



CITY OF CAPE TOWN
ISIXEKO SASEKAPA
STAD KAAPSTAD

WAYLEAVES POLICY

(POLICY NUMBER 69274)

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ABBREVIATIONS

AGSA – Auditor General of South Africa

CIDB – Construction Industry Development Board

ECSA – Engineering Council of South Africa

WMS – Wayleave Management System

DEFINITIONS

“applicant” means a person , including its agents and contractors, applying for a wayleave;

“as-built drawings” means a set of drawings that are marked-up by a contractor building a facility or fabricating a piece of equipment that show how the item or facility was actually built at the completion of a project versus the way it was originally designed;

“Business Partner number” means the reference number assigned to a natural person that transacts with the City for billing purposes. In the case of this policy, the reference number is for matters incidental to wayleaves;

“City” means the City of Cape Town, a municipality established by the City of Cape Town Establishment Notice No. 479 of 22 September 2000, issued in terms of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998), or any structure or employee of the City acting in terms of delegated authority;

“City property” means any property, which the City owns or has the right to use, manage, occupy or control and includes all services infrastructure and street furniture located within the City's jurisdiction;

“contractor” means a person contracted to carry out works in terms of a wayleave;

“emergency works” means the works that are required to restore failures of essential services to multiple subscribers and end-users. These are works that must be performed within 24 hours to restore essential services;

“essential services” means a service which, if interrupted, will endanger the life, personal safety or health of the whole or any part of the population;

“owner” means—

(a) the person in whose name the property is registered in the relevant deeds office; or

(b) if the property affected is a sectional title unit, the owner of the property is a person whose name in which the sectional title deed is registered;

“person ” means a natural or juristic person;

“Permit to Work” means a written approval issued by the City to a service owner or service provider or contractor, permitting them to commence with construction or maintenance work outlined in the wayleave;

“property”—

(a) means any piece of land registered as a separate entity of land in a deeds registry as an erf, lot, plot, farm, stand or agricultural holding and includes any unit and land contemplated in the Sectional Title Act, 1986 (Act No. 95 of 1986); and

(b) includes any building on that piece of land;

“Request for Services Information” means the process that must be followed by a wayleave applicant to obtain positions of existing services from all service agencies while applying for a wayleave;

“road reserve” means a designated area of land that contains or is able to contain a public street or public road, including the road and associated verge, which land may or may not be defined by cadastral boundaries;

“security deposit” means a refundable deposit used by the City to effect infrastructure repairs as a result of works undertaken;

“services infrastructure” means all infrastructure that delivers essential services to the public, including transportation, roads, electricity, communication, sewage, drainage and water;

“service provider” means a person or organisation that provides consulting or other contractual services;

“service owner” means the owner or custodian of infrastructure; whether municipal services infrastructure or private infrastructure accountable for the specific service provided and responsible for the maintenance of the respective infrastructure;

“supervision fee” means a fee paid to the City for undertaking supervision of works completed by the Wayleaveholder;

“Wayleave” means a document issued by the City which grants the right of access to install, maintain or manage services infrastructure and sets out the terms and conditions upon which the holder of the wayleave may install and maintain such infrastructure;

“Wayleave holder” means the person to whom a wayleave is issued and includes its agents and contractors;

“Wayleave Management System” means a management system for the evaluation and processing of wayleave applications, that generates live data and monitors the wayleaves application process, including processing times, construction contraventions and other matters incidental to wayleaves; and

“works” means the specific activity authorised in a wayleave and includes clearing, grubbing, boring or excavation.

1. INTRODUCTION

- 1.1. Well-planned infrastructure can support macroeconomic stabilisation, generate employment and enable economic growth beyond just the initial investment made. It is imperative that whilst the City of Cape Town (City) encourages continued development and investment, it further ensures the protection and longevity of existing services infrastructure. For any development or maintenance of infrastructure that is to be located on, underneath or above municipal land, irrespective of whether such land is owned by the City, a wayleave agreement must first be obtained. A wayleave agreement (hereafter, 'wayleave') will capture the considerations and mechanisms required to ensure the protection of existing infrastructure and services.
- 1.2. A wayleave provides the right to use the property of another without being in possession of that property.
- 1.3. The wayleave further entitles the wayleave holder the right to use such land in a specified manner. Principles outlining the means of construction within a specific footprint (as provided by a wayleave) must be taken into consideration.
- 1.4. The City has a responsibility to issue wayleaves, both internally to different line departments, as well as to external applicants.
- 1.5. Wayleave applications made to the City are most often made for infrastructure development within the road reserve; a space that is often characterised by shared use but within a limited footprint. With several forms of essential infrastructure sharing the road reserve (video surveillance, transportation carriageways, electricity conveyance, telecommunications as well as water and sewer networks) it is inevitable that damage and subsequent service disruption will occur during construction or maintenance activities. The unrestricted laying of pipes, ducts, poles and placement of overhead structures within the road reserve can pose a great hazard to the very public it is intended to serve. In the absence of standardised guidance, this can not only lead to continued damage to adjacent infrastructure (and a consequent disruption of services), but can also cause disruption to the flow of traffic, and may also result in fatal accidents. The City has the right to develop policy guidance and by-laws for the effective administration of its municipal roads, public space as well as for any other municipal planning and municipal public works.¹
- 1.6. Furthermore, National Treasury (NT) issued a model Wayleaves By-Law for municipalities to adopt². The model wayleavesby-law stipulates the regulations that apply when obtaining a wayleave, specifically for the deployment and operation of electronic communication facilities or networks. As part of the adoption, the City will adapt and expand the focus by developing a Wayleaves By-Law that will apply to

¹ Section 156 of the Constitution outlines the powers and functions of municipalities. It provides the right and the executive authority for a municipality to administer local government matters listed in Schedule 4(B) and Schedule 5B.2 Standard Draft Bylaws For Deployment Of Electronic Communications Facilities (GG 48113). Issued on 24 February 2023 and available [here](#).

² Standard Draft Bylaws For Deployment Of Electronic Communications Facilities (GG 48113). Issued on 24 February 2023 and available [here](#).

wayleave applications for all infrastructure development³ and not solely electronic communications infrastructure. The proposed wayleaves by-law will regulate for all infrastructure work to be executed wherever there is existing City services infrastructure within the City's jurisdictional area.

- 1.7.** In order for the City's Wayleaves By-law not to exist as stand-alone legislation without supporting policy guidance, this policy has been developed to provide various parameters for decision-making, together with desired outcomes for more optimal wayleave administration within the City which, in turn, informs the enforcement conditions set out in the City's Wayleaves By-law.

2. PROBLEM STATEMENT

- 2.1.** The issuing of wayleaves had previously been done in a disjointed manner by the City owing to varying levels of maturity and little co-ordination whereby different departments had established their own governance approaches for the processing of applications and issuance of wayleaves. These approaches were undertaken in a manner that had, historically, worked best for their line functions, but nevertheless resulted in challenges experienced across three dimensions: People, Process and Technology. The table below provides an overview of the nature of challenges:

Dimension	Historical Issue	Impact on wayleave application and process
People	Lack of dedicated and specialist staff administering applications which often requires a technical understanding in order to suitably and timeously process.	1. Lack of prioritisation of applications. 2. Quality of assessments undertaken. 3. Lengthy Assessments resulting in time and cost implications.
	Lack of accountability and ownership	1. Poor performance management and credible tracking which impacted Customer Centricity.
Process	Ineffective reviews and approval processes for wayleave applications and 'Permit to Work' set back service delivery.	1. Financial claims against the City due to the standing time in

³ This will include the installation, maintenance or management of network cabling, pipelines or equipment on, over or underneath municipal property.

		the period awaiting approval. This resulted in fruitless expenditure for the City. 2. Significant delays would lead to monetary losses for applicants, resulting in a decline in capital investment into the City.
	Lack of standardised approach and coordination with different departments having different requirements; e.g. some applications attracted fees, while others would not.	1. Confusion for applicants and associated delays impacted projects and developments.
Technology	Paper-based system	1. Delays in processing times. 2. Disparate tracking and monitoring which impacted accountability.

2.2. Various inefficiencies occur where and when several service infrastructure share the same location, particularly in the case of road reserves. In the absence of governing principles, parameters and regulations to protect, maintain and monitor the development and continued use of such infrastructure on municipal property, service delivery and capital investment will be greatly hindered. Moreover loss of expenditure resulting from construction delays and the continued need to repair infrastructure damaged during construction goes undeterred.

2.3. The City's fragmented approach to the processing of wayleaves had, in some instances, resulted in increased contract values and timelines, with the Auditor General of South Africa (AGSA) having made recommendations relating to contractual delays, penalties and infrastructure damage within the City.

2.4. The City is thus pursuing various mechanisms to optimise and streamline the wayleave application and approval process:

2.4.1. Strategic Resourcing and Oversight - The Engineering Management Branch (EMB) has been given the functional responsibility to drive a customer-centric approach to wayleave management. A Wayleave Centre has been established within EMB to serve as a centralised hub that will coordinate, manage and support wayleave functions across all City directorates.

2.4.2. Digitisation - A standardised electronic WMS with supporting Service Level Agreements has been developed to address the lack of prioritisation, accountability, performance management and credible tracking of wayleave applications. The WMS aims to provide a single point of entry and exit for all

applications and generates live data to assist with monitoring the application process, processing times and construction contraventions, amongst other aspects.

- 2.4.3. **Standardisation and Regulation** – The City's Wayleave Policy and Wayleave Bylaw will standardise approaches to wayleave management. Further, it will address existing gaps and inefficiencies; and identify the various role-players required to deliver on the solutions required. This policy will support a uniform approach toward the processing and management of Wayleaves and thereby provide assurance to applicants regarding the City's application process.

3. DESIRED OUTCOMES

The primary objective of this policy is to provide guidance pertaining to the requirements for obtaining a wayleave. This policy will underpin the administration of a wayleave application in order to support the establishment and maintenance of all infrastructure. It sets to define the mechanisms required, via a wayleave, to ensure the protection of infrastructure and services under the custodianship of the City.

3.1. *Embed the Ease of Doing Business approach*

- 3.1.1. Quality service provision is a core function of the City that meets the basic needs of individuals and creates a reliable operating environment for businesses and individuals to participate in the economy. This policy is a critical lever by which the City can, through the permissions granted for city-wide infrastructure development and maintenance, ensure that
- a) public service delivery continues to occur across the municipality,
 - b) there is increased opportunity for jobs and investment in the local economy arising from infrastructure development and maintenance opportunities,
- 3.1.2. As infrastructure is an enabler of business activity, this policy seeks to embed an 'ease of doing business approach' through the streamlining of the wayleave application process; its automation and standardisation via the innovative WMS.

3.2. *Enable the Strategic Design of Developments*

- 3.2.1 In order to minimise service-related disruptions when undertaking the development of new infrastructure or the upgrading of existing infrastructure services, consideration must be given to where development footprints, particularly in road reserves and municipal servitudes, tend to be limited, as well as the possible implications of sharing any such available space.
- 3.2.2 To achieve maximum productivity of all infrastructure, the regulation and standardisation of construction and maintenance procedures is vital. Such standards and regulations must be adequately considered during the planning and design stages to ensure full compliance of the wayleave when work is being executed.

- 3.2.3 Any lack of co-operation between stakeholders or absence of a strategic design may result in significant impacts within the development footprint, as well as on the infrastructure it houses.

3.3. *Timely deployment of Services Infrastructure*

- 3.3.1 The WMS has been developed to address inefficiencies in the review and approval processes. Applicants are required to utilise the WMS as it encompasses the application process for both the wayleave and the permit to work, providing a one-stop-shop with a single entry and single exit point for all applications. The WMS is supported by centralised coordination and management to assist in reducing processing delays and the associated time and cost implications for applicants.
- 3.3.2 The automation of processes aims to enhance and modernise application procedures; further driving customer-centricity and encouraging an ease of doing business. The digitisation will support the City with regard to monitoring, accountability and broader system improvements over time.
- 3.3.3 To support enforcement of the conditions stipulated in a wayleave and a permit to work, legal parameters will be defined through the Wayleaves By-law. The purpose of the By-law is to ensure that permit holders and all service owners comply with the various provisions and special conditions. Timeframes associated with the review and approval of a wayleave will also be legally enforced.

3.4. *Minimise Damage to City Property*

- 3.4.1 Unsupervised construction and unregulated maintenance of infrastructure leads to repeated damage to municipal property and adjacent services. Clear codes of practice guiding the roles, responsibilities of all applicants and service owners, including any limitations applicable to them, must be developed and made accessible. In the absence of such regulation, the City will continue to suffer financial loss and the public will continue to experience unexpected service delivery disruptions.
- 3.4.2 Tariffs and holding deposits or guarantees must be applied to all external service provider or contractor's wayleave applications, to allow for cost recovery in the event of infrastructure damage or service disruption.

4. STRATEGIC ALIGNMENT

4.1. *Integrated Development Plan (IDP)*

This policy aligns to a number of the City's strategic objectives:

4.1.1.Objective 1: Increased Jobs and Investment in the Cape Town Economy

Improved wayleave management can support the timely and successful roll out and rapid maintenance of public services through networked infrastructure e.g. electronic communications facilities, continuous supply of potable water, electricity and wastewater management which leverages investment into the City, associated job creation and economic growth. The trifecta of having a policy, by-law and the WMS in place aims to cut red tape and support Cape Town's pursuit to be the easiest place to do business.

4.1.2.Objective 2: Improved Access to Quality and Reliable Basic Services

Ensuring certain policy parameters underpin the City's processing of wayleave applications and the requirements for approvals will allow for time management in the planning stage of all service delivery and infrastructure projects, as well as minimise the risk of wayleave related delays on infrastructure development and maintenance that is aimed at enhancing service provision. This is particularly important in instances where there is a high proportion of upgrade and maintenance projects, e.g. in informal settlements,⁴ that require wayleave approvals.

4.1.3.Objective 4: Well-managed and Modernised Infrastructure to Support Economic Growth

A wayleave is required for the maintenance of all infrastructure located on, underneath or above municipal land, regardless of whether such infrastructure is, or is not City-owned. Having a Wayleave policy in place to guide on timeframes, processing requirements, installation conditions, non-compliance etc can provide for the effective management and protection of existing infrastructure and new infrastructure.

4.1.4.Objective13: Safe and Quality Roads for Pedestrians, Cyclists and Vehicles

The proper reinstatement of roads, pedestrian walkaways and other paved areas has been a matter of contention between the City and developers. The public has also raised concerns with regard to the sub-standard quality of work done in reinstating paved surfaces. This Wayleave Policy will provide rationale and guidance so as to manage and mitigate the risks posed by this poor workmanship and associated financial and liability concerns.

4.1.5.Objective 14: A Resilient City

A resilient City is able to adjust to, and withstand socioeconomic and environmental challenges. Adequate provision and maintenance of services delivers the key infrastructure essential for disaster management. Without the necessary instruments (including policy) to ensure that all services are maintained to a high standard, the City will be caught off-guard in the event of a state of disaster.

⁴ Such upgrade projects may occur where the land identified or used for housing was originally designed to accommodate fewer households and people, but with increased population pressure, there is a need to accommodate increased densities in the informal settlements.

4.1.6. Objective 16: A Capable and Collaborative City Government

As the wayleave application and approval process cuts across a number of Directorates within the City, several Departments will need to work together to review applications and respond in a timely manner to certify that critical infrastructure is not delayed or damaged whilst ensuring that service delivery is not hampered. This policy seeks to outline the rationale and directive required to ensure a collaborative working relationship and work flow amongst the various Departments.

4.2. Inclusive Economic Growth Strategy

The City's primary role when participating in the economy is that of creating a reliable, stable operating environment for businesses and individuals.⁵ Such an enabling environment is predominantly achieved through effective, efficient provision of quality basic services and access to high quality infrastructure, which in-turn affords businesses with access to local, regional and international markets. The IEGS highlights that it is incumbent on the City to actively provide a foundation with as much certainty and predictability as possible for individuals and businesses.⁶ The Wayleave Policy will align with the following imperatives to support Quality Service Provision as identified in the IEGS and thereby, support inclusive economic growth:

4.2.1. Higher Quality and Extent of Service Delivery

Efficient processing of wayleave applications can support service delivery approaches being underpinned by quality which directly impacts on prospects of success for any collective endeavour, private or public. Timeous processing can further ensure cost-savings for the applicants and allow for quicker turnaround times of projects within the service delivery pipeline. Investment in infrastructure to better fulfil the City's service delivery role will contribute to a much-needed stimulation of the local economy.

4.2.2. Build a More Efficient Regulatory Environment for Development Management

The City plays a direct role as a regulator in the local economy; particularly in terms of land use management and the associated approval of applications⁷, of which a wayleave is one example. In developing the WMS and through application of this policy, the intention is to standardise the wayleave application and approval process in a manner that ensures certainty and predicatability; in terms of process and time-frames. In so doing, the overall intent is to reduce red tape, secure investment in new networked infrastructure and/or ensure the maintenance and sustainability of existing infrastructure.

⁵ IEGS, pg 22

⁶ IEGS, pg 23

⁷ Such approvals can relate to structural safety, location and building usage, environmental and traffic dynamics, municipal systems and infrastructure capacity, amongst others. IEGS, pg.

4.2.3. Better Leveraging City Planning for Improved Delivery

Through the wayleave approval process, the City can support the prioritisation of new bulk infrastructure provision in accordance with the Municipal Spatial Development Framework, targeting areas where high levels of certainty exist for development e.g. specifically the Urban Inner Core and where well-located development supports the existing and emerging public transport system.

4.3. Infrastructure Planning and Development Framework (IPDF):

As infrastructure is as an enabler for business activity, job creation and economic activity, the City has sought to pre-empt economic needs by developing an Infrastructure Planning and Delivery Framework (IPDF) to support cohesive, integrated infrastructure planning that will enable the delivery of long-term, strategic, City-wide development priorities.

The IPDF leverages existing projects, processes and mechanisms to provide a platform for prioritisation and selection of a corporate infrastructure pipeline that the City can pursue over a 10-year period. The processing of wayleaves for projects falling within the portfolio identified via the IPDF will thereby support project execution by line departments and assist to meet expansion, backlog and maintenance requirements for ensuring sustainable service delivery and improved economic outcomes.

5. REGULATORY CONTEXT

This Policy takes into consideration the following informing pieces of legislation:

5.1. The Constitution of the Republic of South Africa, 1996

Section 41(1)(g) prescribes that all spheres of government and all organs of state within each sphere must exercise their powers and perform their functions in a manner that does not encroach on the geographical, functional or institutional integrity of government in another sphere.

5.2. Local Government: Municipal Systems Act, 2000 (Act 32 of 2000)

This Act sets out, in broad terms, the rights and responsibilities of the municipal council and municipal administration. It defines the legal nature of municipalities as part of a system of co-operative government.

5.3. Roads Ordinance (Ordinance 19 of 1976) - This Ordinance consolidates the law relating to public roads and public pathways and provides for matters incidental thereto. It includes provisions on erecting signposts along roads, construction and maintenance as well as closing and diverting roads. Furthermore, it provides for the expropriation of land to develop roads and the compensation of land owners.

5.4. Advertising on Roads and Ribbon Development Act, 1940 (Act No. 21 of 1940) - This Act regulates the display of advertisements outside certain urban areas at places visible from public roads, as well as the depositing of disused machinery or refuse and the erection of structures near certain public roads.

5.5. City of Cape Town Outdoor Advertising By-law, 2023. The purpose of the By-law is to regulate the use of land and buildings for outdoor advertising and signage.

- 5.6. Electronic Communications Act, 2005 (Act No. 36 of 2005)** - Provides for the granting of licenses for installation of electronic communications infrastructure.
- 5.7. National Integrated ICT Policy White Paper (Published October 3, 2016)** - focuses on the rapid deployment of electronic communications networks and facilities.
- 5.8. Standard Draft By-Laws for Deployment of Electronic Communications Facilities** issued by the Department of Co-operative Governance Department in 2022, has been developed to facilitate rapid deployment of electronic communications infrastructure by providing uniformity in the laws and obligations of municipalities as well as telecommunications service providers.

6. POLICY PARAMETERS

- 6.1.** The City has the executive authority, under the Constitution, to administer local government matters within its jurisdiction. The focus of this policy is to provide for effective administration and co-ordination of wayleave applications. Private and public sector service owners, developers and their contractors (including internal City departments) must operate with due cognisance of all possible effects of and on the respective services within the available space restrictions of a site's location where infrastructure development is to occur.
- 6.2.** Specific technical conditions for the installation of services will be provided through the wayleave process. Any guidance given in terms of this policy or consequent by-laws should be read in conjunction with each specific wayleave and Permit to Work.
- 6.3.** Various City departments have a vested interest in the location of municipal services, particularly those located within the road reserve. These City departments are responsible for ensuring efficient delivery of vital services such as potable water supply, sanitation facilities, telecommunications accessibility and electricity provision. Each of these departments provide conditions for the installation of services adjacent to their infrastructure. The wayleave application process is not intended to override existing rules and standards governing different forms of infrastructure – it is meant to compliment such controls. For example, the general conditions for construction and maintenance works within the road reserve will include those provided by the various City service owners.
- 6.4.** The wayleave application process will provide the medium for collaboration between transversal role players, with the WMS serving as the platform for the dissemination of information, the request for specific documents/evidence and the control of construction methods to be employed.

7. ROLEPLAYERS AND STAKEHOLDERS

A range of roleplayers and stakeholders will be impacted by implementation of this policy and will either need to adhere to or support the provisions outlined.

- 7.1.** Stakeholders and interested parties associated with this policy include active and passive roleplayers, as well as private investors.
- 7.2.** Active roleplayers are fully engaged in the wayleave activities and processes, including use of the digital platform, direct performance, supervision and

management of the procedural workflow. These roleplayers include internal City operational and support departments.

7.3. Active operational role players within the City include the following:

City of Cape Town:	Responsibility
City of Cape Town	Enforcement of standards and regulations governing services infrastructure.
Wayleave Centre, Future Planning & Resilience Directorate	Centralised hub for the standardisation of all City wayleave processes. Responsible for the administration and maintenance of the City's WMS.
Corporate Services Directorate: Information Systems and Technology Department, (Business Applications)	Maintenance and support relating to the integration and functionality between the WMS and other City Information Technology systems.
Urban Mobility Directorate	Custodian of public roads including the road reserve, public transport interchanges, public parking areas and all traffic calming and traffic control infrastructure on public roads. Co-determinant of MBTAs on parking bays, public roads, and public transport interchanges. Responsible for approval of construction/maintenance plans for all works within the areas stated; and issuing of a Permit to Work allowing for works to commence.
Energy Directorate	Custodian of public electricity generation and distribution infrastructure, including public sustainable/green energy services within the City's jurisdictional boundaries. Responsible for approval of construction/maintenance plans for all works that may infringe on the infrastructure/services stated; and issuing of Civil Permits (a particular permit issued by the City's Energy Directorate relating to Health and Safety considerations) allowing for works to commence.
Water and Sanitation Directorate	Custodian of all infrastructure supporting the abstraction, storage, distribution, reticulation and treatment of potable and wastewater (grey water, as well as black water). Responsible for approval of construction/maintenance plans for all works that may infringe on the infrastructure/services stated.
Corporate Services Directorate: Information Systems and Technology Department:	Custodian of all public telecommunications network infrastructure. Responsible for the approval of construction /maintenance plans for all works that may infringe on such infrastructure.

Telecommunications Broadband Services.	
Internal Applicants	All City service departments wishing to install/construct new infrastructure or to perform maintenance operations on existing infrastructure, are required to apply for a wayleave and Permit to Work from the directorates listed above.

- 7.4.** Passive role players within the City include service departments that are kept informed of proposed developments within their areas of responsibility. These may include Urban Waste Management, Spatial Planning and Environment, Safety and Security, Human Settlements, Community Services and Health.
- 7.5.** Private investors include independent businesses that wish to install/construct new infrastructure or perform maintenance work on existing services. These include Electronic Communications infrastructure service providers or contractors and all other investors whose infrastructure development may infringe upon or damage City services. This further includes individuals who intend to perform development works that are linked to infrastructure or located outside the boundary wall of their property.
- 7.6.** Private investors/individuals are required to apply for Right of Way via the application process for wayleaves and a Permit to Work.

8. POLICY DIRECTIVES

8.1. Wayleave Application Procedure

- 8.1.1. All applications for a wayleave from the City are to follow a standardised process that encompasses all relevant departments; with the involvement thereof determined by the nature of the application.
- 8.1.2. Applicants are required to register for a profile on the WMS and enter their details, and where applicable, those of the relevant engineers and contractor. Each application will be traceable to a specific person.
- 8.1.3. Walk-in clients will have their details uploaded to the WMS by a City staff member. All notifications relating to the application will be forwarded to the applicant's personal email address.
- 8.1.4. External applicants⁸ will be required to enter a Business Partner (BP) number which is matched against a database to confirm validity. If the BP number is invalid, or if the applicant has never transacted with the City (and thus does not have a BP number), the applicant is redirected to the City e-Services webpage to register as a Business Partner.
- 8.1.5. Upon login, the applicant will select the specific service required, namely—
- 8.1.5.1 Request for Services Information: Applicant proceeds to highlight area of interest on the map displayed, and the WMS disseminates application to all Directorates without generating an invoice;
- 8.1.5.2 Wayleave Renewal: Applicant selects the applicable wayleave from a list of active wayleaves previously processed;

⁸ All non-City applications

- 8.1.5.3 Wayleave Resubmission: Applicant selects the reason for resubmission (change in methodology or change in route); or
- 8.1.5.4 New wayleave Submission: Applicant proceeds to capture relevant project details.
- 8.1.6. All project details/scope of work are to be entered in the WMS. The information required includes the description of proposed work; location (suburb, street and GPS Co-ordinates) and method of excavation.
- 8.1.7. The applicant indicates their area of interest on the built-in Esri ArcGIS® map.
- 8.1.8. The applicant confirms that external service providers have been consulted. (This is a mandatory field. In the absence of such confirmation, the application will not workflow beyond this point).
- 8.1.9. Based on the scope selection, the WMS will prompt the applicant to upload a set of specific documents. All required documents must be submitted in order to proceed. Relevant to the type and nature of the application, such documents may include—
 - 8.1.9.1 Cover letter outlining the extent of work anticipated;
 - 8.1.9.2 Locality plan indicating the proposed route;
 - 8.1.9.3 Proposed works plan or engineering plans providing design details;
 - 8.1.9.4 Programme with proposed timelines;
 - 8.1.9.5 Land Use Management notification letter (Only applicable where services must be installed as part of a development approved through a Land Use Management application);
 - 8.1.9.6 Proof of appointment of ECSA registered engineer and CIDB registered contractor (for external applicants);
 - 8.1.9.7 Traffic Management Plan;
 - 8.1.9.8 Pavement reinstatement details; or
 - 8.1.9.9 Drill plan.
- 8.1.10. After submission of the application, the WMS will generate an invoice for payment of a non-refundable administration fee. Should this fee go unpaid, the ticket will be cancelled after a period of three (3) weeks and the applicant will be required to start the process from the beginning if the wayleave is still required.
- 8.1.11. After successful payment of the administration fee, the application is accepted and flows simultaneously to the respective departments where it is assigned to a technical reviewer.
- 8.1.12. A technical staff member reviews the application and has the option of providing four status options - Reject; Clarify; Approve or Services not affected.
- 8.1.13. A second invoice displaying the applicable security deposit will be generated. The wayleave will not be granted prior to payment, in full, of the security deposit. Applicants may opt to provide a valid bank guarantee in lieu of this payment.
- 8.1.14. All service departments must approve the application in order for a Wayleave Approval pack to be generated. If any one (1) department rejects the application, the entire submission is considered unsuccessful.

8.2. Permit to Work

- 8.2.1. Application for a Permit to Work is mandatory. No construction/excavation work can commence without a valid Permit to Work being issued by the City.
- 8.2.2. All applications for a Permit to Work are to be processed via the digital WMS after receipt of a valid wayleave approval.

- 8.2.3. Applicants must arrange for a services verification meeting using the digital platform. The meeting is to be scheduled for two (2) weeks or later, from the application date.
- 8.2.4. The Permit to Work will only be issued after all applicable departments have given their approval.
- 8.2.5. The WMS will generate an invoice for supervision fees where applicable and the applicant will be liable for payment of such fees prior to the issuing of the Permit to Work.
- 8.2.6. Supervision fees are non-refundable.
- 8.2.7. Relevant line departments will undertake construction monitoring where required, and record progress, damage to adjacent infrastructure and all contraventions in breach of the conditions of the wayleave and Permit to Work.
- 8.2.8. In the event of a violation of wayleave or permit conditions, a Contravention Notice will be issued by the City. Any penalties to be imposed will be detailed on this Notice.
- 8.2.9. The Contravention Notice will specify corrective actions required.
- 8.2.10. A notice of wayleave suspension may further be issued depending on the gravity or frequency of the contraventions. Upon suspension of the Permit to Work, all works on site must cease, except for that which requires rectification.
- 8.2.11. The Suspension Notice will specify requirements for reinstatement of the Permit to Work.
- 8.2.12. Final As-built drawings are to be submitted by the applicant upon completion of construction works. Drawings must be uploaded onto the WMS.
- 8.2.13. Penalties imposed (attached to specific contraventions) may be deducted from the security deposit or guarantee.
- 8.2.14. After all As-built drawings are submitted and contraventions are cleared, the applicant will be able to apply for a refund of the security deposit balance (if any).

8.3. Emergency Works

- 8.3.1. An emergency wayleave for essential services must be issued by the City before emergency works can commence.
- 8.3.2. Applications for emergency works for non-essential services, for example, fibre optic cabling, will be given priority status and determined on a case-by-case basis.
- 8.3.3 An applicant must apply for an urgent wayleave for emergency works and the request, with a brief supporting motivation is to be submitted to the City.
- 8.3.4 The wayleave approval letter will serve as permission to proceed with the required works.

8.4. Request for Services Information

- 8.4.1. For planning and design purposes, information on the location of existing services infrastructure can be requested. The application is to be processed via the WMS.
- 8.4.2. The applicant is to select the 'Request for Services Information' tab and complete the project details as well as upload an application letter and locality plan.
- 8.4.3. Respective City departments will simultaneously receive the request. Each department will upload service plans onto the portal, making them accessible by the applicant.
- 8.4.4. No costs are applicable to the Request for Services Information.

8.5. Tariffs, Guarantees, Holding Deposits and Exclusions

- 8.5.1. All applicable fees and charges will be in line with the City's Council-approved tariffs.
- 8.5.2. All wayleave applications will incur a non-refundable administration fee.
- 8.5.3. Security deposits will be calculated based on the cost of specific material required to repair or reinstate damaged infrastructure. Relevant rates are provided in the City Tariffs, Fees and Charges Book. Security deposits are refundable in whole or in part, depending on deductions resulting from contraventions.
- 8.5.4. A supervision fee may be charged to cover the cost of supervising the installation and rehabilitation. This fee is payable in advance and is non-refundable.
- 8.5.5. Line Departments may opt to request a bank guarantee in lieu of a security deposit. The bank guarantee must be valid for the entire construction period and the contractual period to rectify any defects.
- 8.5.6. All government departments and state-owned enterprises are exempt from the payment of administration fees and security deposits. A guarantee in the form of a letter of undertaking is required to ensure that the cost of any damage is incurred by the applicant concerned.

8.6. Construction Methods

- 8.6.1. A wayleave is required for all forms of excavation including trenching, drilling, pipe-jacking, micro-tunneling, moling and thrust boring.
- 8.6.2. Only trenchless technologies will be accepted for road crossings. No trenching of any roads under the authority of the City will be permitted; any exceptions will be assessed and engaged upon by the City on a case-by-case basis.
- 8.6.3. With regards to aerial fibre installation—
 - 8.6.3.1. the use of street lights as furniture for the bolstering of electronic communications infrastructure will not be permitted;
 - 8.6.3.2. Construction in the designated road reserve will not be supported under any circumstances;
 - 8.6.3.3. stringing of electronic communications infrastructure on existing mid-block Low Voltage electricity poles will not be permitted under any circumstances; or
 - 8.6.3.4. electronic communications infrastructure (including fibre cables), is permissible over private land provided that full consent is given by the property owner before such service is installed. If consent is obtained from the property owner, poles can be placed on private property but anything verging into the road reserve must be placed underground. Only underground crossings will be permitted between one property and the next.
- 8.6.4. Where deemed necessary, the City may impose co-use practices which means that the service provider or contractor installing the pole or underground cabling duct, will have to sign an agreement allowing for subsequent service providers or contractors wishing to string overhead fibre/install underground cables, to make use of the very same infrastructure. A monopoly on the services will not be permitted.
- 8.6.5. The City may further lease available space in an existing duct or within the road reserve, at a monthly or annual cost to the service provider. Costs will be as provided in the council approved tariffs.

8.7. Reinstatement

- 8.7.1. Where construction works have resulted in damage to the pavement, sidewalk or any existing services infrastructure, the developer/contractor will be liable for repair works.
- 8.7.2. A compliance notice will be issued by the City detailing the nature and extent of damages. The developer/contractor will be required to rectify the damage immediately.
- 8.7.3. Repair works may be conducted by the City in the event that the damage is not adequately rectified. In such an instance, the cost of the repairs, as guided by the list of tariffs, will be recovered from the developers holding deposit or guarantee.
- 8.7.4. The wayleave holder remains liable for such repair throughout the contractual defects liability period.

8.8. Suspension of the Wayleave and Permit to Work

- 8.8.1. Suspension of the wayleave and permit to work will occur where the works have not been carried out as specified on the wayleave or conditions have not been complied with. The wayleave holder will be notified in writing of such suspension and provided with specific conditions to be met within a given timeframe, to allow for reinstatement of the wayleave and Permit to Work.

8.9. Completion Certificate

- 8.9.1. The City will issue the contractor with a completion certificate after—
 - 8.9.1.1. the construction activity is completed and all wayleave conditions have been met;
 - 8.9.1.2. the contractor has provided the City with all As-built plans; and
 - 8.9.1.3. all contraventions have been resolved and all penalties settled.
- 8.9.2. The completion certificate is to be submitted in support of an application for the release of security deposit.

8.10. Relocation of Services

- 8.10.1. The onus for the relocation of services that have not been installed in accordance with approved plans, lies with the service owner.
- 8.10.2. The service owner will be liable for all costs associated with such removal or relocation of services.

9. MONITORING AND EVALUATION

- 9.1.1. Monitoring and evaluation of this policy is to be performed by key role players to ensure informed decision-making. The criteria to be measured include:
 - 9.1.1.1. Effectiveness of guidance regarding the requirements for obtaining a wayleave;
 - 9.1.1.2. Impact of enabling the strategic design of developments;
 - 9.1.1.3. Timely deployment of Services Infrastructure; and
 - 9.1.1.4. Occurrences and financial implications of damage to City infrastructure.
- 9.1.2. The role players involved in the monitoring and evaluation process include:
 - 9.1.2.1. The Wayleave Centre – responsible for ensuring all relevant data is stored accurately on the WMS and other monitoring tools. Further responsible for facilitating collaboration and disseminating information to all stakeholders.

- 9.1.2.2. City Line Departments (Service Owners) – responsible for evaluating data provided and enhancing processes to maintain efficient service delivery.
- 9.1.3. As the centralised coordination and management team, the Wayleave Centre is responsible for the monitoring, evaluation and dissemination of data that will be used to inform process improvement, system enhancement and decision-making.
- 9.1.4. Monitoring and evaluation will be performed with the aid of various tools and processes, namely:
 - 9.1.4.1. Regulation and standardisation of wayleave processes will be monitored through the Wayleave Centre.
 - 9.1.4.2. The Wayleave Centre will further facilitate co-operation between stakeholders to ensure collaborative decision making.
 - 9.1.4.3. The WMS will act as a data bank, storing all records associated with each application.
 - 9.1.4.4. All anomalies or inefficiencies as reported by the WMS users (applicants and reviewers) will be recorded by the Wayleave Centre in an incident log. The incident log will reflect the specific inadequacy and the impact thereof. A resolution to each incident will be provided with due consideration by all stakeholders.
 - 9.1.4.5. Incident log data will be used to revise procedures, enhance the WMS and iterate service level agreements.
 - 9.1.4.6. A centralised data dashboard will be used to monitor the number of applications at each stage of the review, as well as the processing timelines within each department.
 - 9.1.4.7. The WMS provides all service owners with a view of proposed works and allows for collaboration where several forms of infrastructure may be impacted.
 - 9.1.4.8. Damage to service infrastructure will be flagged through emergency wayleave applications. This will provide a means of evaluating the effectiveness of the WMS and the related policies.
 - 9.1.4.9. Penalties and contraventions will be recorded on the WMS prior to issuing any refund on holding deposits. Monitoring of this data will support the flagging and possible blacklisting of applicants who are repeatedly non-compliant with conditions set out in the wayleave.
 - 9.1.4.10. Tracking of and reporting on expenditure versus cost recovery associated with damage to City infrastructure will provide effectiveness of the WMS and associated policies.

10. REVIEW

- 10.1.1. This policy will follow a standard 5-year review cycle. Should an earlier review be required, this can be initiated via the City's standard policy review process.
- 10.1.2. All data evaluated will be presented in internal reports in an effort to improve on the system and processes, where required.
- 10.1.3. The data will inform iteration of the Policy and Service Level Agreements. This will support the City with regard to monitoring, accountability and broader system improvements over time.