



MATJHABENG LOCAL MUNICIPALITY

Annexure A:

Wayleave Application and Procedures Manual

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1. Definitions

- 1.1. **“Annexure A”** mean the Matjhabeng Local Municipality Wayleave Application and Procedures Manual.
- 1.2. **“Approved/Approval”** means granting of permission by the Municipality to the Wayleave Applicant to commence with the works on a specified site.
- 1.3. **“Approved wayleave”** means the signed document/s issued by the Municipality, 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.
- 1.4. **“Approved wayleave holder”** means the person, institution or Service Provider who is in possession of an Approved Wayleave approved by the Municipality.
- 1.5. **“Road 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.
- 1.6. **“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.
- 1.7. **“Completion Notice”** means the document or submitted by the Approved Wayleave Holder to the supervising Municipal Official or supervising engineer when the works have been completed – Inspection form
- 1.8. **“Council”** means the Matjhabeng Local Municipality’s council.
- 1.9. **“Constitution”** means the *Constitution of the Republic of South Africa, 108 of 1996, as amended*
- 1.10. **“Contractor”** means a natural or juristic person or partnership appointed by the Wayleave Applicant for carrying out the Works.
- 1.11. **“Electronic Communications Facility”** includes but is not limited to any—
 - (a) space on or within poles, ducts, cable trays, manholes, hand holds and conduits; and
 - (b) associated support systems, sub-systems and services, ancillary to such electronic communications facilities or otherwise necessary for controlling connectivity of the various electronic communications facilities for proper

functionality, control, integration and utilisation of such electronic communications facilities;

- 1.12. **“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.
- 1.13. **“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.
- 1.14. **“Engineering Planning Unit”** means the designated members of the Municipality with the sole responsibility to carry out the administrative functions of receiving, verifying and ensuring that wayleave applications conform to the prescribed MLM legal and procedural requirements.
- 1.15. **“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.
- 1.16. **“Legislation”** means any applicable law, proclamation, ordinance, act of Parliament or enactment having force of law.
- 1.17. **“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.
- 1.18. **“MLM Wayleave Application Procedure”** document forming “Addendum 1” of Matjhabeng Local Municipality Wayleave Policy, outlining the procedure and general requirements Service Providers must comply with before submitting a wayleave application to the Matjhabeng Local Municipality (MLM).

- 1.19. **“Municipal Directorate or Unit”** means any Directorate or sub-Directorate that belongs to or is controlled by the Municipality.
- 1.20. **“Municipality or MLM”** means the Matjhabeng Local Municipality, and includes any duly authorised official thereof, or a Approved Wayleave Holder fulfilling a responsibility under this Policy 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 acting in connection with a by-law or by virtue of a power vested in the Municipality and delegated, to such
- 1.21. **“Municipal Manager”** means the head of administration and also the accounting officer for the Municipality.
- 1.22. **“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 Approved Wayleave 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.

1.23. **"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.

- 1.24. **"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.
- 1.25. **"Public Road Reserve"** means the full width of a public road and includes the verge and the roadway.
- 1.26. **"Road Reserve"** means the verges on both sides of a public road.
- 1.27. **"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.
- 1.28. **"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.
- 1.29. **"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.
- 1.30. **"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.
- 1.31. **"Service Provider"** means any agency or utility that
- (a) owns a Service within the geographical jurisdiction of the MLM
 - (b) 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.
- 1.32. **"Service delivery"** is the distribution of basic resources citizens depend on like water, electricity, sanitation infrastructure, land, housing and other infrastructure.
- 1.33. **"Service-Sharing Installation"** means installations of a service which are designed to:

- (a) Utilise existing or construct new ducting or pipelines without the need for excavations, except minimal excavation/ construction at junctions or terminals.
 - (b) Allow service provider to install services (share) in the same duct or pipe line
- 1.34. **“Site”** means the land made available by the Municipality or landowner 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.
- 1.35. **“Structures Act”** means the *Local Government: Municipal Structures Act 117 of 1998* and the regulations promulgated in terms thereof.
- 1.36. **“Supervising Municipal Official”** means a person appointed by the Matjhabeng Local Municipality to ensure compliance with the Conditions of Approval of the Wayleave.
- 1.37. **“Systems Act”** means the *Local Government: Municipal Systems Act 32 of 2000* and the regulations promulgated in terms thereof.
- 1.38. **“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.
- 1.39. **“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.
- 1.40. **“Wayleave”** means an agreement between the landowner and the Approved Wayleave Holder pertaining to the installation of services within or upon the land or road reserve.
- 1.41. **“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.
- 1.42. **“Wayleave Application Fee”** 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.
- 1.43. **“Wayleave Application and Procedure Manual”** means Annexure A to the Matjhabeng Local Municipality Wayleave Policy
- 1.44. **“Works”** mean the installation and construction activities designed, supervised and executed in accordance with the Wayleave application and conditions.

2. What is a Wayleave

A wayleave is an agreement between the landowner and the Approved Wayleave 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 Approved Wayleave Holder to install the service. The wayleave relates more to the actual construction activities than to the eventual conveyance of services.

Once the service has been installed, the road authority concerned becomes the owner of the service. Wayleaves can therefore not be used to protect services in favour of the service provider.

No one is allowed to conduct any type of work without an approved wayleave or without following exemptions as provided for in this policy and related by-law.

2.1. The approval of a Wayleave means that:

The Approved Wayleave Holder has permission to:

- (a) Place a new Service in the Public Road Reserve.
- (b) Do excavations in the Public Road Reserve.
- (c) Do vehicular and pedestrian control in the Public Road Reserve; and,
- (d) Do Reinstatement Work on the road and pavement surfaces where excavations have been made.
- (e) The Council has to protect the new Service in its position in the Public Road Reserve against damage by other parties while working in the Public Road Reserve.
- (f) The cost associated with relocating the Service when a road is widened or rebuilt remains with the Service provider that owns the Service.
- (g) The cost to relocate a Service owned by the Council must be included in the project cost.

An approved wayleave is valid for 6 months from the date of issue.

2.2. Wayleave Application Procedure

No service provider, 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.

All applications for wayleaves shall be made in the Matjhabeng Local Municipality Wayleave Application Form as shown in “Addendum 1” of the Wayleave Policy, accompanied by a covering letter on the applicant’s official letterhead, clearly and comprehensively stating the Wayleave Applicants reasons for requiring the wayleave.

2.2.1. Wayleave Application may be submitted for projects that covers work in any area within the jurisdiction of the Matjhabeng Local Municipality, provided that the position and expected start / end dates of all Work in the road reserve is adequately described under the description of the Work to be done.

2.2.2. General conditions are stated on the Wayleave Application Form and may include, but are not restricted to, the following:

- (a) An application letter with a description the application scope
- (b) The application letter must be signed by a professional Engineer/ Technologist/ Technician
- (c) Completed Municipal wayleave application form
- (d) Copies of Company Registration Documents and Professional Engineers /Technologist/ Technician Certificate of Registration.
- (e) Proof of payment of the non-refundable application fees
- (f) **For optic fibre** - written acknowledgement of other Approved Wayleave Holders of their wish to be in the same trench/ duct
- (g) Three A3 copies of the design drawing showing details of the proposed Work. Detail should include.
 - i Indication where Services are to be installed and the depth of the Service below the surface.
 - ii Distance of the Service from the road reserve boundary (i.e., the property boundary).
 - iii Position and extent of all structures including underground structures such as manholes, chambers, and junction boxes.
 - iv The location of all other Services in the road reserve. Services are located by obtaining information from the Service providers within the Council and by doing cross cuts where required. The use of cross cuts is strongly recommended
- (h) Three A3 copies of the area layout
- (i) Installation method statement including estimated duration of construction

- (j) Written proof of notice given to other stakeholders which have ownership of installed service infrastructure such as **ESKOM, TELKOM, Sedibeng Water, SANRAL, the Free State Provincial Department of Public Works & Roads, e.t.c** of their intention to commence works within the vicinity of the area where their respective services have been installed.
- (k) Wayleave will only be issued once all the requirements have been complied with and will be subject to the conditions specified in Section 3.3 and on the Wayleave form.

2.2.3. The application for a Wayleave must be submitted timeously to ensure that the Wayleave can be issued before the Work is programmed to start. **WORK BEING CARRIED OUT IN THE PUBLIC ROAD WITHOUT A WAYLEAVE MUST BE REPORTED TO THE ENGINEERING PLANNING UNIT AND WILL BE STOPPED BY THE COUNCIL LAW ENFORCEMENT.** A copy of the Wayleave must therefore always be on site when Work is being done in the road reserve.

2.2.4. 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.

2.2.5. The Engineering Planning Unit will strive to limit the duration of the application review process to seven (30) working days.

2.2.6. The Approved Wayleave Holder accepts full responsibility for all costs with and resulting from the Work carried out in the public road reserve.

2.2.7. Only Work described in the Wayleave may be executed. If the conditions on site necessitate a deviation from the planned Work, the Engineering Planning Unit must be informed before any Work is done. These deviations may be in relation to the placement of the Service or the timing of the Works. The Engineering Planning Unit may inform the Approved Wayleave Holder of additional approvals that must be obtained from the Service providers affected by the deviation as well as further requirements in terms of drawings and specifications. Work will only be allowed to continue once The Engineering Planning Unit is satisfied that all the additional requirements have been met.

- 2.2.8. The Approved Wayleave Holder must complete the Work within the time specified on the Wayleave or the approved time extension.
- 2.2.9. An Approved Wayleave Holder who fails to complete the Work within the specified time window will be given a fourteen (14) day notice period to either complete the Work or apply for a time extension.
- 2.2.10. If upon expiry of the notice period referred to in 2.2.8 the Approved Wayleave Holder is still in default, the Work will be stopped and made safe by The Engineering Planning Unit at the expense of the Wayleave Holder.
- 2.3. Payment of “Wayleave Application Fees” and “Bank Guarantee”.**
- 2.3.1. It is mandatory that all Wayleave Applications are accompanied by the payment of the stipulated standardised and non-refundable application Administration Fee as determined by the Municipality.
- 2.3.2. A security in the form of a bank guarantee in favour of the Municipality 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.
- 2.3.3. The of the bank guarantee amount will be determined based on the following:
- a. The nature of the work (e.g. the manner of the installation work)
 - b. The impact of the work proposed (i.e. taking into account the nature and value of the surfaces or land area affected); and
 - c. 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.
- 2.3.4. No security will be required for work done by Internal Municipal Directorates themselves.
- 2.3.5. The Municipality will hold this security for a period of twelve (12) months after the work have been completed, 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 Approved Wayleave Holder.
- 2.3.6. 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 Approved Wayleave Holder, irrespective of whether a security guarantee is deemed released and restored to the issuer.

2.4. Evaluation of the wayleave application

2.4.1. The Municipality's Engineering Planning unit 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.

2.5. Circulation of wayleave application for comments

2.5.1. The submitted application and supporting documents are then forwarded to the affected Municipal internal Directorate/Units for technical inputs, comments and related conditions.

2.6. Consolidation of comments and recommendations

2.6.1. The comments from various internal directorates/units of the design and technical drawings submitted and work method statements are consolidated into the draft approval letter.

2.6.2. Attached to the application must be confirmation of payment of the application fees, security deposits and public liability insurance cover.

2.6.3. This letter will then be submitted for the consideration and approval by the Municipal Manager.

2.7. Approval of application by the Municipal Manager

2.7.1. 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 2".

2.7.2. Where the application has been successful the wayleave approval will be registered and an approved wayleave 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.

2.7.3. It is anticipated that the municipality should take 14 (Fourteen) working days to approve a submitted wayleave application where the Wayleave Applicant has submitted all the necessary supporting documentation.

2.8. Supervision and inspection of the works by the MLM

2.8.1. 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.

2.9. Completion Notice and Certificate of Completion

2.9.1. On completion of the Work the Service provider must fill in the Completion Notice (inspection form) and return it to the Planning unit within 2 working days. The Planning unit will schedule an inspection and will issue a Certificate of Completion if all requirements have been met. The 12-month guarantee period for permanent Reinstatements by the Service provider, or the 1-week maintenance period for temporary Reinstatements by the Service provider, then commences.

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

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

2.9.4. The Municipal Finance Directorate will only refund the security deposit upon the presentation of the Certificate of Completion and the completion of the stipulated 12-month defects liability period.

3. Rental of sidewalk to store building materials

3.1. An approved wayleave is required before storage of material on the road verges. Wayleave application process must be followed.

3.2. Lane Rental will also be charged if a footway is affected by work. If the footway is totally closed so that pedestrians are required to use a traffic lane, then lane rental will be payable.

- 3.3. Rental fee will be based on the length of the site and duration of construction.
- 3.4. For the purpose of determining lane rental for footways, a footway will be considered that part of the verge that is normally used by pedestrians. The total length of the construction site boundary will be considered.
- 3.5. Building material must not be piled or stacked on top of manholes, valves or hydrants. Clear access should always be available.
- 3.6. Wayleaves terms and conditions will also apply for sidewalks rentals

4. General requirements

- 4.1. 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.
- 4.2. 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.
- 4.3. The Approved Wayleave 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.
- 4.4. The execution of the works requires the Approved Wayleave 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.
- 4.5. The Approved Wayleave 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.
- 4.6. The Approved Wayleave Holder shall take 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 Planning units before commencing with the Works.

- 4.7. Should no such photographic record be submitted to the Planning units, the Site will be deemed to have been handed over to the Approved Wayleave Holder in good condition.
- 4.8. **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.**
- 4.9. 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. Liability for damages to installed services and infrastructure

- 5.1. The Approved Wayleave 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.
- 5.2. 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.

6. Works installation requirements

- 6.1. Commencement of works by Approved Wayleave Holders constitutes an undertaking by them that they fully understand all wayleave specific general and special conditions.
- 6.2. 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.
- 6.3. 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.
- 6.4. 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.
- 6.5. The MLM 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.

- 6.6. 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.
- 6.7. 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.
- 6.8. Where the Municipality determines that an Approved Wayleave Holder installed infrastructure and/or equipment (or part thereof) must be relocated for whatever reason, said relocation cost shall be borne by the Approved Wayleave Holder at no cost to the Municipality.

7. Onsite safety requirements

- 7.1. The execution of the works requires the Approved Wayleave 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.
- 7.2. The Approved Wayleave 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***.
- 7.3. The Approved Wayleave, 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.
- 7.4. 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.

- 7.5. 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.

8. Backfilling and Reinstatement

On completion of the works, it is the responsibility of the Approved Wayleave Holder to rehabilitate the surrounding environment to the condition in which it was found.

- 8.1. Any trenching activity disturbs the structural integrity of a road or footway. Backfilling and Reinstatement must therefore be done in such a way as to ensure that the reinstated trench and its immediate surroundings do not fail structurally, thus resulting in road user discomfort and increased costs.
- 8.2. Backfilling refers to the replacement of the structural layers in the trench or excavation and includes the base, subbase, selected subgrade and subgrade, but exclude the surfacing.
- 8.3. Reinstatement refers to replacing the bituminous surfacing or paving blocks in the case of roads, or the paving blocks, paving slabs, bituminous surfacing or grass in the case of footways and verges.
- 8.4. Backfilling must in all cases be done by the Service provider in accordance with the specifications as set out in the **Backfilling and Reinstatement Specifications, Section 9** of this Manual. Permanent Reinstatement can either be done by the Council's Roads and Stormwater Unit or by the Service provider. The Engineering Planning Unit will decide whether the Service provider will be allowed to do the permanent Reinstatement based on performance history.
- 8.5. When the Wayleave conditions place the responsibility for Reinstatement work on the Service provider then the Reinstatement specification will be as per **Section 9** below.
- 8.6. Permanent Backfilling and Reinstatement done by the Service provider will be subject to a guarantee period of one year.
- 8.7. If permanent Reinstatement is done by the Council's Roads and Stormwater Division, the Service provider must do a temporary Reinstatement as specified. The Service provider will then be charged for the permanent Reinstatement at the applicable rates defined by the Engineering Planning unit.

- 8.8. The temporary Reinstatement must be removed by the Council's Roads and Stormwater Division and the Backfilling tested. If the Backfill does not comply with the applicable specifications, it must be replaced at the cost of the Service provider. These costs are over and above the normal Reinstatement costs.
- 8.9. The Service provider is responsible for maintaining the temporary Reinstatement for a 1-week period after issuing of the Certificate of Completion to the Engineering Planning unit. During this period the Service provider is still be held liable for any claims relating to the Work that was carried out.
- 8.10. Temporary Reinstatement must be done where the Service provider leaves the site with the view of returning to complete the Work. The Service provider must maintain this temporary Reinstatement.
- 8.11. The Service provider may not leave the site without reinstating it for more than 7 working days without written notice to the Municipality and without a temporary reinstatement in the case of 8.10.
- 8.12. If a Service provider who leaves the site unattended for more than the period specified in 8.11, a penalty fee will be charged. The amount will be determined by the Council.

9. Backfilling and Reinstatement Specification

The Municipality's Reinstatement specifications:

9.1. Carriageway Crossings

(a) Backfill

In situ material from trench excavation, min G9 placed in 150mm thickness or sand compacted at 100% or G7 if imported.

(b) Light duty crossing

100mm G5 over approved backfill

20mm sand under approved pavers, or 30mm continuously graded premix

(c) Heavy duty crossings

150mm G5,

20mm sand under approved pavers, or 30mm continuously graded premix

(d) Extra Heavy-duty crossings

Require 200mm G2 base, placed in two layers with thicknesses of 100mm each

20mm sand under 80mm interlocking paving blocks, or 40mm premix

9.2. Roadways General:

- Joints to be sealed with Via Seal and mixed in with fine sand.

- Wearing course to overlap underlying layer by 40mm on each side.
- Base course to overlap underlying layer by 150mm on each side.

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

- Backfill - min G9 material from trench excavation placed in 150mm thickness or sand compacted at 100%
- No. 150mm G7 Layer
- No. 150mm thick G5 layer
- No. 150mm thick G3 Base Course layer. G3 material with a 26.5mm maximum aggregate size, compacted to 98% Mod AASHTO maximum density
- 30mm continuously graded asphalt wearing course or 20mm sand under 80mm interlocking paving blocks

9.2.2. Layer works for main roads and roads carrying heavy traffic (Class 3, 4 and Heavy Vehicle route):

- 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
- No. G7 layer 150mm thick stabilized with 2% cement
- No. G4 layer 150mm thick each
- No. G2 Base Course layer 150 mm thick. G2 material with 26.5mm maximum aggregate size, compacted to 98% Mod AASHTO maximum density
- 40mm continuously graded medium asphalt wearing course.

9.3. Reinstatement Performance Specifications

9.3.1. The performance of any trench permanently reinstated by the approved wayleave holder will be monitored for 12 months, during which period the approved wayleave holder will be held responsible for any remedial work that may be required.

9.3.2. Remedial work will be required if any of the following defects exists:

- (a) Depressions.
- (b) humps (crowning);
- (c) edge depression (trips, vertical discontinuities) at the interface; or
- (d) cracking.

9.3.3. Any depression or hump will be measured with a straight edge across the reinstatement and will require remedial work if the following limits are exceeded over 100 mm or more of the length of the trench:

Reinstatement Width mm	Height of Deformation or Hump as measured with straight edge mm
0 to 400	10
400 to 500	12
500 to 600	14
600 to 700	16
700 to 800	19
800 to 900	22
Over 900	25

9.3.4. Remedial work will also be required if a depression results in standing water wider than 500 mm or exceeding one square metre, two hours after rain has stopped.

9.3.5. Any edge depression exceeding 10 mm over 100 mm or more of the length of the trench will require remedial work.

9.3.6. Any open crack wider than 3 mm and longer than 100 mm will require remedial work.

10. GIS Services and Servitude Database

10.2. Upon completion of the works, Approved Wayleave Holders must submit as-built drawings electronically in the format of a shape files to the Engineering Planning Unit.

10.3. 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.

10.4. The submission of as-built drawings is a pre-condition to the issuing of a MLM Certificate of Completion.