with the sole responsibility to coordinate and regulate any Work undertaken in that sections of the PRR that falls within the Municipal area of the Council;

“Wayleave” means the formal approval to carry out Work in the Public Road Reserve (PRR). A Wayleave is issued by the Designated Municipal Official and consists of a Wayleave form and approved drawings;

“Wayleave Applicant” means the institution or Service Agency who currently owns or would own the future Service, who applies for a Wayleave;

“Wayleave Holder” means the person, institution or Service Agency who is in possession of a Wayleave approved by the Designated Municipal Official;

“Work” in the Public Road Reserve means any activity, including the activities provided for in Section 1 of this Code, carried out within the Public Road Reserve (PRR). It includes any project related activities, irrespective of the size of the project.

3. POLICY

3.1 Overview

3.1.1 The co-ordination of Work in the PRR deals with two aspects, namely:

3.1.1.1 Planning the time schedule for future Work in the PRR so that the Work can be executed in a logical sequence, i.e., 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; and

3.1.1.2 The application for and approval of a Wayleave for the execution of any Work in the PRR.

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 has to ensure that acceptable solution is defined by the Internal/External departments involved.

3.1.3 It is stressed that the Service Co-ordinator's role is to facilitate co-ordination between the various Internal/External departments. Each Service Agency will have their own project leaders who 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 place a new Service in the Public Road Reserve;

3.1.4.1.2 do excavations in the Public Road Reserve;

3.1.4.1.3 do vehicular and pedestrian control in the Public Road Reserve; and,

3.1.4.1.4 do Reinstatement Work on the road and pavement surfaces where excavations have been made.

3.1.4.2 The Council has to protect the new Service in its position in the PRR against damage by other parties while working in the PRR.

3.1.4.3 The cost associated with relocating the Service when a road is widened or rebuilt remains with the Service Agency that owns the Service.

3.1.4.4 The cost 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 basic procedure that must be followed for planning the time schedule of future Work is as follows:

3.2.1.1 By 30th June all Municipal sections shall submit Work Plans, for the next 3-year period to the Designated Municipal Official. External Internal/External departments will be invited, but not obligated, to participate in the process.

3.2.1.2 These Work Plans shall show:

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

b) The location of the Work in terms of street blocks and the side of the PRR where the Work will be executed, with due regard for the Councils typical cross-section for the PRR [Refer to Section 5].

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.

3.2.1.3 The Designated Municipal Official shall review the Work plans in order to determine possible conflicts in the planned Work.

3.2.1.4 Before the end of July each year the Designated Municipal Official shall schedule a Service coordination meeting with the Wayleave Holder/s or Internal/External departments where the identified conflicts will be discussed and resolved.

3.2.1.5 A second co-ordination meeting may be held in August/September 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 PRR is as follows:

3.3.1.1 Permission to Work in the PRR must be obtained from the Designated Municipal Official through a formal Wayleave application. The Wayleave application forms are available from the Designated Municipal Official or from the LED & Planning Department in the Council.

3.3.1.2 The Wayleave Applicant must firstly obtain Service plans, indicating the positions of existing Services from the Service Delivery Department identified by the Designated Municipal Official. The Service plans must indicate the positions and type of Services in the area where Work will be undertaken.

3.3.1.3 The control section on the Wayleave application form must be signed by each Service Agency, indicating that in principle there is no objection to the issuing of the Wayleave. This approval will be subject to technical compliance with the standards of the Internal/External departments involved as well as compliance with the Work planned by the Council within the area under consideration.

3.3.1.4 Once the control section has been signed by all the Internal/External departments, application must be made for the issuing of a Wayleave in accordance with the procedure set out in this document. No Work in the PRR may commence before a Wayleave has been approved and issued for that Work.

3.3.1.5 If the Wayleave application conforms to the requirements in this document and all Internal/External departments have approved the application in principle, then the Service Delivery Department of the Lesedi Local Municipality will review the Wayleave application and either support or reject the application. If the Wayleave application is supported, the Municipal Manager will approve the application then the Designated official will issue the Wayleave.

3.3.1.6 All preliminary Work requested by the Internal/External departments, the specifications document [Refer to Section 5] or this document, must be adhered to before Work will be allowed to start. Such requests include inter alia that:

3.3.1.6.1 The Law enforcement unit of the Lesedi Local Municipality must always be notified in writing seven (7) working days in advance by the Wayleave Holder.

3.3.1.6.2 The Designated Municipal Official and the contact person of each Service Agency involved must be informed 48 hours prior to commencing with the Work by the Wayleave Holder.

3.3.1.6.3 Alternatively notice periods specified by the Internal/External departments must be adhered to.

3.3.1.6.4 The Law enforcement unit must be requested to remove parking meter heads where work necessitates the removal of parking meters with due agreement for compensation in loss of revenue where applicable.

3.3.1.7 The Work must be carried out according to the procedures and specifications as referred to in the Wayleave document, the conditions under which the Work was approved and any other requirements of affected Internal/External departments.

3.3.1.8 The Wayleave and the Service plans of the Internal/External departments must be kept on site while the Work is in progress.

3.3.1.9 The Wayleave Applicant will always be issued with one copy of the approved Wayleave. Additional copies may be obtained from the Designated Municipal Official if the Wayleave is applicable to more than one Work area or Work team.

3.3.1.10 Work will be stopped if either the Wayleave or the Service plans are not available during inspections on site. Work will be stopped until the required documents are available on site.

3.3.1.11 On completion of the Work all trenches and excavations in the PRR must be Backfilled and Reinstated according to the specifications referred to by this document. Permanent Reinstatement is then the responsibility of the Council's Roads and Stormwater Division or the Wayleave Holder as per the Wayleave specific conditions.

3.3.1.12 On completion of the Work and temporary or permanent Reinstatement, as applicable, a Completion Notice must be sent to the Designated Municipal Official by the Wayleave Holder. A request for Reinstatement must form part of the Completion Notice if Reinstatement has to be done by the Council's Roads and Stormwater Section.

3.3.1.13 The Designated Municipal Official together with the Roads and Stormwater Section must review the Completion Notice as well as carry out an inspection of the site after receiving the Completion Notice. A Certificate of Completion will be issued once all requirements have been met.

3.3.1.14 The applicable guarantee period will be stated on the Certificate of Completion.

3.3.2 This Code applies to all persons that carry out Work in the PRR in the Municipal area of the Council, such as internal Municipal Departments, external organisations, Internal/External departments

and contractors. It does not apply to Work in national or provincial Road Reserves within the judicial area of the Council.

3.3.3 The Designated Municipal Official undertakes to forward the Wayleave application to the Service Agency who requests a review in the control section of the

Wayleave application form. Internal/External departments are allowed two (2) working days to respond to the Wayleave application.

3.4 Work in the Public Road Reserve

3.4.1 Work in the PRR includes the digging of trenches, tunnelling, erection of signboards, erection of structures, street shaping and landscaping, planting and maintenance of ground covers and trees in the PRR 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 PRR.

3.4.2 The types of Work that **require approval** from the relevant Internal/External departments before a Wayleave is granted is deemed to be 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 PRR, 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 Internal/External departments like Roads and Stormwater, Water and Sanitation, Electricity, LED & Planning Department.

3.4.2.2 Work relating to the installation or maintenance of underground or overhead Services done by non-Council Internal/External departments like telecommunication, 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 1997;

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 Road works, such as construction of new roads, road widening or accesses to developments, undertaken by developers;

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

3.4.2.7 Erection of hoardings in the PRR;

3.4.2.8 Installation of Services by private concerns, e.g., data cables to connect different buildings;

3.4.2.9 The installation or construction of kerbing, paving, bollards, walls, gardens, etc. on sidewalks by property owners or occupiers.

3.4.2.10 Road closures;

3.4.2.11 Traffic calming devices.

3.4.3 The types of Work for which prior approval from Internal/External departments cannot be obtained due to the nature of the Work is deemed Emergency Work and must be undertaken according to the procedures set out in Section 3.16.

3.4.4 The types of Work that does not include any construction Work but will require traffic control due to the activities taking place within the PRR is deemed Routine Maintenance Work and must be executed according to the procedures set out in Section 3.17.

3.5 Wayleave

3.5.1 All Work in the PRR is controlled by a Wayleave. A Wayleave is simply permission to Work at a specified time in a specified area in the PRR according to approved conditions.

3.5.2 A Wayleave Application may be submitted for a large project that covers Work in a suburb, provided that the position and expected start / end dates of all Work in the PRR is adequately described under the description of the Work to be done.

3.5.3 General conditions are stated on the Wayleave form 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;

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 Designated Municipal Official will be able to direct project managers in this regard); and

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 must be obtained before any approved Work may be done in the PRR.

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 PRR.

3.5.5.2 Three copies of the design drawing showing details of the proposed Work.

3.5.5.3 The payment of the required deposit or submission of proof of sureties already held by the Council over the Work.

3.5.5.4 Payment of the required processing fee.

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 PRR.

3.5.6.3 Distance of the Service from the PRR 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 PRR. Services are located by obtaining information from the Internal/External departments within the Council and by doing cross cuts where required. The use of cross cuts is strongly recommended.

3.5.6.6 A Wayleave will only be issued once all the requirements have been complied with and will be subject to the conditions specified in Section 3.3 and on the Wayleave form.

3.5.7 When the Wayleave Application is an internal Council Department then the Wayleave Applicant can provide a written assurance that they will be responsible for obtaining the deposit or proof of sureties (see 3.5.5.3) 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 PRR WITHOUT A WAYLEAVE MUST BE REPORTED TO THE DESIGNATED MUNICIPAL OFFICIAL AND WILL BE STOPPED BY THE COUNCIL OFFICIAL ON SITE.

A copy of the Wayleave must therefore always be on site when Work is being done in the PRR.

3.5.9 The Designated Municipal Official will strive to limit the duration of the application review process to seven (7) working days.

3.5.10 The Wayleave Holder accepts full responsibility for all costs (Refer to Section 3.9) associated with and resulting from the Work carried out in the PRR.

3.5.11 Only Work described in the Wayleave may be executed. If the conditions on site necessitate a deviation from the planned Work, the Designated Municipal Official 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 Designated Municipal Official may inform the Wayleave Holder of additional approvals that must be obtained from the Internal/External departments affected by the deviation as well as further requirements in terms of drawings and specifications. Work will only be allowed to continue once the Designated Municipal Official 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 or the approved time extension.

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 the Wayleave Holder is still in default, the Work will be stopped and made safe by the Designated Municipal Official 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 Services in the area of Work with the Wayleave application form. This information is obtained from the relevant Internal/External departments.

3.6.2 Internal/External departments may require additional precautions relating to Work in the vicinity of their Services and must specify these in writing to the Wayleave Applicant.

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 Internal/External departments and undertakes to adhere to the additional conditions laid down by the various Service Agencies. The control section on the Wayleave

application form, signed by the Service Agencies, will serve as proof that the Internal/External departments approved that a Wayleave may be issued.

3.6.4 The Designated Municipal Official will verify with all Internal/External departments 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 Councils 5-year work plan.

3.6.5 It 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.

3.6.6 A crosscut 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.

3.6.7 The minimum depth of the crosscut trench is 1 meter below the lowest point of the PRR.

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.

1.7.2 The following definitions apply for the road categories:

Category	Road Type	Administration
1	National Roads Primary – (inter) provincial Urban Freeway/Motorways	SANRAL Gauteng DoT Designated Municipal Official
2	Primary – (inter) provincial Major (inter) urban arterials	Gauteng DoT Designated Municipal Official
3	(Inter) district connectors Minor (intra) urban arterials	Gauteng DoT Designated Municipal Official
4	Major and minor collectors Inter neighbourhood distributors	Gauteng DoT Designated Municipal Official

	Intra neighbourhood distributors	Designated Municipal Official
5	Residential streets	Designated Municipal Official

3.7.3 All roads have been categorised into one of the above by the Council. For a specific road, this information can be obtained from the Designated Municipal Official.

3.8 PROTECTED ROADS

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

3.8.2 Protected roads are roads across which no digging of trenches is permitted. A road is protected if it has been designated a protected road by the Council. Roads are designated as protected when they are of particular strategic importance (Categories 1 to 4 in Section 3.7) or if they pose special engineering difficulties.

3.8.3 Any road that has been newly constructed, overlaid or resurfaced will be protected for a seven (7) year period. A list of roads that falls in this category is available at the Service Delivery Department.

3.8.4 If a road is protected it will be indicated as such on the Wayleave.

3.8.5 Protected 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 Designated Municipal Official.

3.8.6 For the purpose of planning Work done by Internal/External departments, categories 4 and 5 may be regarded as unprotected 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 protected.

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 Service Delivery Department will inform the Wayleave Applicant of the required

methods and might request that third party contractor must be used to carry out the Work.

3.9.2 A list of protected precincts is available from the Designated Municipal Official.

3.10 COSTS

3.10.1 PROCESSING FEE

3.10.1.1 The processing fee is a fixed amount that is payable by the Applicant upon submission of a Wayleave application form. This fee amount will be determined by the Council on the recommendation of the Designated Municipal Official from time to time.

3.10.1.2 The processing fee covers the Council's costs for work done by the Service Delivery Department Officials to obtain comments from the various Internal/External departments on the Wayleave application.

3.10.1.3 Initially the Wayleave Applicant or Designated Municipal Official must obtain comments from the various Internal/External departments on the Wayleave application. Therefore, the processing fee will initially be set at zero. All affected Parties will be notified of any changes to the processing fee by the end of March and the new fee will only be applicable from 1st July. Details of the current fee are available from the Designated Official.

3.10.2 Security Deposit

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 Internal/External departments (Council Departments) themselves.

3.10.2.2 The deposit amount will be based on a percentage of the Work to be carried out for large Works, and a fixed amount for smaller Works.

3.10.2.3 Wayleave Applicants who can produce proof of sureties or deposits held by other Council Departments for the same project will be waived if the Designated Municipal Official considers the amount retained sufficient to cover the potential risks involved.

3.10.2.4 The Council will have the right to use the deposit to cover costs incurred by the Service Delivery Department in relation to the Wayleave under consideration.

3.10.2.5 The responsibility remains with the Wayleave Holder to ensure that the contractor engaged in the implementation of the Work has valid and sufficient public liability insurance.

3.10.3 Reinstatement Cost

3.10.3.1 When the permanent Reinstatement or any other repair Work has to be done through the Designated Municipal Official, the cost involved will be payable by the Wayleave Holder.

3.10.3.2 The cost for Reinstatement will be determined using the relevant Reinstatement rates as determined by Council approved tariff.

3.10.3.3 The Wayleave application form must include a request for Reinstatement based on the expected area to be Reinstated. The final invoiced amount payable will be determined using the measured area of the final Reinstatement as agreed between the Designated Municipal Official and the Service Delivery Department.

3.10.3.4 The Reinstatement area will be measured using straight lines along the edge of the trench. Therefore, it is recommended that the proper cutting tools be used in order to ensure a smooth and straight edge.

3.10.3.5 It is important to note that the decision as to who does the permanent Reinstatement lies with the Designated Municipal Official and/or the Service Delivery Department. Project Managers must therefore allow for the Reinstatement cost as an item in the contract document which is payable to either the contractor or the Designated Municipal Official.

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;

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 Law enforcement Section from external Internal/External departments for loss in revenue due to removed parking meters;

3.10.4.1.5 Lane rentals;

3.10.4.1.6 Services rendered by the Designated Municipal Official in completing Work or altering Work to conform to Wayleave specifications; and

3.10.4.1.7 Claims that may result from the Work

3.10.4.2 All such costs will be borne by the Wayleave Holder who is expected to make provision for recovery from the person executing Work in the PRR.

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 person working in the PRR to ensure that all laws regarding traffic, safety, traffic signs and barricading are complied with while executing Work.

3.11.2 The person working in the PRR 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 uncompleted.

3.11.3 The Designated Municipal Official can request that a traffic control plan be submitted as well as kept available on site as part of the conditions under which the Wayleave is approved.

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 person working in the PRR 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 pointsmen will be required.

3.11.6 The importance of adequate traffic signs and barricading must be stressed. These measures are intended to ensure the maximum safety for motorists, pedestrians, and workers and also the minimum disruption of vehicles and pedestrians. Work sites must be properly barricaded and signed irrespective of how long the Work will last. The safety precautions must be maintained for the full time that risks exist in the PRR due to the work being performed in the PRR.

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 road, may be completely closed to traffic for any appreciable period.

3.12.2 In exceptional circumstances permission may be granted for the closure of a road or portion of road to traffic. The Wayleave Holder must apply to the Council separately for approval two weeks prior to the road being closed. 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.

3.12.3 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 free flow of traffic during peak hours. These times applies 7 days a week.

3.13 Lane Rental

3.13.1 Lane rental refers to the rental of space in the PRR for the storage of construction materials, site offices and the closure of lanes for a period exceeding 1 month.

3.13.2 Lane rental is managed by the Town planning Unit of the LED & Planning Department.

3.13.3 The rates for Lane Rentals are set by the Council and are available from the service coordinator.

3.14 Excavations

3.14.1 The area that is excavated must always be kept to a minimum. The width of the trench must be uniform in length and in 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.

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

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

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

3.14.2.3 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 trench and the construction method (shoring or V-cut method according to the Occupational Health and Safety Act).

3.14.3 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 PRR, 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.

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

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

3.14.6 A safe passage must be kept open for pedestrians at all times.

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

3.14.8 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 Internal/External departments, 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 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 official within the Service Agency and the Designated Municipal Official must be contacted immediately.

3.14.9 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.

3.14.10 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 Designated Municipal Official to do it at the cost of the Wayleave Holder.

3.14.11 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 Division Roads and Stormwater stores. The address will be available at the Designated Municipal Official.

3.14.12 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.

3.14.13 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 properly secured against movement. The occupants of the properties must be kept informed at all times of how their accesses will be affected.

3.14.14 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 Section 3.5.12

3.15 TRENCHLESS METHODS

3.15.1 If trenchless methods are used, disruption of traffic flow and pedestrian movements can be reduced considerably or totally eliminated. However, it is important that the Wayleave Holder using such methods must have all the necessary equipment and expertise complete the Work successfully. Trenchless method can be used for all road categories but shall be used for all roads classified as "Protected" (Refer to Sections 3.7 & 3.8).

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

3.15.3 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 EMERGENCY WORK

3.16.1 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 then Designated Municipal Official.

3.16.2 A categorised list of Emergency Work will be maintained by the Designated Municipal Official and will serve as a guideline for Internal/External departments as well as the Designated Municipal Official in determining whether Work is an Emergency.

3.16.3 The Designated Municipal Official will provide an emergency number for the use of Internal/External departments that requires information on the position of Services in the area where Emergency Work is to be carried out.

3.16.4 The Designated Municipal Official must be notified in writing within 1 working day from commencing with Emergency Work. The Emergency notification certificate referred to in Section 5 must be used for this purpose. If the Designated Municipal Official is not notified within 24 hours from the first working day, the Work will be reinstated by the Designated Municipal Official and the cost thereof will be invoiced against the Service Agency. The Emergency notification document can be obtained from the Designated Municipal Official.

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

3.16.6 Emergency Work must be done in accordance with all procedures and specifications applicable to the type of Work as set out in the specifications document referred to in Section 5.

3.16.7 Reinstatement of the PRR will be done by the Designated Municipal Official upon receipt of a notification from the Service Agency that the Emergency Work has been completed.

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

3.17 ROUTINE MAINTENANCE WORK

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

3.17.2 A categorised list of routine maintenance work will be maintained by the Service Delivery Department and will serve as a guideline for Internal/External departments as well as the Service Delivery Department in determining whether work is routine maintenance work.

3.17.3 Such Work can include inter alia:

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

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

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

3.18 Backfilling and Reinstatement

3.18.1 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.

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

3.18.3 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.

3.18.4 Backfilling must in all cases be done by the Wayleave Holder in accordance with the specifications as set out in the specifications document referred to in Section 5. Permanent Reinstatement can either be done by the Council's Roads and Stormwater Division or by the Wayleave Holder. The Designated Municipal Official will decide whether the Wayleave Holder will be allowed to do the permanent Reinstatement based on performance history.

3.18.5 The Wayleave Holder must obtain prior written approval from the Council's Roads and Stormwater Division for the project specification to be used for backfilling PRR. The proposed specification shall be submitted to the Council's Roads and Stormwater Division, who shall provide written comments on the specification, or an alternative specification, within 7 working days after the receipt of the request.

3.18.6 When the Wayleave conditions place the responsibility for Reinstatement work on the Wayleave Holder then the Reinstatement specification must also be approved in advance by the Council's Roads and Stormwater Division. This shall be done in accordance with the principles set out in 3.18.5.

3.18.7 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.

3.18.8 If permanent Reinstatement is done by the Council's Roads and Stormwater Division, the Wayleave Holder must do a temporary Reinstatement as specified. The Wayleave Holder will then be charged for the permanent Reinstatement at the applicable rates defined by the Designated Municipal Official.

3.18.9 The temporary Reinstatement must be removed by the Council's Roads and Stormwater Division and the Backfilling tested. If the Backfill does not comply with the applicable specifications, it must be replaced at the cost of the Wayleave Holder. These costs are over and above the normal Reinstatement costs.

3.18.10 The Wayleave Holder is responsible for maintaining the temporary Reinstatement for a 1- week period after issuing of the Certificate of Completion to the Designated Municipal Official. During this period the Wayleave Holder is still be held liable for any claims relating to the Work that was carried out.

3.18.11 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.

3.18.12 The Wayleave Holder may not leave the site without reinstating it for more than 14 working days.

3.18.13 If a Wayleave Holders who leaves the site unattended for more than the period specified in 3.18.11, a penalty fee will be charged. The amount will be determined by the Council.

3.19 COMPLETION NOTICE AND CERTIFICATE OF COMPLETION

3.19.1 On completion of the Work the Wayleave Holder must fill in the Completion Notice and return it to the Designated Municipal Official within 2 working days (Refer to Section 5). The Designated Municipal Official will then set up a site meeting with the Wayleave Holder to do an inspection and will issue a Certificate of Completion if all requirements have been met. The 12-month guarantee period for permanent Reinstatements by the Wayleave Holder, or the 1-week maintenance period for temporary Reinstatements by the Wayleave Holder, then commences.

3.19.2 Completion of the Work means that all Work has been completed and that all materials, equipment and rubble have been removed and the site is completely cleared and cleaned and that either the permanent or temporary Reinstatement, as applicable, has been done by the Wayleave Holder. Furthermore, it requires that all applicable documentations and as-builds as specified on the Wayleave form have been handed to the Designated Municipal Official for recording.

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

3.20 POLICY ENFORCEMENT

3.20.1 The Policy Enforcement details are included in Addendum A, which is restricted to internal Council distribution.

3.21 POLICY UPDATE

3.21.1 The Policy Update details are included in Addendum A, which is restricted to internal Council distribution.