

RUSTENBURG LOCAL MUNICIPALITY

Wayleave Policy





RUSTENBURG LOCAL MUNICIPALITY – WAYLEAVE POLICY:

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1. DEFINITIONS

- 1.1 **“Approved/Approval”** means granting of permission by the municipality to the Wayleave Applicant to commence with the works on a specified site.
- 1.2 **“Backfilling”** refers to the replacement of the structural layers in the trench or excavation and includes the base, sub-base, selected subgrade and subgrade, but exclude the surfacing.
- 1.3 **“Certificate of Completion”** means the document issued by the supervising municipal official or professional engineer as proof that the works have been completed in accordance with the requirements of the approval letter and contract.
- 1.4 **“Completion Notice”** means the document submitted by the Wayleave Permit Holder to the supervising municipal official or supervising engineer when the works have been completed.
- 1.5 **“Constitution”** means the *Constitution of the Republic of South Africa, 108 of 1996, as amended*.
- 1.6 **“Contractor”** means a natural or juristic person or partnership appointed by the Wayleave Applicant for carrying out the Works.
- 1.7 **“Emergency Work”** means any work that is urgently 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.
- 1.8 **“Engineer”** means a person registered as a Professional Engineer/ Technologist in terms of the *Engineering Professions Act, 2000*, appointed and funded by the



Wayleave Applicant to supervise the technical aspects of the Works and ensure compliance with the Conditions of Approval of the Wayleave. Presence of such a person is required to control the Works wherever any excavation is involved.

- 1.9 **"Environment"** has the meaning assigned to it in section 1 of the *National Environmental Management Act 107 of 1998*, as amended from time to time.
- 1.10 **"Legislation"** means any applicable law, proclamation, ordinance, act of Parliament or enactment having force of law;
- 1.11 **"Local community"** in relation to the Municipality means that body of persons comprising:
- (a) the residents of the Municipality;
 - (b) the ratepayers of the Municipality;
 - (c) any civic organisations and non-governmental, private sector or labour organisations or bodies which are involved in local affairs within the Municipality; and
 - (d) visitors and other people residing outside of the municipal area who, because of their presence in the municipal area, make use of services or facilities provided by the Municipality.
- 1.12 **"RLM Wayleave Application Procedure Manual"** document forming "Addendum 1" of Rustenburg Local Municipality Wayleave Policy Manual, outlining the procedure and general requirements Service Agencies must comply with before submitting a wayleave application to the Rustenburg Local Municipality (RLM).
- 1.13 **"Municipal Directorate or Unit"** means any Directorate or sub-Directorate that belongs to or is controlled by the municipality.
- 1.14 **"Municipality or RLM"** means the Rustenburg Local Municipality, and includes any political structure, political office bearer, duly authorised agent thereof, or a Wayleave Permit Holder fulfilling a responsibility under this by-law assigned to it in terms of the *Local Government: Municipal Systems Act 2000 (Act 32 of 2000)* or any other law, as the case may be, or any employee thereof acting in connection with a by-law by virtue of a power vested in the municipality and delegated, to such



political structure, political office bearer, agent or employee. 1.15 **“Municipal Manager”** means the head of administration and also the accounting officer for the municipality.

1.16 **"Owner"** means:

- (a) the person in whose name the property is registered;
- (b) in the case where the person in whose name the property is registered, is insolvent or deceased, or is disqualified in terms of any legal action, the person who is responsible for administration or control of the property as curator, trustee, executor, administrator, legal manager, liquidator, usufructuary, servitude holder or any other duly authorised or appointed representative;
- (c) in the case where the Municipality or Wayleave Permit Holder is unable to establish the identity of such person, the person who is entitled to derive benefit from the property or any buildings thereon;
- (d) in the case of a lease agreement entered into for a period of 30 (thirty) years or longer, or for the natural life of the lessee or any other person mentioned in the lease, or is renewable from time to time at the will of the lessee indefinitely or for a period of periods which, together with the first period of the lease, amounts to 30 (thirty) years, the lessee or any other person to whom he has ceded his right, title and interest under the lease, or gratuitous successor to the lessee;
- (e) In relation to:
 - (i) a piece of land delineated on a sectional title plan and which is registered in terms of the *Sectional Title Act 95 of 1986*, without limiting it to the developer or body corporate of the common property;
 - (ii) a section as defined in the *Sectional Title Act 95 of 1986*, the person in whose name that section is registered in terms of a "sectional title deed", including the lawfully appointed representative or agent of such person;
- (f) any legal entity including but not limited to:



- (i) a company registered in terms of the *Companies Act 61 of 1973*, a trust *inter vivos*, *trust mortis causa*, a close corporation registered in terms of the *Close Corporation Act 69 of 1984* and any voluntary organisation;
 - (ii) any provincial or national government department, or local authority;
 - (iii) any Municipality or management body established in terms of any legal framework applicable to the Republic of South Africa; and
 - (iv) any embassy or other foreign entity in whose name the property is registered;
- (g) in relation to property owned by the Municipality and which has been disposed of, but which has not been transferred to the person to whom it has been disposed of, from the date of the disposition concerned, such person; and
- (h) in relation to property owned by or under the control or management of the Municipality while held under a lease or any express or tacit extension thereof or under any other contract or under servitude or right analogous thereto, the person so holding the immovable property.

1.17 **"Property"** means:

- (a) immovable property registered in the name of a person/owner including in the case of a sectional title scheme, a sectional title unit registered in the name of any person/owner;
- (b) a right registered against immovable property in the name of a person excluding a mortgage bond registered against the property;
- (c) any piece of land, the external surface boundaries of which are delineated on:
 - (i) a general plan or diagram registered in terms of the *Land Survey Act 9 of 1927* or in terms of the *Deeds Registries Act 47 of 1937* or;
 - (ii) a sectional plan registered in terms of the *Sectional Titles Act 95 of 1986*; which is situated within the area of the Municipality;
- (d) a land tenure right registered in the name of a person or granted to a person in terms of legislation; or



(e) public service infrastructure.

- 1.18 **"Public road"** means any road, street or thoroughfare or any other place (whether a thoroughfare or not) which is commonly used by the public or any section thereof or to which the public or any section thereof has a right of access and includes:
- (a) the verge of any such road, street or thoroughfare;
 - (b) any bridge, ferry, or drift traversed by any such road, street or thoroughfare; and
 - (c) any other work or object forming part of or connected with or belonging to such road, street or thoroughfare.
- 1.19 **"Public Road Reserve"** means the full width of a public road, and includes the verge and the roadway.
- 1.20 **"Reinstatement"** means the 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.
- 1.21 **"Routine Maintenance Work"** is defined as all types of work involved in maintaining the services in the public road reserves and does not require excavation, traffic control or reinstatement activities.
- 1.22 **"Security Deposit"** means the **returnable bank guarantee issued by the Wayleave Applicant in favour of** the Municipality in respect of each Wayleave approval issued, the amount of which will be determined by the Municipality.
- 1.23 **"Service"** means any system for supplying a public need that a Service Agency has on or intends to install within the geographical jurisdiction of the RLM.
- 1.24 **"Service Agency"** means any Municipal Department, public agency or utility that owns a Service within the geographical jurisdiction of the RLM.
- 1.25 **"Service delivery"** is the distribution of basic resources citizens depend on like water, electricity, sanitation infrastructure, land, housing and other infrastructure.
- 1.26 **"Service-Sharing Installation"** means installations of a service which are designed to utilise existing ducting or pipelines without the need for excavations, except minimal excavation/ construction at junctions or terminals.



- 1.27 **“Site”** means the land made available by the municipality or land owner on, under, over, in, or through which the Works are to be executed or carried out and it includes the land covered by a servitude registered in the name of the Owner.
- 1.28 **"Structures Act"** means the *Local Government: Municipal Structures Act 117 of 1998* and the regulations promulgated in terms thereof.
- 1.29 **“Supervising Municipal Official”** means a person appointed by the Rustenburg Local Municipality to ensure compliance with the Conditions of Approval of the Wayleave.
- 1.30 **“Systems Act”** means the *Local Government: Municipal Systems Act 32 of 2000* and the regulations promulgated in terms thereof.
- 1.31 **"Tariff Policy"** means the Tariff Policy of the Municipality adopted in terms of the provisions of section 74(1) of the *Systems Act* as amended from time to time.
- 1.32 **"Tariff Schedule"** means the schedule containing details pertaining to the levels and application of the various fees, charges or tariffs as approved by the Municipality from time to time.
- 1.33 **“Wayleave”** means an agreement between the land owner and the Wayleave Permit Holder pertaining to the installation of services within or upon the land or road reserve.
- 1.34 **“Wayleave Applicant”** means the natural or juristic person or partnership named as the Applicant in the Wayleave application form and it includes a developer of land on which a servitude is registered and service(s) installed.
- 1.35 **“Wayleave Administration and Supervision Fees”** means the tariff amount that is payable by the Wayleave Applicant upon submission of a wayleave application form. Which fee is determined by the Municipality and is standardised and non-refundable.
- 1.36 **“Wayleave Permit”** means the signed document/s issued by the Wayleave Management Unit, detailing the work which has been approved and the period during which the work shall be carried out and includes approved drawings/plans and generally Conditions of Approval.
- 1.37 **“Wayleave Permit Holder”** means the person, institution or Service Agency who is in possession of a Wayleave Permit approved by the Wayleave Management Unit.



- 1.38 **“Wayleave Officer”** means the designated members of the Wayleave Management Unit with the sole responsibility to carry out the administrative functions of receiving, verifying and ensuring that wayleave applications conform to the prescribed RLM legal and procedural requirements.
- 1.39 **“Wayleave Management Unit - Technical Directorate”** means the body of three (3) officials established by the Municipality and designated the sole responsibility to carry out the administrative functions of receiving and processing applications for wayleaves, obtaining comments from the various internal and external service agencies, and conveying its recommendation in writing to the Applicant.
- 1.40 **“Works”** mean the installation and construction activities designed, supervised and executed in accordance with the Wayleave application and conditions.

2. INTRODUCTION

- 2.1 The *Constitution of the Republic of South Africa, 108 of 1996 as amended*, mandates local government with the responsibility to provide communities with services in a sustainable manner, and to promote social and economic development, and to further promote the social and economic development of the community and participate in national and provincial development programmes.
- 2.2 The demand for services and infrastructure within our communities whether in the form of fibre optics, GSM or any form of telecoms, FTTH (Fibre To The Home), roads and stormwater pipes, electrical, water and sanitation networks, waste disposal sites and public facilities requires that the Rustenburg Local Municipality (RLM) as the custodian of community infrastructure in its geographical area, implement robust management practices factoring in a sound knowledge of the location, technical characteristics, capacity, utilisation, cost characteristics, risk exposure and requirements for the protection of such assets, so as to effectively manage them and make sustainable improvements in service delivery.



- 2.3 The context for developing the Rustenburg Local Municipality (RLM) Wayleave Policy (“the Policy”) is to ensure that the future and current services infrastructure representing a considerable financial investment within and upon land falling within the geographical area under the jurisdiction of the municipality are installed, maintained, rehabilitated and where necessary replaced without considerable delay, inconvenience, damage, danger and additional costs to the owners of said infrastructure, members of the community and the municipality.
- 2.4 The purpose of the Policy is to:
- 2.4.1 To provide guidance to municipality’s infrastructure authorities on the accommodation of engineering and other related services or utilities within the road reserve and building restriction area.
 - 2.4.2 Provide a framework for service agencies, landowners and the municipality to work together for the public benefit while upholding the right of these service agencies to access municipal land to deploy their infrastructure and services;
 - 2.4.3 To simplify, streamline, co-ordinate and accelerate infrastructure deployment processes to enable the deployment of services to our communities;
 - 2.4.4 To protect and mitigate the risks to infrastructure and services currently installed within the geographical area under the jurisdiction of the RLM.
- 2.5 The principles that underpin the Policy are:
- 2.5.1 Infrastructure development is pivotal in advancing socio-economic development and the attainment of national social and economic developmental goals and objectives.
 - 2.5.2 Service agencies have the right to enter upon municipal land to deploy infrastructure and services, but must exercise these rights respectfully and with due caution.
 - 2.5.3 The deployment of service facilities must be done in an environmentally friendly manner, avoiding duplication of infrastructure wherever possible.



- 2.5.4 To expedite approvals to access property to deploy service infrastructure and facilities.
- 2.5.5 Coordination and cooperation between the municipality, service agencies and wayleave applicants.

3. WHAT IS A WAYLEAVE?

A wayleave is an agreement between the landowner and the Wayleave Permit Holder pertaining to the installation of services within or upon the land or road reserve. Wayleaves are generally used to grant access to the land or road reserve by the Wayleave Permit Holder to install the service. The wayleave relates more to the actual construction activities than to the eventual conveyance of services.

4. LEGAL FRAMEWORK

The guidelines of this wayleave policy manual have been developed with reference to the ***Constitution of the Republic of South Africa 108 of 1996, as amended***, various other Acts and Regulations, as well as the Common Law. The policy covers both public and private services and services.

4.1 The RMLM's right to impose rates and tariffs

- a) Section 229 of the Constitution empowers a municipality to impose rates on property and surcharges on fees for service provided by or on behalf of the municipality, and if authorised by National Legislation, other taxes, levies and duties appropriate to Local Government.



- b) The following sections and chapters of the *Municipal Systems Act 32 of 2000*. Act also empower the RMLM to impose rates and tariffs:
 - i. Section 4(1) (c) empowers the Municipal Council to finance the affairs of the municipality by charging fees for services, and imposing surcharges on fees, rates on property and, to the extent authorised by national legislation, other taxes, levies.
 - ii. Section 74 and, in particular, subsections 2(e), (f) and (g), makes specific provision for the generation of income by the municipality over and above recovering actual costs, and provides for the structuring of a tariff structure as a policy instrument to promote local economic development and the introduction of special tariffs for certain categories of commercial and industrial uses.

4.2 Ownership and Protection of Services

- (a) According to South African Common Law, once a service has been installed on immovable property, the owner of such immovable property also becomes the owner of the service (through accession). The aforementioned principle, however, may be amended by way of legislation such as the ***Electricity Regulation Act 4 of 2006***, which states “Any asset belonging to a licensee that is lawfully constructed, erected, used, placed, installed or affixed to any land or premises not belonging to that licensee, remains the property of that licensee notwithstanding the fact that such an asset may be of a fixed or permanent nature”.
- (b) ***The Electronic Communications Act 36 of 2005*** at Section 22 also allows a Wayleave Permit Holder (licensee) to “a) enter upon any land, including any street, road, footpath or land reserved for public purposes, any railway



and any waterway of the Republic and b) construct and maintain an electronic communications network or electronic communications facilities upon, under, over, along or across any land, including any street, road, footpath or land reserved for public purposes, any railway and any waterway of the Republic". Section 22(2) directs that in taking such action "due regard must be had to applicable law and the environmental policy of the Republic".

- (c) It is therefore not necessary to protect the said services where same has been installed in the road reserve of a public road, by way of a servitude. The reason being that the installation, protection, maintenance and eventual removal of such services (which are normally dealt with by way of a notarial deed of servitude where such service is to be installed over private land), are all dealt with by way of legislation and such legislation affords the rights and protection that normally accrue from a servitude.
- (d) While the owner of immovable property can grant, or be legally required to grant, a servitude (or wayleave) to a Wayleave Permit Holder, said owner may be entitled to compensation from the Wayleave Permit Holder, either as a lump sum or as a rental, for the accommodation of the service in the road reserve.

4.3 Servitudes

- (a) A servitude is a right of use of land that is registered in favour of a person or body (the Wayleave Permit Holder) which is not the owner of the land. The owner of the land on which a servitude is registered cannot unilaterally terminate the servitude or transfer the land free from the servitude without the consent of the Wayleave Permit Holder.
- (b) Registration of a servitude does not mean that ownership in the service is retained by the Wayleave Permit Holder but only provides a limited right in terms of which the *dominium* (full ownership) of the land is made subject to the creation of a common law right in favour of the Wayleave Permit Holder to use a portion of land for a specific purpose. Upon registration of a servitude, certain subsidiary rights and obligations



relevant to the existence of such a servitude are prescribed either by the common law or in terms of an agreement, referred to as a “notarial deed of servitude”. The common law and/or a notarial deed of servitude determine the way in which rights accruing from registration of such a servitude may be exercised, the duty to maintain the servitude area, and financial arrangements relevant to the installation of such a servitude.

- (c) Bulk services are normally accommodated in their own servitudes, but distribution services (utilities) of all types are typically accommodated in road reserves. Public utility organisations such as Telkom, Eskom and others generally register reserves and/or servitudes for their services.

4.4 Responsibility for provision of services

- (a) The ***Constitution of the Republic of South Africa, 108 of 1996, as amended*** mandates local government with the responsibility of ensuring that services are provided to communities in a sustainable manner, and to promote social and economic development. Local government is further directed to promote the social and economic development of the community and participate in national and provincial development programmes.
- (b) The ***Municipal Systems Act 32 of 2000*** at section 73 provides that the municipality has a general duty to give effect to the provisions of the *Constitution of the Republic of South Africa, 108 of 1996, as amended* and give priority to the basic needs of the local community by promoting the development of the local community; and ensuring that all members of the local community have access to at least the minimum level of basic municipal services. The Rustenburg Local Municipality therefore has a duty to mitigate the risk exposure of assets located within its area of jurisdiction and to put in place practicable and reasonable measures for their protection.



- (c) The demand for services and infrastructure within our communities also requires that parastatal and private entities partner with the municipality and co-ordinate the process of developing infrastructure and the delivery of services in our communities.

4.5 Local Government functional areas of competence

- (a) In terms of section 156(1) read with *Parts B of Schedules 4 and 5 the Constitution of the Republic of South Africa, 108 of 1996, as amended*, Municipalities (local authorities) have the following exclusive infrastructure related functional areas of competence in addition to others as per the schedules:

- Municipal Roads;
- Traffic and parking;
- Street lighting;
- Fencing and fences;
- Stormwater management (built-up areas);
- Billboards and advertisements;
- Potable water supply;
- Domestic waste water and sewerage disposal;
- Electricity and gas reticulation; and
- Municipal public works (in respect to own needs).

- (b) Provincial Governments have the following exclusive infrastructure related functional areas of competence:

- Provincial Roads and traffic; and
- Public works and housing.

- (c) National functional areas not defined as the functions of Municipalities or Provincial governments are the following:



- National roads (regulated by **SANRAL Act 7 of 1998**). The Act contains strict requirements for the installation of services on such roads (Section 48);
- Electricity supply (regulated by the **Electricity Regulation Act 4 of 2006**);
- Electronic Communications (regulated by the **Electronic Communications Act 36 of 2005**); and
- Broadband services (regulated by the **Broadband Infraco Act 33 of 2007**).

4.6 The right to access municipal land for the installation and maintenance of services

- (a) The **Advertising on Roads and Ribbon Development Act no. 21 of 1940** at section 9 states that “Subject to the provisions of section 9A no person shall erect or permit the erection of any structure or any other thing which is attached to the land on which it stands, or construct or lay or permit the construction or laying of anything under or below the surface of any land within a distance of ninety-five metres from the centre line of a building restriction road except in accordance with the permission in writing granted by the controlling authority concerned”.
- (b) **Section 9A** further states that, “no person shall - ... (b) construct or lay anything beneath the surface of the land; (d) permit the erection of a structure on, or the construction or laying of anything beneath the surface of the land...except in accordance with a written permission granted by the controlling authority concerned...”. Accordingly, these provisions allow the municipality to control placement of any number of things be it services, structures, rail lines, etc. near municipal road reserves and the adjacent areas.
- 4.6.1 Section 24 of the **Electronic Communications Act 36 of 2005**, further, allows the Wayleave Permit Holder (licensee) “after providing thirty (30)



days prior written notice to the local authority or person owning or responsible for the care and maintenance of any street, road or footpath—

- (a) to construct and maintain in the manner specified in that notice any pipes, tunnels or tubes required for electronic communications network facilities under any such street, road or footpath;
- (b) alter or remove any pipes, tunnels or tubes required for electronic communications network facilities under any such street, road or footpath and may for such purposes break or open up any street, road or footpath; and
- (c) alter the position of any pipe, not being a sewer drain or main, for the supply of water, gas or electricity.

5. WHERE CAN SERVICE AGENCIES CONSTRUCT OR INSTALL SERVICES?

Control over the manner of installation of services on municipal land falls within the ambit of municipal planning, which, in terms of the Constitution is a municipal competency. The RLM discourages the installation of overhead services infrastructure, with the exception of electrical related service infrastructure only. The installation of overhead fibre optic infrastructure is specifically prohibited.

Road reserves are generally suitable to accommodate services that are provided in the form of pipes or cables, either underground or overhead, however, structures that are not in the form of pipes or cables must be very small (less than 0.5m wide) and capable of installation directly adjacent to the road reserve boundary. Pedestrian sidewalks and pavements are suitable for accommodating underground services, for example, stormwater, water, sanitation, electricity and communication cables.

Road reserves and pedestrian sidewalks, however, are not suitable for accommodating larger structures whether above or below ground, said structures must be located outside the road reserve.



- 5.1 There are several benefits associated with the accommodation of services in road reserves. These include the following:
- 5.1.1 Each property or asset must be accessible by a road and it is therefore logical that road reserves should as far as possible accommodate services to properties. The cost of providing services would be very high if each service must be placed in an exclusive reserve; and
 - 5.1.2 The road reserve also has the advantage that a road is available that can provide easy access to the installed services for maintenance and operational purposes. A further aspect is that road reserves could create significant obstacles if services had to be located outside them. It is therefore essential that the majority of services are accommodated in road reserves.
- 5.2 There are, however, several issues which such accommodation of services in the road reserves must take into account, including the following:
- 5.2.1 Traffic flow can be interrupted and road safety can be affected when services are installed or maintained;
 - 5.2.2 The road surface and pavement structure may be damaged during installation or maintenance of services;
 - 5.2.3 The services, such as poles for the support of overhead cables, can create obstacles within the road reserve and create a potential road safety hazard;
 - 5.2.4 Spillage as a result of the failure or breakage of structures or insufficient capacity of services can create problems in the road reserve and can cause damage to the road pavement and surface;
 - 5.2.5 The width of the road reserve may have to be increased in order to accommodate the services; and
 - 5.2.6 Relocation of services can be a significant cost when roads are upgraded or diverted.



5.3 Typical accommodation of services in road reserves

| Service | Type | Typical accommodation |
|--|---|---|
| Stormwater | | Generally underground in urban areas, surface in rural areas. Within road reserve. |
| Watercourse, rivers, dams, irrigation pipes | | Not in road reserve |
| Water supply | Potable bulk (municipality or Wayleave Permit Holder) | Not normally in road reserve |
| | Potable distribution (municipality) | Underground, adjacent or near to low side of road reserve. 0.7m wide, 1.0 m deep |
| | Fire hydrant | Maximum 1.5m from reserve boundary (low side) |
| Sewerage (waste water) | Bulk (municipality) | Not normally in road reserve |
| | Distribution (municipality) | On low or high side, adjacent or near to road reserve boundary. 1.0m wide, minimum 1.5m, preferably 3.5m deep |
| Electricity | High voltage (>22kV) (Eskom) | Generally overhead but sometimes underground in oil cooled pipelines. Outside road reserve. 7.5m minimum vertical clearance when crossing road. |
| | Low voltage urban (<22kV) | Underground or overhead in road reserve. |



| | | |
|---|---------------------------|---|
| | Low voltage rural (<22kV) | Generally overhead outside road reserve |
| | Distribution (municipal) | Generally underground, adjacent or near to the high side boundary within the road reserve, or overhead in same location. 1.0 m wide |
| Telephone and telecommunications | Rural | Overhead within the road reserve, adjacent or near to the boundary. Within a sleeve at least 1,0m deep if underground with warning tape 0.5 m deep. Poles to be outside road reserve when crossing the road, with cables minimum 6,5 m clearance (7,5m for super load routes). |
| | Urban | Underground, adjacent or near to the low side of road reserve boundary. |
| Gas or Steam | | Underground pipe within or outside road reserve. |
| Oil or fuel | | Normally outside road reserve. |

5.4 Types of work in the Public Road Reserve

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

5.4.2 The types of work that require approval from the relevant Service Agencies before a Wayleave is granted are deemed to constitute the provision of a new service and will be conducted according to the procedures in RLM Wayleave Application Procedures and Conditions Manual. In general, such work refers to the positioning of a new Service, excavation in the public



road reserves, traffic control and Reinstatement of the roadway and pavements. Examples include inter alia:

- 5.4.3 Work relating to the installation or maintenance of underground or overhead Services by Council's Service Agencies like Roads and Transportation, Water and Sanitation, Electricity, Land and Environmental Planning and City Planning.
- 5.4.4 Work relating to the installation or maintenance of underground or overhead Services done by non-Council Service Agencies such as telecommunication, data cables, electricity, gas, oil and regional water supply.
- 5.4.5 The erection of structures that require approved building plans in terms of the National Building Regulations and *Building Standards Act 103 of 1977*;
- 5.4.6 The erection of advertising signs and structures that require approval in terms of the relevant by-laws;
- 5.4.7 Works in the public road reserves, such as construction of new roads, road widening or accesses to developments, paving, bollards, garden walls, etc. undertaken by developers or private property owners;
- 5.4.8 The installation of new connection points for municipal Services, such as water, sewers, electricity and stormwater drainage from developments.
- 5.4.9 The types of Work for which prior approval from Service Agencies 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 **RLM** *Wayleave Application Procedures and Conditions Manual* as constituted in “**Addendum 1**” of the **Rustenburg Local Municipality** Wayleave Policy Manual.
- 5.4.10 The types of work that do not include any construction, excavation, traffic control or Reinstatement work are deemed Routine Maintenance Work and permission for conducting such works must be sought from the office of the



Municipal Manager - Wayleave Management Unit who will then consult with the municipal Wayleave Officers.

6. GENERAL REQUIREMENTS IN RESPECT OF THE WORKS

- 6.1 No wayleave applicant, contractor or their agents may commence work within the geographical area falling under the jurisdiction of the municipality without having submitted a wayleave application and having received approval in accordance with the requirements as outlined in the municipality's *Wayleave Application Procedures and Conditions Manual*.
- 6.2 Control over the manner of installation of services on municipal land falls within the ambit of municipal planning, any installation of services on municipal land is subject to the applicable national and provincial legislation, municipal spatial planning and land use management policies and bylaws, together with the applicable environmental policies and bylaws.
- 6.3 Wayleave Applicants must prior to or at the time of submitting their wayleave applications, engage in consultations with other stakeholders who have ownership of installed service infrastructure e.g. **ESKOM, TELKOM, Rand Water, Magalies Water, SANRAL, the North West Provincial Department of Public Works & Roads (in respect of Provincial Roads and other amenities), Vodacom, MTN, Sasol, SARCC and Liquid Telecommunications (Pty) Ltd**, and have given them notification of their intention to commence works within the vicinity of the area where said services have been installed.
- 6.4 Third-party stakeholders (owners of existing installed service infrastructure) must revert with their inputs and comments in respect of the technical conditions and methods of working within the vicinity of said installed services within 5 (five) days of having received notification from the Wayleave Applicant.



- 6.5 The submitted Wayleave Application must be accompanied by the abovementioned inputs and comments as received from the third-party stakeholders.
- 6.6 Approval of the Wayleave Application is conditional upon proof of written notification and consent arising from said third party consultations being submitted to the RLM.
- 6.7 Applicants are required to submit four (4) sets of technical drawings of their proposed works with a depiction and description of their position e.g. height above ground or depth below surface level. The technical drawings must be accompanied by a map or Orthophoto depicting the precise location of where the proposed services will be installed and the position and extent of existing third-party service infrastructure such as street poles, pylons, manholes, chambers and junction boxes.
- 6.8 The applicant shall in his own cost, where as-built drawings are not available, provide Ground Penetrating Radar (GPR) scan images depicting depth and position of metallic and non-metallic underground services and associated piping and utilities.
- 6.9 Consent given by the RLM to wayleave holders to commence with the works shall lapse, if the described works have not been executed within a period of three (3) months from date of authorisation, unless the Wayleave Permit Holder has submitted a written request for extension of time not less than 30 days before the expiry of the three-month validity period.



7. WORKS INSTALLATION REQUIREMENTS

- 7.1 Commencement of works by Wayleave Permit Holders constitutes an undertaking by them that they fully understand all wayleave specific general and special conditions.
- 7.2 The Municipality reserves the right to inspect the works during such periods as may be necessary to ascertain compliance with, and to require correction of deviations from any agreed terms and conditions of the wayleave permit.
- 7.3 The municipality may assign a municipal official or engineer to inspect the Works. Such inspection shall in no way relieve the service agency of any duty of responsibility nor shall such inspection absolve the service owner from any liability for loss, damage, or injury to persons or property.
- 7.4 The assigned municipal official or engineer shall meet with the successful wayleave applicants engineer and site supervisory team on site, to review the workplans, wayleave general and special conditions and work method procedures.
- 7.5 A Service-Sharing Installation approach shall be encouraged, whereby a single trench approach is supported whenever it is technically feasible. An obligation should be put in place that as from henceforth service agencies are to include excess capacity in their deployment (especially at road crossings) and to lease said spare capacity to other licensees at reasonable rates.
- 7.6 The RLM prefers the open trenching excavation method as against thrust boring, specifically in urban environs and protected precincts. However, where thrust boring cannot be avoided in must be performed in a controlled manner as per approved work method statement as submitted to the municipality and under the supervision of a designated municipal official or engineer.
- 7.7 Excavation works requiring road crossing must be designed and supervised by a professionally registered engineer in compliance with nationally accepted COTO guidelines and specifications. The municipality will also designate a municipal official or engineer to monitor and where necessary supervise the execution of said road crossing works.



- 7.8 Where the Municipality determines that a Wayleave Permit Holder installed infrastructure and/or equipment (or part thereof) must be relocated for whatever reason, said relocation cost shall be borne by the Wayleave Permit Holder at no cost to the Municipality.

8. ONSITE SAFETY REQUIREMENTS

- 8.1 The execution of the works requires the Wayleave Permit Holder to comply with all safety regulations, in particular provisions the ***Occupational Health and Safety Act no. 85 of 1993*** (General Safety Regulations Section 13) regarding demolition and excavation works.
- 8.2 The Wayleave Permit Holder shall in writing designate an employee with the duty of supervising the performance of the works in terms of Regulation Section 11 of the *Occupational Health and Safety Act no. 85 of 1993*.
- 8.3 The Wayleave Permit, design and technical drawings, maps, work method statements and health & safety file must at all times be kept on site and be available for reference and inspection while the Works are in progress.
- 8.4 During the initial installation or construction of the facilities or during their repair, removal, relocation, maintenance or any other miscellaneous operations, all necessary barricades, suitable and sufficient lights, danger signals, signs and other traffic control devices shall be erected and maintained and all necessary precautions for the protection of the works and safety of the public shall be taken. This work shall be carried out in consultation with and to the satisfaction of the supervising municipal official or supervising municipal professional engineer.
- 8.5 Work shall be planned so that closure of lanes, intersecting roads and accesses is kept to a minimum. At no time shall permission be granted for the road be closed entirely. All traffic control and safety devices used for the protection of work areas shall conform to the national standard specifications for road maintenance and working in the road reserve.



9. BACKFILLING AND REINSTATEMENT

- 9.1 The Wayleave Permit Holder may not leave the site unattended for more **five (5) calendar days** without permanently reinstating the site.
- 9.2 The designated supervising municipal official or professional engineer where required, may direct that a specialist third party contractor be used to carry out backfilling or reinstatement works subject to special work procedure methods and care, this is to ensure that minimal damage is inflicted upon areas pre-designated by the municipality as protected precincts.
- 9.3 Backfilling however, must in all cases be done by the Wayleave Permit Holder in accordance with the specifications as for example, set out in clause **9.10** below.
- 9.4 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.
- 9.5 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.
- 9.6 The Wayleave Permit 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 Permit Holder must clean the drains or request the supervising municipal official or engineer to do so at cost to be charged to the permit holder.
- 9.7 Reinstatement works will be done by the municipality's Roads and Stormwater Division in accordance with specified technical specifications which are informed by national technical recommendations and guidelines for various classes of roadways. Where the municipality grants written permission to the permit holder to execute reinstatement works, then the Reinstatement specification must also be approved in advance by the municipalities Wayleave Management Unit.



9.8 Permanent Backfilling and Reinstatement done by the Wayleave Permit Holder will be subject to a defects-guarantee period of twelve (12) months from date of completion of the works. If permanent Reinstatement is done by the municipality's Roads Infrastructure Unit the Wayleave Permit Holder will then be charged for the permanent Reinstatement at the applicable rates defined by the RLM's Wayleave officers.

9.9 The Municipality's Reinstatement specifications for roads, pavements and footpaths

a) Pedestrian Walkways

- a1) Backfill - In situ material from trench excavation placed in 150mm thickness or sand compacted at 100% or G9 if imported.
- a2) 100mm G5 over approved backfill.
25mm sand under approved pavers or 25mm continuously graded premix.

b) Carriageway Crossings

- b1) Backfill - *In situ* material from trench excavation, min G9 placed in 150mm thickness or sand compacted at 100% or G7 if imported.
- b2) Light duty crossing 100mm G5 over approved backfill, 25mm sand under approved pavers, or 30mm continuously graded premix
- b3) Heavy duty crossings: 150mm G5, 25mm sand under approved pavers, or 30mm continuously graded premix
- b4) Extra Heavy-duty crossings require 200mm G2 base, placed in two layers with thicknesses of 100mm each, 25mm sand under approved pavers, or 40mm premix

c) Roadways

General:

- c1) Joints to be sealed with Via Seal and mixed in with fine sand.
- c2) Wearing course to overlap underlying layer by 40mm on each side.
- c3) Base course to overlap underlying layer by 150mm on each side.

Layer works for road crossings for other roads (Class 5):



- c4) Backfill - min G9 material from trench excavation placed in 150mm thickness or sand compacted at 100%
- c5) 1 No. 150mm G7 Layer
- c6) 1 No. 150mm thick G5 layer
- c7) 1 No. 150mm thick G3 Base Course layer. G3 material with a 26.5mm maximum aggregate size, compacted to 98% Mod AASHTO maximum density
- c8) 30mm continuously graded asphalt wearing course
- d) Layer works for main roads and roads carrying heavy traffic (Class 3, 4 and Heavy Vehicle route):
 - d1) Backfill to be stabilized material, G9 from trench excavation (G7 if imported), placed in 150mm thickness and compacted to minimum of 93 % of modified AASHTO maximum density (or 100% compaction for sand) (backfill to be stabilized with 2% cement unless sand)
 - d2) 1 No. G7 layer 150mm thick stabilized with 2% cement
 - d3) 1 No. G4 layer 150mm thick each
1 No. G2 Base Course layer 150 mm thick. G2 material with 26.5mm maximum aggregate size, compacted to 98% Mod AASHTO maximum density
 - d4) 40mm continuously graded medium asphalt wearing course.

10. GIS SERVICES AND SERVITUDE DATABASE

It is of utmost importance that the municipality obtains licenses and pays subscriptions for a Graphical Information System (GIS) database showing the precise location of all installed services and servitudes. Upon completion of the works, Wayleave Permit Holders must submit as-built drawings to the designated municipal supervising professional engineer in the required format, for approval by the Wayleave Management Unit.

The positions of all servitudes must be determined by a qualified land surveyor. The as-built drawings will then be used to populate and update the in-house GIS Services and Servitude Database. The submission of as-built drawings is a pre-condition to the issuing of a RLM issued Certificate of Completion.

11. COMPLETION NOTICE AND CERTIFICATE OF COMPLETION



- 11.1 On completion of the Work, the Wayleave Permit Holder must fill in the Completion Notice and submit it to the municipal Wayleave Officers within two (2) working days. The supervising municipal official or engineer will then set up a site meeting with the Wayleave Permit Holder to conduct an onsite inspection and will issue a Certificate of Completion if all requirements have been met.
- 11.2 The 12-month guarantee period for permanent Reinstatements by the Wayleave Permit Holder, or the two (2)-week maintenance period for temporary Reinstatements by the Wayleave Permit Holder, will then commence.
- 11.3 Completion means that all construction and installation work has been executed 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 Permit Holder.
- 11.4 Completion also requires that all applicable documentations and as-builds as specified on the Wayleave form be handed to the supervising municipal official or engineer for recording in the GIS Services and Servitude Database.
- 11.5 If the Work involves more than one street link (street block), then a Completion Notice must be submitted after completion of each segment of the Work.

12. EMERGENCY REPAIR WORK TO DAMAGED INSTALLED SERVICES AND INFRASTRUCTURE



- 12.1 All incidents on site requiring works to prevent or end a dangerous situation or to prevent or end an unplanned interruption in the supply of a service, or to avoid any substantial losses, must immediately be reported to the designated supervising municipal official or engineer, the municipal service unit responsible for the affected service and the municipal Emergency and Disaster Management sub-directorate.
- 12.2 The Wayleave Permit Holder must ensure that the telephone and cellphone contact details of relevant persons and local medical and municipal emergency services are readily available to workers at all times and are also updated in the onsite Occupational Health & Safety File.
- 12.3 Containment and remedial works must be executed in accordance with all procedures, specifications and instructions of the supervising municipal official or engineer, officials of the municipal service unit responsible for the affected service and/or the municipal fire and rescue services.
- 12.4 Where an instruction has been issued for the cessation of works, notice of resumption of all site activities will be granted by the supervising municipal official or engineer after a determination that all necessary Emergency Works have been completed.
- 12.5 The responsibility remains with the Service Agency to ensure that their technical drawings and as-built drawings are updated according to the alterations made during the Emergency Work.
- 12.6 The Wayleave Permit Holder shall be responsible for any costs incurred by the Municipality arising from the reinstatement of disrupted or damaged municipal services or repairs thereto, including any costs related to the reinstatement of disrupted or damaged installations belonging to other service agencies.
- 12.7 A post emergency situation report must be completed and signed by the Wayleave Permit Holder together with the designated supervising municipal official or engineer before submission to the designated municipal Wayleave Officer.
- 12.8 All emergency related works must be done in accordance with all procedures and specifications applicable to the type of work as determined by the Municipality.



13. WAYLEAVE COSTS: ADMINISTRATION AND SUPERVISION FEES

- 13.1 The Administration and Supervision Fees are standardised non-refundable up-front payments, the value of which is set-out in a tariff schedule as determined and compiled by the Municipal Council on the recommendation of the RLM Budget and Treasury Directorate in consultation and the Wayleave Officers and Wayleave Management Unit.
- 13.2 The Administration and Supervision Fees also cover the Municipality's compensation for use and occupation to its land, services offered by the Municipal Wayleave Officers and Wayleave Management Unit to process the wayleave application and to administer the process upon approval, and to cover the costs of the municipal official or engineer designated to inspect and where necessary supervise the execution of the works.

- 13.3 The categories of Administration and Supervision Fees payable to the Municipality are as per table below:

| | SERVICES RENDERED | UNIT | REMARKS |
|----|---|-------------------------------|--|
| 1. | Administration fee for a miscellaneous permit to use the road reserve for a period of one | per permit / event / incident | For the temporary use of the road reserve including for: the placement or storage of an item such as a chemical toilet, container, ladder, scaffolding, mobile crane, or |



| | | | |
|----|---|-------------------------------|---|
| | month or less other than to install an underground service. | | materials; pumping of concrete; loading or offloading; or the excavation of a trial hole. The permit will state the time limit. The fee is payable in advance. |
| 2. | Administration fee for a wayleave or permit to use the road reserve to install an underground service | per permit / event / incident | For the use of the road reserve to install a pipe, tunnel, cable or duct for water, electricity, communication or other service. The fee is payable in advance. |
| 3. | Supervision fee for a wayleave or permit to install an underground service. | per permit / event / incident | Includes the costs of supervising the installation and rehabilitation. The fee is payable in advance. |
| 4. | Unauthorised commencement of use of the road reserve | per permit / event / incident | For the commencement of use of the road reserve or commencement of installation of an underground service before the Municipality issues a permit or wayleave. Includes 100% surcharge. The surcharge applies regardless of whether the Municipality later issues a permit or wayleave. |
| 5. | Special event / street party / film shoot permit | per permit / event / incident | For special events/street parties/film shoots refer to Economic & Social Development, Film & Events Office. |
| 6. | Permit Fee (Misc. permits) | per permit | For the temporary placement of, toilets (chemical), containers, ladders, loading, offloading, concrete pumping, mobile cranes, excavation of trial holes in footways and verges, materials storage, scaffolding, containers and tower cranes on short term duration (< 1month). Fee payable in advance. |
| 7. | Application fee for the utilization of roads, footways or road verges for periods > 1 month | per application | The application fee is payable in advance. |

14. WAYLEAVE COSTS: REFUNDABLE SECURITY BANK GUARENTEE

14.1 Upon approval of the Wayleave Application, the Wayleave Permit will be required to issue security in the form of a bank guarantee in favour of the RLM, the amount of which will be determined based on the following:

- The nature of the work (e.g. the manner of the installation work)
- The impact of the work proposed (i.e. taking into account the nature and value of the surfaces or land area affected); and



- the extent of the surfaces or land area affected, taking into account the length of the trench (per m²), the situation of the trench and the nature of the surface.

No security will be payable or required for work done by Internal Municipal Directorates themselves.

- 14.2 The Municipality will hold this deposit for a period of twelve (12) months making up the defects liability period.

The Municipality will hold this security for a period of twelve (12) months making up the defects liability period. The Municipality reserves the right to use this security bank guarantee to recover any costs it incurs as a result of defective, substandard or non-compliant works by the Wayleave Permit Holder.

- 14.3 The Municipality reserves its right to recover any costs actually incurred for remedial or rehabilitation work that it must perform as a result of defective, substandard or non-compliant work by a Wayleave Permit Holder, irrespective of whether a security guarantee is deemed released and restored to the issuer.

- 14.4 The Municipality may upon further inspection and satisfaction that there are no defects arising consequent to the installation of services or that applicant has made good such defects in the road reserve, re-statement of the road surface, pavement layers, footpaths etc. release and restore the security guarantee to the applicant.

- 14.5 It is an express condition of this approval that the Wayleave Permit Holder indemnifies and holds the municipality harmless against any claims, demands or losses incurred as a result of any work performed in terms of the Application Form and under any Wayleave approval.

- 14.6 It is the responsibility of the Wayleave Permit Holder to ensure that any of its contractors or agents engaged in the implementation of the work is in possession of valid and sufficient public liability insurance cover.

15. DISPUTE RESOLUTION



All disputes, claims, controversies, or disagreements of whatever nature arising out of or in connection with this policy, including any question regarding its existence, validity, interpretation, termination or enforceability, shall be resolved in accordance with the laws of South Africa.



Addendum 1:

Wayleave Application Procedures and Conditions Manual





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1. DEFINITIONS
-



- 1.1 **“Approved/Approval”** means granting of permission by the municipality to the Wayleave Applicant to commence with the works on a specified site.
- 1.2 **“Contractor”** means a natural or juristic person or partnership appointed by the Wayleave Applicant for carrying out the Works.
- 1.3 **“Emergency Work”** means any work that is urgently 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.
- 1.4 **“Legislation”** means any applicable law, municipal by-law, proclamation, ordinance, act of Parliament or enactment having force of law.
- 1.5 **“Municipal Directorate or Unit”** means any Directorate or sub-Directorate that belongs to or is controlled by the municipality.
- 1.6 **“Municipality or RLM”** means the Rustenburg Local Municipality, and includes any political structure, political office bearer, duly authorised agent thereof, or a Wayleave Permit Holder fulfilling a responsibility under this by-law assigned to it in terms of *the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000)* or any other law, as the case may be, or any employee thereof acting in connection with a by-law by virtue of a power vested in the municipality and delegated, to such political structure, political office bearer, agent or employee.
- 1.7 **“Service”** means any system for supplying a public need that a Service Agency has on or intends to install within the geographical jurisdiction of the RLM.
- 1.8 **“Site”** means the land made available by the municipality or land owner on, under, over, in, or through which the Works are to be executed or carried out and it includes the land covered by a servitude registered in the name of the Owner.
- 1.9 **“Security Deposit”** means the returnable bank guarantee issued by the Wayleave Applicant in favour of the Municipality in respect of each Wayleave approval issued, the amount of which will be determined by the Municipality.
- 1.10 **“Service Agency”** means any Municipal Department, public agency or utility that has a Service within the geographical jurisdiction of the RLM.



- 1.11 **“Supervising Municipal Official”** means a person appointed by the Rustenburg Local Municipality to ensure compliance with the Conditions of Approval of the Wayleave. The presence of such a person is required to control the Works wherever any excavation is involved.
- 1.12 **“Wayleave”** means an agreement between the landowner and the Wayleave Permit Holder pertaining to the installation of services within or upon the land or road reserve.
- 1.13 **“Wayleave Applicant”** means the natural or juristic person or partnership named as the Applicant in the Wayleave application form and it includes a developer of land on which a servitude is registered and service(s) installed.
- 1.14 **“Wayleave Administration and Supervision Fees”** means standardised and non-refundable tariff amounts as determined by the Municipality, that are payable by the Wayleave Applicant upon submission of a wayleave application form.
- 1.15 **“Wayleave Permit”** means the signed document/s issued by the Wayleave Management Unit, detailing the work which has been approved and the period during which the work shall be carried out, and includes approved drawings/plans and Conditions of Approval.
- 1.16 **“Wayleave Officer”** means the designated members of the Wayleave Management Unit with the sole responsibility to carry out the administrative functions of receiving and verifying and ensuring that wayleave applications conform to the prescribed municipal legal and procedural requirements, checking whether Wayleave Applicant have consulted with the various internal departments and external service agencies and to provide record-keeping of each wayleave application and installation.
- 1.17 **“Wayleave Management Unit - Technical Directorate”** means the person/official/institutional body established by the Municipality with the sole responsibility to carry out the administrative functions of receiving and processing applications for wayleaves, obtaining comments from the various internal and external service agencies, and conveying this decision in writing to the applicant, namely to approve with conditions, or reject with reasons, any application.
- 1.18 **“Works”** mean the installation and construction activities designed, supervised and executed in accordance with the Wayleave application and conditions.



2. INTRODUCTION

- 2.1 The development of a municipal wayleave application, approval, implementation and monitoring process is an important management instrument in regulating legislative or private access and entry on any municipal or private land for the purposes of constructing, installing and maintaining public and private infrastructure and for the creation of rights of way for such works.



A wayleave may be defined as a permission granted by a landowner whether public or private, to a contractor to work at a specified time in a specified area, generally in exchange for payment and typically for purposes such as the erection or installation of infrastructure.

- 2.2 Through the granting of a wayleave certificate or approval, the municipality is able control the installation of services, specify installation and protection requirements for installed services, and verify that the service designs meet the engineering and other standards as prescribed nationally and by the municipality.
- 2.3 The structure responsible for the co-ordination of these permissions within the municipality is the Wayleave Management Unit through its service installation and construction co-ordination role, the minimisation of service clashes, the simplification of asset maintenance and the minimisation of collateral damage due to new installations or construction activities.

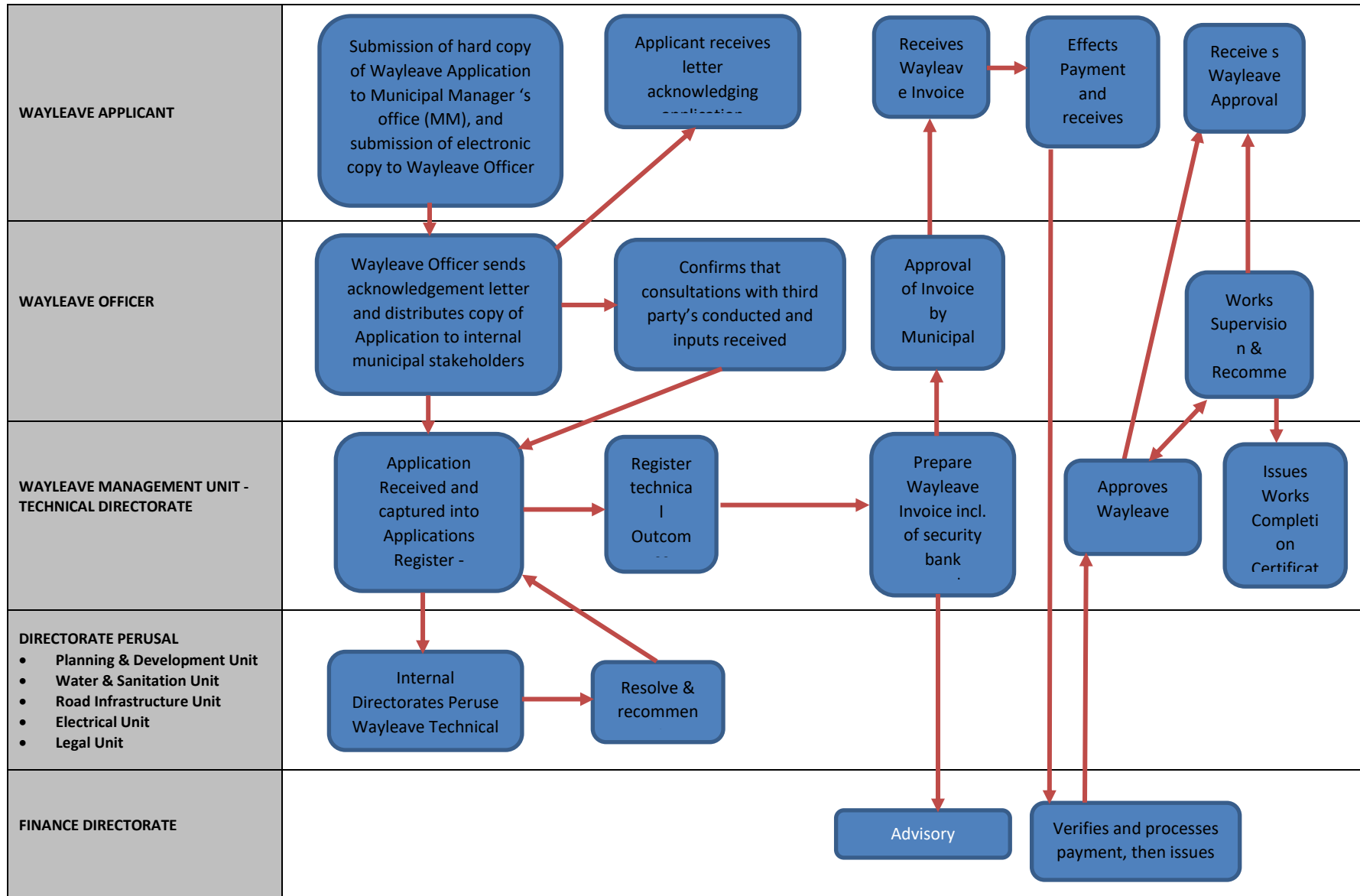
3. APPLICATION FOR A WAYLEAVE

- 3.1 Wayleave approvals and the resulting agreements are required for the installation or construction of services such as GSM or any form of telecoms, FTTH (Fibre To The Home), roads and stormwater pipes, electrical (electrical cables and overhead power lines), water and sanitation networks, waste disposal sites and public facilities within the RLM geographical area.



- 3.2 The aforementioned services may be classed broadly into the following categories: e.g. underground services or above-ground services; as well as according to ownership: e.g. whether by a private or juristic person (or company) or public utility organisation such as **ESKOM, TELKOM, SARCC**, etc.
- 3.3 The Wayleave Management Process within the Rustenburg Local Municipality can be summarised in the following steps:

RUSTENBURG LOCAL MUNICIPALITY WAYLEAVE PROCESS FLOW CHART





STEP 1: Submission of Wayleave Application to Wayleave Management Unit - Technical Directorate for authorisation.

- step 1.1 No Wayleave Permit Holder, contractor or their agents may commence work within the geographical area falling under the municipality's jurisdiction without having submitted a wayleave application and receiving municipal approval of same.
- step 1.2 All applications for wayleaves shall be made in the RLM Wayleave Application Form as shown in “**Addendum 2**” of the Rustenburg Local Municipality Wayleave Policy Manual accompanied by a covering letter on the applicant's official letterhead, clearly and comprehensively stating the Wayleave Applicants reasons for requiring the wayleave.
- The Wayleave Application must include a detailed description of the Work to be executed, the timeframe within which the Works are to be installed and/or constructed, the location of Work to be done and Method Statements describing how the Works are to be executed.
- step 1.3 The Wayleave Application together with all supporting documentation must be directed to the **Wayleave Management Unit - Technical Directorate**, a failure to submit all information requested will delay the process of considering the application.
- step 1.4 Wayleave Applicants must have given notice to other stakeholders which have ownership of installed service infrastructure such as **ESKOM, TELKOM, Rand Water, Magalies Water, SANRAL, the North West Provincial Department of Public Works & Roads, Vodacom, MTN, Sasol, SARCC and Liquid Telecommunications (Pty) Ltd** of their intention to commence works within the vicinity of the area where said services have been installed, and adduce proof that consultation has taken place with these entities with respect to the location of their services, technical conditions and methods for working within the vicinity of said installed services.
- step 1.5 **Third-party stakeholders (owners of existing installed service infrastructure) must revert with their inputs and comments in respect of**



the technical conditions and methods of working within the vicinity of said installed services within 5 (five) days of having received notification from the Wayleave Applicant.

- step 1.6 The submitted Wayleave Application must be accompanied by the abovementioned inputs and comments as received from the third-party stakeholders.
- step 1.7 Approval of the Wayleave Application is conditional upon proof of written notification and consent arising from said third party consultations being submitted to the RLM.
- step 1.8 The South African Railway Commuter Corporation (SARCC) requires notification of all road planning and development of services such as pipelines, cables, power lines, etc. above or underground, that is within 1 km of any existing or planned SARCC railway line or property. These proposals of developments must be submitted to the SARCC Senior Manager, Strategic Network Development for comment.
- step 1.9 Applicants are required to submit four sets of technical drawings of their proposed works and maps depicting the precise location of where the proposed services will be installed and their position e.g. height above ground or depth below surface level, and position and extent of existing third-party service infrastructure such as street poles, pylons, manholes, chambers and junction boxes.

STEP 2: Payment of “Wayleave Administration and Supervision Fees” and “Security Deposit”.

It is mandatory that all Wayleave Applications are accompanied by the payment of the stipulated standardised and non-refundable application Administration and Supervision Fees fee as determined by the Municipality.

STEP 3: Evaluation of application by RLM Wayleave Officers

The Municipality’s Wayleave Officers will communicate receipt of the Wayleave Application to the Wayleave Applicant in writing and check whether the application is compliant with all legal and technical requirements, and further request any additional information where necessary.



STEP 4: Consideration of application by RLM Wayleave Management Unit

- step 4.1 The submitted application and supporting documents are then forwarded to the municipal Wayleave Management Unit which will request technical inputs, comments and related conditions from the municipal Planning and Human Settlement Directorate, Sanitation, Mechanical Engineering and Electrical Distribution Directorates and the Roads and Transport Directorate.
- step 4.2 Wayleave Management Unit assesses these submissions and records its recommendations in a report which *inter alia* details the application, comments from various Service Agencies consulted, an assessment of the design and technical drawings submitted, work method statements, confirmation of payment of the application processing fees, security deposits and procurement of public liability insurance cover. This report will then be submitted for the consideration and approval by the Municipal Manager.

STEP 5: Approval of application by the Municipal Manager

- step 5.1 The decision whether to approve or decline the Wayleave Application ultimately rests with the Municipal Manager, who will then proceed to inform the Wayleave Applicant as to the outcome of the application by issuing a Wayleave Application Approval Letter as shown in **“Addendum 3”**.
- step 5.2 Where the application has been successful the wayleave approval will be registered and a wayleave permit will be issued. The Applicant will then be given notice as to when they may commence with the works, and they will at all times be required to take note of any the special conditions attached to execution of the works.
- step 5.3 It is anticipated that the municipality should take 18 (eighteen) working days to approve a submitted wayleave application where the Wayleave Applicant has submitted all the necessary supporting documentation.
- step 5.4 A refundable security deposit equivalent to a yet to be determined gross percentage (%) estimated value of works will be required from the successful Wayleave Applicant before commencing with the works.



Security deposits will not be charged for Work done by Internal Municipal Departments themselves.

STEP 6: Supervision and inspection of the works by the RLM

The municipality will designate a municipal official or engineer to inspect and where necessary supervise the execution of the works. The said official will ensure that all works are executed in accordance with the procedures and specifications as outlined in the submitted and approved work Method Statements.

STEP 7: Completion Notice and Certificate of Completion

- step 7.1 Completion of the Works entails the clearance and cleaning of all materials, equipment and rubble from the work site.
- step 7.2 Upon the completion of the Works the municipalities designated engineer and the Wayleave Permit Holder's designated engineer shall jointly conduct a site inspection and prepare a Completion Report accompanied by all applicable documentation and as-builds (revised sets of drawings) to be submitted to the municipality's Wayleave Officers. A Certificate of Completion will only be issued upon satisfaction that the works have been properly executed and all attendant conditions have been met.
- step 7.3 The municipal Budget and Treasury Directorate will only refund the security deposit upon the presentation of the Certificate of Completion and the effluxion of the stipulated 12-month defects liability period.



4. GENERAL REQUIREMENTS

- (a) Control over the manner of installation of services on municipal land falls within the ambit of municipal planning, any installation of services on municipal land is subject to the applicable national and provincial legislation, municipal spatial planning and land use management policies and bylaws, together with the applicable environmental policies and bylaws.
- (b) The Wayleave Permit holder shall accept responsibility for all costs associated with and immediately effecting all repairs arising from their installation and construction activities, including any repairs and costs arising from damage to existing infrastructure and/or the interruption of services.
- (c) The execution of the works requires the Wayleave Permit Holder to comply with all safety regulations, in particular provisions of the *Occupational Health and Safety Act no. 85 of 1993* (General Safety Regulations Section 13) regarding demolition and excavation works.
- (d) The Wayleave Permit Holder shall in writing designate an employee with the duty of supervising the performance of the works in terms of Regulation Section 11 of the *Occupational Health and Safety Act no. 85 of 1993*.
- (e) The Wayleave Permit Holder shall cause photographs (in a digital format) of the site to be taken prior to commencement with the Works to record any existing damage or faults found on or adjacent to the Site. These photographs and a written report on such damage or faults must be provided to the Wayleave Officers before commencing with the Works.
- (f) Should no such photographic record be submitted to the Wayleave Officers, the Site will be deemed to have been handed over to the Wayleave Permit Holder in good condition.
- (g) The Wayleave Permit, design and technical drawings, maps, work method statements and health & safety file must be kept on site at all times while the Works are in progress.



- (h) The use of machinery on site will be prohibited unless the position of all installed services has been exposed by hand excavation or said services are clearly outlined in the maps accompanying the Wayleave Application.

5. REQUIREMENTS IN RESPECT OF THE WORKS

- (a) Excavation works requiring road crossing must be designed and supervised by a professionally registered civil Engineer in compliance with COTO guidelines and specifications. The Municipality will also designate a municipal official or engineer to inspect and where necessary supervise the execution of said road crossing works.
- (b) Where it is necessary to close roads to traffic, a notification of said closure must be submitted in writing by the Wayleave Applicant to the municipal Way Leave Officer and the municipal traffic department at least 3 weeks before the intended date of closure. No road closure shall be approved unless approval been granted by the Wayleave Management Unit.
- (c) All incidents on site creating an emergency situation (situations requiring immediate attention) must immediately be reported to the designated supervising Engineer, the municipal service unit responsible for the affected service and the municipal fire and rescue services.
- d) Any defects found in the design, construction and repairs of the road crossing and other areas, will be made good to the account of the Wayleave Permit Holder for a period of twelve (12) months after completion of the Works.
- e) On completion of the works it is the responsibility of the Wayleave Permit Holder to rehabilitate the surrounding environment to the condition in which it was found.

6. LIABILITY FOR DAMAGES TO INSTALLED SERVICES AND INFRASTRUCTURE

- 6.1 The Wayleave Permit holder shall be responsible for all costs and repairs to existing infrastructure and/or the interruption of services arising from their installation and construction activities.



6.2 The Wayleave Permit Holder will be required to issue security in the form of a bank guarantee in favour of the RLM, the amount of which will be determined based on the following:

- The nature of the work (e.g. the manner of the installation work)
- The impact of the work proposed (i.e. taking into account the nature and value of the surfaces or land area affected); and
- the extent of the surfaces or land area affected, taking into account the length of the trench (per m²), the situation of the trench and the nature of the surface.

No security will be required for work done by Internal Municipal Directorates themselves.

6.3 The Municipality will hold this security for a period of twelve (12) months making up the defects liability period. The Municipality reserves the right to use this security bank guarantee to recover any costs it incurs as a result of defective, substandard or non-compliant works by the Wayleave Permit Holder.

6.4 The Municipality reserves its right to recover any costs actually incurred for remedial or rehabilitation work that it must perform as a result of defective, substandard or non-compliant work by a Wayleave Permit Holder, irrespective of whether a security guarantee is deemed released and restored to the issuer.

6.5 The Municipality may upon further inspection and satisfaction that there are no defects arising consequent to the installation of services or that applicant has made good such defects in the road reserve, re-statement of the road surface, pavement layers, footpaths etc. release and restore the security guarantee to the applicant.

Addendum 2: Wayleave Application Form



RUSTENBURG LOCAL MUNICIPALITY WAYLEAVE APPLICATION FORM



Office of the Municipal Manager - Wayleave Management Unit

Physical Address: Mpheni House, 159 Nelson Mandela & Beyers Naude Streets,
Rustenburg CBD, Rustenburg, 0300

Postal Address: P.O. Box 16, Rustenburg, 0300

Tel: 014 590 3111

Fax: 014 590 3481

Web: www.rustenburg.gov.za

A. CONTACT DETAILS

**WAYLEAVE APPLICANT:**

The Wayleave Applicant is the Company or Person that pays for the project design and construction and in whom ownership of the infrastructure or service vests. (NOT the agent/person/company/subcontractor/ engineer that completes the application form on behalf of the Wayleave Applicant))

COMPANY/AGENCY/DEPARTMENT:

TRADING AS:

COMPANY TYPE:

COMPANY REGISTRATION
NUMBER:

CONTACT PERSON:

CONTACT TEL:

CONTACT FAX:

E-mail:

PHYSICAL ADDRESS:

CITY AND PROVINCE:

APPLICANT'S ENGINEER:

NAME:

ENGINEERING COUNCIL OF SOUTH
AFRICA (ECSA) PROFESSIONAL
REGISTRATION NUMBER:

CONTACT CELL.:

CONTACT TEL:

CONTACT FAX:

E-mail:

ADDRESS:

CONTRACTOR:

NAME:



CONTACT PERSON: _____ CONTACT TEL: _____
 CONTACT FAX: _____ E-mail: _____

| B. PURPOSE OF APPLICATION | | |
|---|--|--|
| 1. To install a new service. | | Insert 'X' in appropriate block and give previous Wayleave Consent number if relevant: |
| 2. To Maintain/Repair/Replace an Existing Service | | |
| 3. To occupy or perform other operations. | | |

| C. CHECKLIST FOR THE APPLICATION | PROVIDED | |
|---|----------|----|
| Has Wayleave Applicant received a copy of the Rustenburg Local Municipality (RLM) Wayleave Application Procedure and Conditions Manual? | YES | NO |
| Cover letter describing the scope of the application: | YES | NO |
| Application submitted under the signature of an engineer or professional technologist: | YES | NO |
| Copies of Company Registration documents and Professional Engineers Certificate of Registration. | YES | NO |
| Letter of appointment by service owner for supervision provided: | YES | NO |
| For Fibre Optic Cables is the written acknowledgement of other Wayleave Permit Holders of their wish to be in the same trench or their lack thereof part of the application | YES | NO |
| Level survey cross section provided for crossings: | YES | NO |
| Technical Drawings (<i>plan/section are mandatory, must show all existing services</i>) – <u>no scanned copies</u> | YES | NO |
| Aerial map or sketch of the work site (<i>must show access routes, location of machinery, distance to rail</i>) | YES | NO |
| Work Method Statement (<i>must be site specific – refer Appendix 1 "Track Safety Considerations"</i>) | YES | NO |
| Temporary Signage at Road works design provided: | YES | NO |
| Number of copies of drawings submitted = 3 | YES | NO |

| D. DESCRIPTION OF WORK TO BE UNDERTAKEN |
|---|
| |
| |
| |
| |
| |



| |
|--|
| |
| |

| E. ESTIMATED DURATION OF WORKS | | | |
|--------------------------------|--|---------------------|--|
| Start Date (yy-mm-dd) | | End Date (yy-mm-dd) | |

| F. SERVICE TYPE & CAPACITY DETAIL & METHOD | | | | | | | | | |
|--|--------------------|--------------------|------------|----------------------------|------------|-------------|-----------------------|-------------------|--|
| Water supply | | Sewer & stormwater | | Gas | | Electricity | | Telecommunication | |
| CONSTRUCTION METHOD: | Open Trench | | Drilling | | Jacking | | Pavement construction | | |
| | Pylon construction | | Suspension | | Excavation | | In Existing Structure | | |
| CAPACITY OF SERVICE: | | | | DIMENSION/SIZE OF SERVICE: | | | | | |

| G. LOCATION OF SERVICES IN THE ROAD RESERVE RUNNING PARALLEL TO THE ROAD | | | |
|--|---|-----------------------------------|-------------|
| kilometre distance to kilometre distance | Distance from Centre line (Left or right) | Buried Cable/Pipe/Pole Line/Other | |
| | | Depth/Height (m) | Size & Type |
| | | | |
| | | | |
| | | | |
| | | | |

| H. LOCATION OF SERVICE(S) CROSSING THE ROAD RESERVE | | | | |
|--|--------------------------------------|-------------|--|-------------------|
| kilometre distance | Buried Cable/Pipe/Pole Line or Other | | Size, Type & Class f Sleeve/Duct. | Road Surface Type |
| | Depth/Height (m) | Size & Type | | |
| | | | | |
| | | | | |
| | | | | |
| Underground crossings – Indicate Trench/Jack: Is re-instatement to be carried out by RLM? (Y/N) | | | Give trench dimensions Length x Width (m ²): | |



| I. LOCATION OF SERVICE(S) ON BRIDGE STRUCTURES | | | |
|--|-------------|-------|---|
| kilometre distance | Bridge No.: | Name: | Attach four copies of drawings indicating proposed location and method of fixing to the structure. (e.g. galvanised brackets, stainless steel bolts & sleeve type). |
| | | | |
| | | | |

| J. FINANCIAL INFORMATION | |
|------------------------------------|--|
| TOTAL RAND (R) VALUE OF WORKS | |
| PUBLIC LIABILITY INSURANCE DETAILS | |

| K. ENCLOSED DRAWINGS | | |
|----------------------|----------------|-------|
| TYPE | DRAWING NUMBER | TITLE |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |



L. APPROVALS CONTACT DETAILS

The Wayleave Applicant has given notice to the following service agencies that they will be working within the vicinity of their services and said agencies have given the applicant their conditions for conducting such work and have expressed no objection to them applying for a wayleave and to executing said works within the vicinity of their installations.

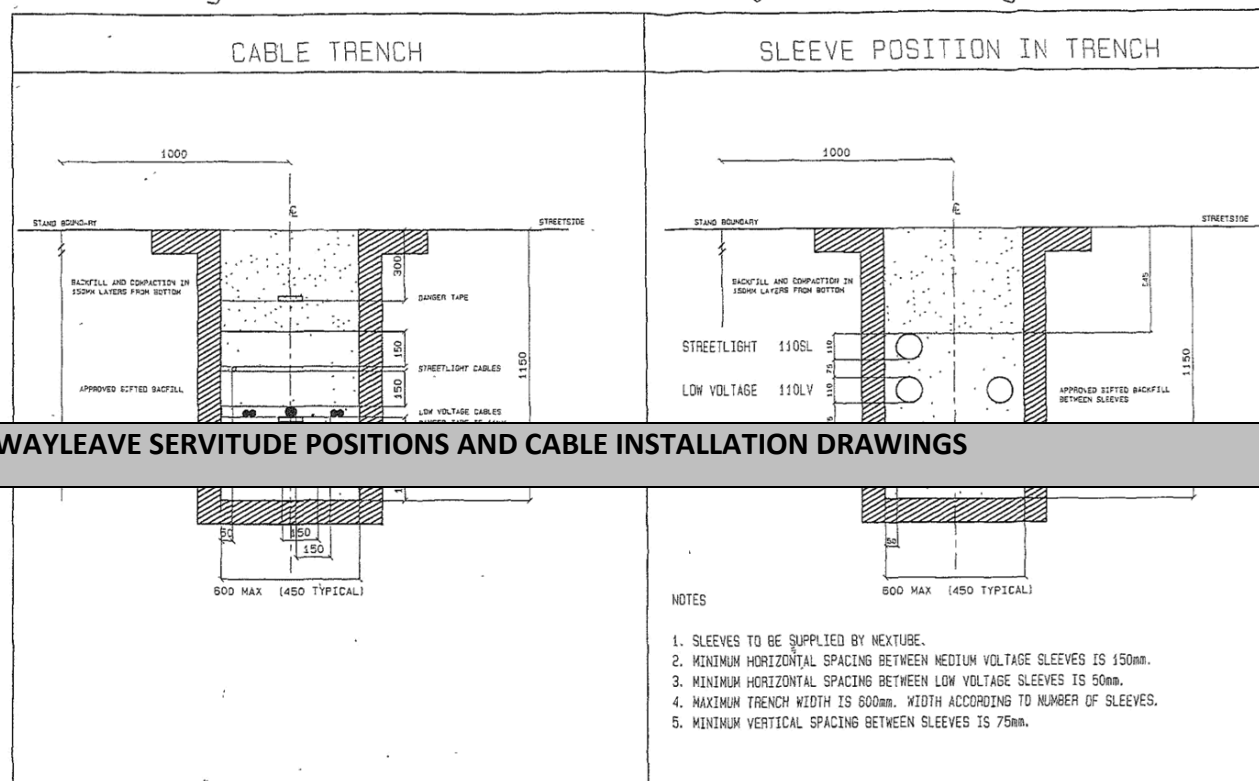
| AGENCY | REMARKS ON PRELIMINARY REQUEST /SIGNATURE / DATE | DETAIL DESIGN TO BE REVIEWED BY AGENCY (Y/N) | REMARKS ON DETAIL DESIGN / SIGNATURE / DATE |
|--|---|--|---|
| ESKOM | | | |
| TELKOM | | | |
| Magalies Water | | | |
| Rand Water | | | |
| SANRAL | | | |
| North West Provincial Department of Public Works & Roads | | | |



| AGENCY | REMARKS ON PRELIMINARY REQUEST /SIGNATURE / DATE | DETAIL DESIGN TO BE REVIEWED BY AGENCY (Y/N) | REMARKS ON DETAIL DESIGN / SIGNATURE / DATE |
|----------------------------|---|--|---|
| MTN | | | |
| Vodacom | | | |
| Sasol | | | |
| Light Fibre Infrastructure | | | |
| Liquid Telecommunications | | | |
| Other: | | | |
| | | | |



TYPICAL ELECTRICAL SERVITUDE UNDERGROUND TRENCH LAYOUT



M. RLM HISTORICAL WAYLEAVE SERVITUDE POSITIONS AND CABLE INSTALLATION DRAWINGS







| FOR OFFICIAL USE ONLY RLM Wayleave Officers | |
|--|--|
| RECEIVING OFFICIAL'S NAME | |
| SIGNATURE | |
| DATE RECEIVED | |
| TOTAL RAND (R) VALUE OF SECURITY DEPOSIT REQUIRED | |
| PUBLIC LIABILITY INSURANCE CONFIRMATION | |

| FOR OFFICIAL USE ONLY Wayleave Management Unit | |
|---|--|
| WAYLEAVE APPLICATION NUMBER | |
| COMMENTS | |
| RECOMMENDATIONS TO MUNICIPAL MANAGER | |

UNDERTAKING / INDEMNITY



I, the undersigned hereby,

- Accept the terms and conditions of the wayleave approval and all the conditions as outlined by other affected service agencies.
- Accept responsibility for all costs associated with the work, including any damages to other services, the reinstatement of services, the cost of any tests that may be required and any claims that may result from the work until the permanent reinstatement is completed.
- Indemnifies the Rustenburg Local Municipality (RLM) against any claim(s), cost or damage or loss of whatsoever nature that may be incurred or sustained by the municipality, the Wayleave Applicant or any third party and also against all actions, legal proceedings and claims of whatsoever nature that may be instituted or made against the municipality arising out of, by reason of, or in any way whatsoever caused by or connected with the exercising by the applicant of the rights granted by the wayleave application as well as in respect of cost which may be incurred by the municipality in examining or resisting any such demands, actions, legal proceedings and claims, instituted by any person or party for injury to person(s) loss of life or
- damage to or loss of property, arising directly or indirectly exercising the permission granted with approval of this wayleave application.

Signed at RUSTENBURG on the _____ day of _____ 2020.

For and on behalf of **Wayleave Applicant**

Witness

GENERAL REQUIREMENTS

- (a) No Wayleave Permit Holder, contractor or their agents may commence work within the geographical area falling under the jurisdiction of the Rustenburg Local



Municipality (RLM) without having submitted a wayleave application and having received municipal approval.

- (b) The approved wayleave form and standard specifications document must at all times be available on site.
- (c) The execution of the works requires the Wayleave Permit Holder to comply with all safety regulations, in particular provisions the ***Occupational Health and Safety Act no. 85 of 1993*** (General Safety Regulations Section 13) regarding demolition and excavation works.
- (d) ***85 of 1993*** (General Safety Regulations Section 13) regarding demolition and excavation works.
- (e) The permit holder shall in writing designate an employee with the duty of supervising the performance of the works in terms of Regulation Section 11 of the ***Occupational Health and Safety Act no. 85 of 1993***.
- (f) The permit holder shall cause photographs (in a digital format) of the site to be taken prior to commencement with the Works to record any existing damage or faults found on or adjacent to the Site. These photographs and a written report on such damage or faults must be provided to the Wayleave Officers before commencing with the Works.
- (g) Should no such photographic record be submitted to the Wayleave Officers, the Site will be deemed to have been handed over to the Wayleave Permit Holder in good condition.
- (h) The Wayleave Permit, design and technical drawings, maps, work method statements and health & safety file must be kept on site at all times while the Works are in progress.
- (i) All work must be done in accordance with the specifications as set out in the approved technical drawings submitted by the Wayleave Applicant.
- (j) The use of machinery on site will be prohibited unless the position of all installed services has been exposed by hand excavation or said services are clearly outlined in the maps accompanying the Wayleave Application.
- (k) In the case of emergency work, e.g. burst pipes, the designated supervising municipal official or engineer, the municipal directorate responsible for the affected service and



the municipal Emergency and Disaster Management sub-directorate must be immediately notified before the repair work is initiated.

- (l) The Wayleave Permit Holder is responsible for all costs, including any damage to other services, backfilling, reinstatement, tests and any claims that may result. The Wayleave Permit Holder is also responsible for traffic signs, barricading and the safety of motorists, pedestrians and workers.
- (m) Excavation works requiring road crossing must be designed and supervised by a professionally registered civil engineer in compliance with COTO guidelines and specifications. The Rustenburg Local Municipality will also designate a municipal official or engineer to monitor and where necessary supervise the execution of said road crossing works. Any defects found in the design, construction and repairs of the road crossing and other areas, will be made good to the account of the Wayleave Permit Holder for a period of twelve (12) months after completion of the Works.
- (n) Constructed footways must be reinstated with the original surfacing materials and the supporting layers compacted to specification, to obtain shear strengths at least equal to those of the adjacent undisturbed footway.
- (o) Where it is necessary to close roads to traffic, a notification of said closure must be submitted in writing by the Wayleave Applicant to the municipal Way Leave officer and the municipal Public Safety Directorate at least three (3) weeks before the intended date of closure. No road closure shall be approved unless approval been granted by the Wayleave Management Unit.
- (p) Un-constructed verges must be backfilled in such a way that the verge is in the same condition as it was before excavation.
- (q) On completion of the works it is the responsibility of the Wayleave Permit Holder to rehabilitate the surrounding environment to the condition in which it was found, the site must be cleared and cleaned and all excess material, tools and equipment must be removed.



- (r) Upon completion of the Work and rehabilitation of the works site, the Wayleave Permit Holder must fill in the Completion Notice and submit it to the municipal Wayleave Officers within two (2) working days.
- (s) The supervising municipal official or engineer will only certify the work complete upon receipt of the as-built drawings, which will be requested when the Completion Notice is submitted.
- (t) Any excavation left unattended for a period of five (5) calendar days will be made safe by the Rustenburg Local Municipality and charged to the account of the Wayleave Applicant/Service Agency or contractor.



Addendum 3: Wayleave Application Approval Result Letter

| | |
|---|--|
|  | <p>Office of the Municipal Manager - Wayleave Management Unit Physical Address: Mpheni House, 159 Nelson Mandela & Beyers Naude Streets, Rustenburg CBD, Rustenburg, 0300 Postal Address: P.O. Box 16, Rustenburg, 0300 Tel: 014 590 3111 Fax: 014 590 3481 Web: www.rustenburg.gov.za</p> |
|---|--|

Wayleave Application Result

Kgaka Communications Solutions (Pty) Ltd
1256 Sobukwe Lane
Pongolo Arch
Mmabatho

Postal Address: P.O. Box 2356, Rustenburg, South, 2745

Dear Mr. Serame Mofuthu

RE: CONFIRMATION OF WAYLEAVE PERMIT – Ref. No. _____

Wayleave Reference No.

Description of Work:

.....
.....
.....
.....

This Wayleave Work Permit entitles:

.....



and it's agencies and sub-contractors under the control of the designated Professional Engineer to perform the following construction and/or installation works at the following location/s of the Rustenburg Local Municipality:

.....
.....
.....

during the period: toin strict compliance with the following Wayleave Approval conditions:

.....
.....
.....

Permit holders are reminded to familiarise themselves with the general requirements in respect of works, works installation requirements and onsite safety requirements, and should further note that any material deviations or misrepresentations in respect of the above and the given Wayleave Approval conditions may render this Wayleave Permit subject to revocation by the municipality.

Further, it is important that the Wayleave Permit, technical drawings, the approved plans and work method statements are available in the site file for inspection by municipal officials at all times.

MUNICIPAL MANAGER: Rustenburg Local Municipality

Date: _____





| | | | |
|--|--------|--|------------------------------|
| | | Version 1 July 2020 Please complete compulsory information (indicated with *) | |
| Suburb: * Wayleave Applicant Name: * Date (YYYY/MM/DD): * Current Financial Year: Approved Wayleave No.: | | <div style="background-color: yellow; height: 20px; width: 100%;"></div> <div style="background-color: yellow; height: 20px; width: 100%;"></div> <div style="background-color: yellow; height: 20px; width: 100%;"></div> <div style="background-color: yellow; height: 20px; width: 100%;"></div> <div style="background-color: yellow; height: 20px; width: 100%;"></div> | |
| Please select application type * | | | |
| <div style="border: 1px solid black; width: 100%; height: 20px; position: relative;"> ▼ </div> | | | |
| Surface Type | | Unit | Amount |
| Pedestrian walkway/Traffic island (Paved) | | m ² | |
| Road verge (Unpaved) | | m ² | |
| Class 3 roadway (Paved) | | m ² | |
| Class 4 roadway (Paved) | | m ² | |
| Class 5 roadway (Paved) | | m ² | |
| Traffic Accommodation | | Unit | Amount |
| Street rental (street links between intersections, excluding intersections) | | days | |
| Intersection rental (per lane) | | days | |
| Pavement rental | | days | |
| Calculation of the Refundable and Non-refundable Components of the Wayleave Fee | | | |
| Surface type | Amount | Unit Cost | Total (excl. VAT) |
| Pedestrian walkway/Traffic island (Paved) | 0.00 R | 251.37 R | - R |
| Road verge (Unpaved) | 0.00 R | 75.60 R | - R |
| Class 3 roadway (Paved) | 0.00 R | 845.45 R | - R |
| Class 4 roadway (Paved) | 0.00 R | 754.35 R | - R |
| Class 5 roadway (Paved) | 0.00 R | 713.99 R | - R |
| Total refundable cost | | | R - |
| Surface type | Amount | Unit Cost | Total (excl. VAT) |
| Pedestrian walkway/Traffic island (Paved) | 0.00 R | 27.16 R | - R |
| Road verge (Unpaved) | 0.00 R | 13.60 R | - R |
| Class 3 roadway (Paved) | 0.00 R | 230.27 R | - R |
| Class 4 roadway (Paved) | 0.00 R | 116.79 R | - R |
| Class 5 roadway (Paved) | 0.00 R | 101.85 R | - R |
| Total maintenance fee | | | R - |
| Lane and intersection rental | Amount | Unit Cost | Total (excl. VAT) |
| Street rental (street links between intersections, excluding intersections) | 0.00 R | 2 615.00 R | - R |
| Intersection rental (per lane) | 0.00 R | 21 187.78 R | - R |
| Pavement rental | 0.00 R | - R | - R |
| Traffic accommodation fee | | | R - |
| Administrative and supervision | Amount | Unit Cost | Total (excl. VAT) |
| Administration fee | 0.00 R | 523.00 R | - R |
| Supervision fee | 0.00 R | 3 138.00 R | - R |
| Total administration and supervision fee | | | R - |
| Total non-refundable cost | | | R - |
| Refundable wayleave Fee Payable | | | PLEASE ENTER REQUIRED INPUTS |
| Non-refundable wayleave Fee Payable | | | PLEASE ENTER REQUIRED INPUTS |
| Total Wayleave Fee Payable | | | PLEASE ENTER REQUIRED INPUTS |
| Rustenburg Local Municipality Calculated : _____ Signature : _____ Date : _____ | | Wayleave applicant Received : _____ Signature: _____ Date: _____ | |
| NOTE: UNIT COSTS RELATED TO THE SITE WORKS AND MAINTENANCE OF THE SURFACE TYPES ARE ESCALATED ANNUALLY ON 1 JULY WITH THE CPAF. THE ADMINISTRATION AND THE TRAFFIC ACCOMMODATION FEES ARE ESCALATED ANNUALLY WITH THE INFLATION RATE. | | | |



| Unit Cost Escalation | | | | | | | |
|---|------------------|-------------|-------------|-------------|-------------|-------------|-------------|
| CPAF Indices forecast: Year on Year inflation | | | | | | | |
| Year | 2020 | 2021 | 2022 | 2023 | 2024 | 2025 | 2026 |
| Contract price adjustment factor | 4.60% | | | | | | |
| Default inflation projections | 4.60% | 4.60% | 4.60% | 4.60% | 4.60% | 4.60% | 4.60% |
| Inflator | 100 | 104.60 | 109.41 | 114.44 | 119.71 | 125.22 | 130.98 |
| Site Works Unit Cost (R/unit, excl. VAT) | | | | | | | |
| Surface Type | Unit | 2020/2021 | 2021/2022 | 2022/2023 | 2023/2024 | 2024/2025 | 2025/2026 |
| Pedestrian walkway/Traffic island (Paved) | R/sq.metre | R 251.37 | R 262.93 | R 275.02 | R 287.67 | R 300.91 | R 314.75 |
| Road verge (Unpaved) | R/sq.metre | R 75.60 | R 79.07 | R 82.71 | R 86.51 | R 90.49 | R 94.66 |
| Class 3 roadway (Paved) | R/sq.metre | R 845.45 | R 884.34 | R 925.02 | R 967.57 | R 1 012.08 | R 1 058.64 |
| Class 4 roadway (Paved) | R/sq.metre | R 754.35 | R 789.05 | R 825.35 | R 863.32 | R 903.03 | R 944.57 |
| Class 5 roadway (Paved) | R/sq.metre | R 713.99 | R 746.83 | R 781.19 | R 817.12 | R 854.71 | R 894.03 |
| Administration Unit Cost (R/unit, excl. VAT) | | | | | | | |
| | Unit | 2020/2021 | 2021/2022 | 2022/2023 | 2023/2024 | 2024/2025 | 2025/2026 |
| Application for miscellaneous for road reserve use for less than one month (no underground service installation) | per application | R 523.00 | R 547.06 | R 572.22 | R 598.54 | R 626.08 | R 654.88 |
| Application for a wayleave or permit to use the road reserve to install an underground service | per application | R 1 255.20 | R 1 312.94 | R 1 373.33 | R 1 436.51 | R 1 502.59 | R 1 571.71 |
| Unauthorised commencement of use of the road reserve | per application | R 8 786.40 | R 9 190.57 | R 9 613.34 | R 10 055.55 | R 10 518.11 | R 11 001.94 |
| Application for special event / street party / film shoot permit | per application | R 523.00 | R 547.06 | R 572.22 | R 598.54 | R 626.08 | R 654.88 |
| Application for other miscellaneous permit | per application | R 523.00 | R 547.06 | R 572.22 | R 598.54 | R 626.08 | R 654.88 |
| Application for the utilization of roads, footways or road verges for periods longer than one month (no underground service installation) | per application | R 1 255.20 | R 1 312.94 | R 1 373.33 | R 1 436.51 | R 1 502.59 | R 1 571.71 |
| Supervision Unit Cost (R/unit, excl. VAT) | | | | | | | |
| | Unit | 2020/2021 | 2021/2022 | 2022/2023 | 2023/2024 | 2024/2025 | 2025/2026 |
| Supervision fee for a wayleave or permit to install an underground service | per application | R 3 138.00 | R 3 282.35 | R 3 433.34 | R 3 591.27 | R 3 756.47 | R 3 929.27 |
| Maintenance Unit Cost (R/unit, excl. VAT) | | | | | | | |
| Surface Type | Unit | 2020/2021 | 2021/2022 | 2022/2023 | 2023/2024 | 2024/2025 | 2025/2026 |
| Pedestrian walkway/Traffic island (Paved) | R/sq.metre/annum | R 2.72 | R 2.84 | R 2.97 | R 3.11 | R 3.25 | R 3.40 |
| Road verge (Unpaved) | R/sq.metre/annum | R 1.36 | R 1.42 | R 1.49 | R 1.56 | R 1.63 | R 1.70 |
| Class 3 roadway (Paved) | R/sq.metre/annum | R 15.35 | R 16.06 | R 16.80 | R 17.57 | R 18.38 | R 19.22 |
| Class 4 roadway (Paved) | R/sq.metre/annum | R 7.79 | R 8.14 | R 8.52 | R 8.91 | R 9.32 | R 9.75 |
| Class 5 roadway (Paved) | R/sq.metre/annum | R 6.79 | R 7.10 | R 7.43 | R 7.77 | R 8.13 | R 8.50 |
| Traffic Accommodation Unit Cost (R/unit, excl. VAT) | | | | | | | |
| | Unit | 2020/2021 | 2021/2022 | 2022/2023 | 2023/2024 | 2024/2025 | 2025/2026 |
| Street rental (street links between intersections, excluding intersections) | days | R 2 615.00 | R 2 735.29 | R 2 861.11 | R 2 992.72 | R 3 130.39 | R 3 274.39 |
| Intersection rental (per lane) | days | R 21 187.78 | R 22 162.41 | R 23 181.88 | R 24 248.25 | R 25 363.67 | R 26 530.40 |
| Pavement rental | days | R 0.00 | R 0.00 | R 0.00 | R 0.00 | R 0.00 | R 0.00 |
| Estimated useful life | | Years | | | | | |
| Pedestrian walkway/Traffic island (Paved) | | 10 | | | | | |
| Roadway | | 15 | | | | | |