



# POLICY FOR THE INSTALLATION OF SERVICES IN ROAD RESERVES



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## 1. ABBREVIATIONS AND DEFINITIONS

- 1.1 **“Application fee”** means the fee that must be paid in advance for a permit to be processed and considered by the Municipality;
- 1.2 **“Applicant”** means any entity (private or public) that wishes to install any service in a public road reserve.
- 1.3 **“annual permit fee”** means the fee that must be paid as a condition of issue and continuing validity of the permit, if the application is approved, subject to the terms of this Policy and subject to annual escalation as per the tariff list;
- 1.4 **“as-built information”** means information relating to how infrastructure has actually been installed by an operator. For exact position acceptance, the Directorate Electrotechnical Services requires position verification by means of a cable locator or by test holes;
- 1.5 **“Contractor”** – A CIDB registered Contractor appointed by the Service Owner
- 1.6 **“CIDB”** means the Construction Industry Development Board that is a Schedule 3A public entity - was established by Act of Parliament (Act 38 of 2000) to promote a regulatory and developmental framework;
- 1.7 **“ECSA”** – means the Engineering Council of South Africa;
- 1.8 **“ECA”** means the Electronic Communications Act, 2005 (Act No 36 of 2005) for the purpose of this policy;
- 1.9 **“Electronic communications”** has the meaning in the ECA, namely the emission transmission or reception of information, including without limitation, voice, sound, data, text, video, animation, visual images, moving images and pictures, signals or a combination thereof by means of magnetism, radio or other electromagnetic waves, optical, electro-magnetic systems or any agency of a like nature, whether with or without the aid of tangible conduct, but does not include content service;
- 1.10 **“Electronic communications facility”** has the meaning in the ECA, namely any wire, cable including undersea and land-based fibre optic cables, antenna, mast, satellite transponder, circuit, cable landing station, international gateway, earth station, and radio apparatus or other thing, which can be used for, or in connection with, electronic communications, including-
- (a) Collocation space;
  - (b) Monitoring equipment;
  - (c) Space on or within poles;
  - (d) Ducts;
  - (e) Cable trays;

- (f) Manholes;
- (g) Hand holds and conduits; and
- (h) 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 utilization of such electronic communications facilities,

And **‘telecommunications infrastructure’** has a corresponding meaning;

- 1.11 **“electronic communications operator”** means any person who operates an electronic communications network, provides electronic communications services or network services and is either licensed or exempted in terms of the ECA, including that person’s agents and contractors;
- 1.12 **“electronic communications network”** means any system of electronic communications facilities excluding subscriber equipment, including-
  - (a) Satellite systems;
  - (b) Fixed systems (circuit – and packet-switched);
  - (c) Mobile systems;
  - (d) Fibre optic cables (undersea and land-based);
  - (e) Electricity cable systems to the extent used for electronic communications services; and
  - (f) Other transmission systems used for conveyance of electronic communications;
- 1.13 **“fees”** mean charges or tariffs in respect of any function or service of the municipality as determined in terms of section 75A of the Municipal Systems Act, 2000 (Act 32 of 2000);
- 1.14 **“ICASA”** means the Independent Communications Authority of South Africa;
- 1.15 **“permit”** means a right to occupy Municipal property, authorizing the permit holder in principle to locate any service or specifically a telecommunications infrastructure in such property.
- 1.16 **“permit conditions”** means the conditions associated with a permit, including the annual payment in advance of the prescribed annual permit fee;
- 1.17 **“permit holder”** means a person granted a permit in terms of this Policy;
- 1.18 **“Property”** means municipal property that can be used or is required for the installation of any municipal service; non-municipal service; and the roll-out of electronic communications networks or the installation of electronic communications facilities including but not limited to-

- (a) Roads and Road reserves;
- (b) Pavements, kerbs and bike paths;
- (c) Drainage facilities;
- (d) Buried ducts, pipes, conduits and tunnels;
- (e) Poles, gantries, signs and similar structures;
- (f) Other high sites such as water towers, buildings, masts etc.;
- (g) Municipal water and sewer lines;
- (h) Municipal utility facilities;
- (i) Municipal traffic signals and signs;
- (j) Street lighting poles and similar street installations including overhead cables;
- (k) Trees on municipal property;
- (l) Land and buildings owned by the Municipality;
- (m) Any structure owned by the Municipality.

1.19 **“Service Owner or Applicant”** means any entity and/or valid registered ICASA license holder. The Service Owner or Applicant is accountable for the specific service provided, which includes both the infrastructure and/or network service.

1.20 **“Oversight fee”** means a fee for oversight of the installation and rehabilitation of underground or aboveground services;

1.21 **“Wayleave”** means the right obtained to cross land, where access to property is granted by the land owner / asset holder. The local Council is responsible to administrate public owned land and need to give permission to all parties before they may install utility services or infrastructure, even if supplied by Council. This enables the responsible use of public assets, by coordinating service installation, minimising service clashes or collateral damage due to new installations or construction activities.

## 2. INTRODUCTION

2.1 The George Municipality’s road reserves are acquired at a large cost to the Council to ensure that the Municipality delivers on its constitutional requirements. Private services in a public road reserve must be coordinated within the available space restriction of the road reserves and surroundings.

2.2 The current drive for the rapid deployment of fibre optic networks by more than 400 license holders, with issued licenses from ICASA, requires a coordinated effort to manage the services of all infrastructure and service providers. Each provider wants to lay claim to an exclusive space in the road reserve that suits their business model, but the available space simply cannot accommodate the large number of telecommunication providers active in the Municipality.

2.3 This reiterates the need to allocate a dedicated space to different infrastructure providers to ensure that not only telecommunication services, but also critical services like water, sewer, roads, storm water and electricity is provided in a

sustainable manner.

This also identifies the need for all Applicants to provide the necessary infrastructure to accommodate their own and future similar needs.

### **3. PURPOSE OF THE POLICY**

3.1 This Policy aims to provide clear guidelines to the standards that all applicants must comply with when installing services within the George Municipality's road reserves.

3.2 This document covers the following:

- (a) General conditions of compliance
- (b) Process Flow - The process to be followed for the application and approval for Wayleaves;

3.3 Note that technical specifications relating to the minimum construction standards for the installation of telecommunication and services are refined on a regular basis and are addressed in the wayleave together with specific conditions, issued for the installation of such services.

### **4. GENERAL CONDITIONS**

#### **4.1 APPOINTMENT OF ECSA REGISTERED ENGINEER**

4.1.1 TELECOMS AND OTHER EXTERNAL APPLICATIONS: The Network Licensee / Service Owner / Applicant shall appoint an ECSA registered Professional Civil Engineer to oversee the installation of services. The appointed Professional Engineer must have sufficient relevant competency related to the works to be carried out. With any electronic communications network this will require specific competency in Road Building and Materials to advise regarding the requirements for all aspects related to the construction such as directional drilling, trench backfill, layer works and surfacing.

4.1.2 The Applicant is to submit the curriculum vitae of the above mentioned Professional Engineer with the Application.

4.1.3 INTERNAL APPLICATIONS: An ECSA registered Civil Engineer shall be appointed to oversee the installation of services inside the road reserve, forming part of a Contract and/or planned works (CAPEX or OPEX).

## 4.2 APPOINTMENT OF CIDB REGISTERED CONTRACTORS

4.2.1 TELECOMS AND OTHER EXTERNAL APPLICATIONS: All installations and reinstatements done for or on behalf of a Network Licensee and/or Service Owner, involving the excavation and backfill of trenches in a George Municipality road reserve, shall be undertaken by a CIDB registered contractor with a minimum 2CE designation and with a grading appropriate to the value of the contract.

4.2.2 INTERNAL APPLICATIONS: All internal Directorates shall provide the Department: Civil Engineering Services with relevant comments and to facilitate the implementation of the works and reinstatement of such. Works must be undertaken by a CIDB registered contractor as stated for Telecoms and other external applications.

4.2.3 Proof of CIDB Registration must be submitted with the wayleave application.

## 4.3 WAYLEAVE APPROVAL AND VALIDITY

4.3.1 No work may commence in a George Municipal or Provincial road reserve unless:

- (a) Application has been made to the George Municipality for a wayleave in accordance with this document;
- (b) The Wayleave issued by the Department of Transport and Public Works (Provincial road reserve) is attached to the Application;
- (c) Wayleaves have been received and collected by the Applicant / Service Owner or appointed Professional Engineer and where the Applicant / Service Owner has accepted all conditions set forth in the wayleave.

4.3.2 Should an application be rejected for any valid reason or lapse in validity, work may not commence / continue and a new application shall be submitted for wayleave approval.

4.3.3 Validity time frame for wayleaves is as stated on the wayleave approval and will not exceed 24 months from date of approval. Should work not commence within six (6) months from date of approval the wayleave will lapse, and an entirely new application must be submitted.

4.3.4 Should the project / proposed works exceed the time frames for which the wayleave is valid, the Applicant / Service Owner / appointed Professional Engineer may request an extension of time from the Director: Civil Engineering Services and the Director: Electrotechnical Services.

#### 4.4 TRENCHING VS. DIRECTIONAL DRILLING

- 4.4.1 All road crossings shall be done by directional drilling. No open trenching will be allowed in the roadway without the written permission of the Director: Civil Engineering Services. Thrust boring or 'moleing' will not be allowed within roadways.
- 4.4.2 Where conditions do not allow directional drilling, open trenches will only be allowed with the written permission of the Director: Civil Engineering Services, and oversight by the Manager: Maintenance Contracts, subject to an oversight fee and any additional conditions and costs that may be deemed necessary.
- 4.4.3 Any damage done to George Municipality's infrastructure by installation of services by the Applicant / Service Provider, shall be reported immediately to the relevant department. Remedial work will be carried out by the George Municipality's operational teams, or a contractor appointed by the Municipality, and the full costs plus a surcharge of 20% will be recovered from the Applicant / Service Owner.
- 4.4.4 Where directional drilling is not possible, the Applicant / Service Owner shall apply in writing to request permission to hand excavate the road crossing at the tariff included in the annual Tariff List.

#### 4.5 "ONE TRENCH" OR CO-BUILDING METHODOLOGY FOR TELECOMS

- 4.5.1 To minimise the impact on the public road reserve, the first Network Licensee / Service Owner to install an electronic communications network will be required to ensure that the infrastructure installed has the capacity to accommodate future electronic communications operators.
- 4.5.2 All Network Licensees applying for wayleaves for a specific route must contact all other active Network Licensees within George Municipality to afford them the opportunity to share trenches or co-build along the route. Documentary proof that all service providers have been contacted must be submitted together with the wayleave application. If no response from a Network Licensee is received within 7 days, evidence that the opportunity to share the trench/co-build has been delivered to the Network Licensee's nominated contact person will suffice to confirm that:
- (a) The Network Licensee has been notified of the pending work and have been given the opportunity to indicate any cables that they might have in the area to the current applicant;
  - (b) The Network Licensee has been given the opportunity to share trenches/co-build.
  - (c) Should a Network Licensee elect to share a trench with the first



applicant, the service providers must reach a mutual agreement upfront on the cost apportionment.

4.5.3 All Network Licensees and/or Service Owners will have to make use of the same space allocation (“One Trench”) for telecommunication services in the road reserve. The maximum permissible space allocation per route for all networks will be 1.0m wide and no telecommunication infrastructure may transgress the maximum permissible space allocation. Once the first licensee has installed services and cannot accommodate additional Network Licensees, then Network Licensees must install their services so that a width of no more than 1.0m is occupied by all telecommunication services.

4.5.4 Should the first width of one meter not be available for telecommunication services, then the next meter shall be investigated. The Network Licensee or appointed Professional Engineer shall in association with George Municipality’s service departments, determine a viable position for the services.

4.5.5 Where a future road widening is required, each Network Licensee will be responsible for the relocation of their own service when instructed to do so by the George Municipality

4.5.6 Unless the service installed in the public road reserve is clearly marked by route markers, or installed as per the as-built information that is to be verified by cable detection, the George Municipality will not be liable for ANY damage or disruption to services whatsoever during maintenance and / or repair work to a municipal service.

#### 4.6 **MICRO-TRENCHING**

4.6.1 Micro-trenching will be allowed in roads subject to approval of the method statement and specifications with the Service Provider’s Engineer. The approval will also be subject to where investigation (test holes or ground penetrating radar, etc.) indicates that no services will be damaged by micro-trenching. The applicant is to apply to the Directorate: Electrotechnical Services to identify electrical services on site.

4.6.2 All micro trenching allowed will share the same 1.0m space allocated to telecommunication services. Only one micro-trench will be allowed in roads.

#### 4.7 TRENCH POSITIONS AND DUCTS FOR TELECOMS

- 4.7.1 Further to the “One Trench” methodology and 1m dedicated space for Telecoms, the primary networks must generally be installed on one side of the road. ‘Fibre to home’ networks may be allowed on both sides of the road to minimize road crossings. Irrespective of the network category, no network may be installed outside the space allocated for networks.
- 4.7.2 No service will be allowed longitudinally in the roadway, and no service may be installed on top of any municipal service. Services may only be installed in the verges and only if there is sufficient space. Where insufficient space along a route exists, alternative routes must be determined in collaboration with the relevant municipal officials, to be approved by the Director: Civil Engineering Services.
- 4.7.3 Where a road crossing is made via open trenching or directional drilling, an additional Class 10 HDPE duct of minimum 110mmØ must be provided for George Municipality to avoid future road damage, the cost thereof for the account of the Service Owner. Duct Markers must be implemented at all such locations and will remain the property of George Municipality.
- 4.7.4 Where existing ducts have been installed for George Municipality and are available under roads, they shall be used for road crossings after obtaining permission from the Director: Civil Engineering Services. If ducts have been installed by the Electrotechnical or Safety and Security departments, permission shall be obtained from the respective departments.
- 4.7.5 Where Service Owners’ planned telecommunication networks overlaps with George Municipality’s fibre master planning, the Service Owner shall install cable ducts provided by George Municipality in the same trench and at no additional cost to the municipality.
- 4.7.6 Positioning of telecommunication infrastructure may not compromise future expansion of the Municipality’s infrastructure or available space in the road reserve. Where the Service Owner has deviated from the approved position within the road reserve and expansion of existing infrastructure is required, the Service Owner shall relocate such services at their own cost. Where a road widening is required in future, the Service Owner will be required to relocate their service if required, and at the full cost to the Service Owner. Notice will be given to the Service Owner to relocate their service

## **4.8 OVERHEAD INSTALLATIONS**

For all overhead wayleave applications, structured cabling and electrical conduits shall conform to the following conditions. -

- a) All excavations to comply with the requirements of this policy.
- b) All clearances from electrical overhead line and infrastructure shall be adhered to as per the OHS ACT and Regulations 85 of 1993.
- c) No installation shall be allowed on any Municipal infrastructure. The installation of any service on Municipal property or infrastructure is dealt with as a separate application and does not form part of the Wayleave application process.
- d) No wayleaves of new overhead distribution infrastructure (e.g midblock distribution poles) will be allowed for telecommunication purposes. Any telecommunication fixtures (e.g boosters, capacitors, dishes) to existing services in public road reserve (e.g streetlights or poles) must be approved in writing.
- e) It is required that any service provider obtain the necessary permits and authorisation from private land owners in order to satisfy the public interest in the roll out of any electronic communication networks and electronic communication facilities that shall include the process and procedure of public participation through and by the approval of George Municipality.
- f) Any other requirement and/or information that the Municipality may deem necessary to adequately assess an application and in the general public interest

## **4.9 AS-BUILT INFORMATION**

- 4.9.1 The Service Owner must provide George Municipality with as-built information pertaining to the installed infrastructure, in a file format as prescribed by the Engineering Departments as-built specifications.
- 4.9.2 George Municipality shall provide this as-built information to other electronic communications operators and or electronic communications facility owners, municipal departments, entities, and other occupants of municipality property, for the purpose of limiting damage to, or disruption of the facilities and other assets of those involved.
- 4.9.3 In providing this information, the George Municipality will not be held liable for any damage caused to infrastructure

## **4.10 TARIFFS, FINANCIAL EXCLUSIONS, GUARANTEES AND TERM TENDERS**

### **4.10.1 Telecoms and other external applications:**

- 4.10.1.1 All external Service Owners are required to pay an Application, Oversight and Annual Permit Fee, which is based on the Municipality's Approved Tariffs. Payment of the Application fee must be made upfront with submission of the wayleave application, with all other fees payable upon wayleave approval.

- 4.10.1.2 A Refundable Deposit is payable by the Service Owner when open trenching is proposed inside the road reserve, which includes the verge, sidewalk and/or roadway/blacktop area. Rates are charged in terms of approved Municipal Tariffs. A separate guarantee, in the form and for the period prescribed by the Municipality, may be required for larger applications where works extend over a wider area and over an extended period of time.
- 4.10.1.3 The onus is on the Service Owner to initiate a request for the refunding of the deposit, once the completion certificate has been submitted and signed off by the Director: Civil Engineering Services.
- 4.10.1.4 A Non-refundable payment (Roadway Trench Fee) is charged in the event of open trenching inside the roadway/blacktop area. Payment calculations are charged in terms of approved Municipal Tariffs. This amount must be paid upon wayleave approval and before commencement of work.
- 4.10.1.5 In the event that planned directional drilling is unsuccessful and/or due to site conditions, and where open excavation was done in the roadway with prior approval by the Director: Civil Engineering Services, fees will be charged according to the approved Municipal tariffs. The final Non-refundable amount payable will be determined after reconciliation has been done at the end of the project, prior to final completion certificate being issued.
- 4.10.1.6 The Service Provider will be charged a Penalty for any unauthorized work inside the road reserve, regardless of whether George Municipality later issues a wayleave. Rates will be in terms of approved Municipal tariffs.
- 4.10.2 **Internal applications:**
- 4.10.2.1 All internal Departments or State Funded Projects (National or Provincial), where the infrastructure will be taken over by George Municipality, will be exempted from paying the Application & Oversight Fee, Refundable Deposits, Non-refundable Payments and/or Penalties.
- 4.11 **DEFECTS LIABILITY PERIOD**
- 4.11.1 The Applicant / Service Owner shall be responsible for all defects resulting from the works for a period of one year after the final completion certificate has been submitted and signed off by the Director: Civil Engineering Services and the Director: Electrotechnical Services, as appropriate.
- 4.10.2 A latent defects period of 8 years will apply and the Applicant / Service Owner will be responsible for the repair of all latent defects on notification by the George Municipality. Should works to remedy the latent defect not commence within 14 days of the date of the notice, the George Municipality may complete the repairs, and the full cost plus a 20% surcharge will be charged to the Applicant /Service Owner.

#### **4.12 INDEMNIFICATION**

- 4.12.1 All Applicants / Service Owners must indemnify George Municipality against any third-party liability claims of whatever nature resulting from their works or presence of infrastructure in a public road reserve.

The Applicant / Service Owner will indemnify the George Municipality against any damage caused during routine maintenance or repairs, unless direct negligence can be proven by the Applicant / Service Owner. Noting that if services are not identifiable by route markers the Applicant / Service Owner shall not be able to make any claim against the George Municipality.

#### **4.13 REMEDIAL WORKS**

- 4.13.1 Where failure of pavements or any other defects occur resulting from the installation and operations of a service after the defects liability periods has lapsed, the Service Owner must commence with remedial works within 14 days of being notified by George Municipality. The Service Owner will be held liable for any claims as a result of such failure.

- 4.13.2 The Defect Liability Period as defined in section 4.11 of this Policy shall apply to all remedial works, and the Defects Liability Period recommences on the date of approval of the remedial works by the relevant Directorate.

#### **4.14 RELOCATION OF SERVICES**

- 4.14.1 Where services were not installed in accordance with approved plans, relocation of such services to correct positions must be done by the Service Owner at their cost immediately, but no later than 5 working days, on instruction by George Municipality. The program for the remedial works is to be approved by the Directorate: Civil Engineering Services and/or Directorate: Electrotechnical Services, as required.

### **5. PROCESS FLOW**

#### **5.1 SERVICE ENQUIRY (PRELIMINARY PLANNING PHASE)**

- 5.1.1 During the Service Enquiry Phase the Applicant or Professional Engineer needs to obtain as-built information from the relevant Directorates. The Directorate: Electrotechnical Services is to be given not less than 5 working days' notice to identify services on site irrespective of whether as-builts are available or not.

#### **5.2 WAYLEAVE APPLICATION AND APPROVAL PROCESS**

- 5.2.1 The following documents must be prepared and submitted with the wayleave application.

- (a) Application letter: Addressed to the Municipal Manager on the Applicant's letterhead and signed by an authorized person and indicating contact details (address/telephone/cellular/e-mail), an area map indicating the position of the works, project details and scope;
- (b) Layout plan / Engineering Plans indicating proposed services to scale and dimensioned from either erf boundary or kerb line, details of proposed services, existing and proposed structures, existing fibre installations of all service providers along full route and traffic/pedestrian accommodation drawings.
- (c) Professional Civil Engineer appointment;
- (d) Confirmation that all Network Licensees have been contacted regarding the proposed installation and possible trench share;
- (e) Proof that all other affected and/or relevant external or public entities have been consulted and positions of their services, and approvals, acquired;
- (f) Proof of payment of the applicable fees and tariffs;
- (g) Proof of contractor CIDB registration;
- (h) Confirmation of quantities regarding proposed trenching; and
- (i) Preliminary construction programme with the proposed commencement date.

5.2.2 A wayleave Application Fee will be applicable in terms of the Municipal Approved Tariff System. Payment of the Application fee must be made upfront with submission of the wayleave application, with all other fees payable upon wayleave approval.

5.2.3 The wayleave application will be submitted to all the relevant Municipal departments for their inputs and where needed, to determine special conditions applicable to the wayleave or where the wayleave will have an impact on service delivery.

5.2.4 All applications will be considered and decided in respect of the following:

- (a) The physical space that the applicant intends to occupy is available and suitable for the purpose;
- (b) The applicant has or does not have existing similar infrastructure occupying the same physical space;
- (c) The proposed occupation of the physical space may inhibit or prevent the future occupation of the same space, through alienation, by other electronic communications operators, other Municipal departments including the telecommunications department, local utilities, and other entities;
- (d) Similar infrastructure owned by other electronic communications operators already occupying the same physical space,
- (e) Other viable alternatives are available;
- (f) The permit application, if approved, will generally serve to improve the quality and price of telecommunications services available to

- the residents and businesses of the Municipality or, if rejected, may inhibit the quality and price of businesses of the Municipality,
- (g) Phasing of the works if relevant; or
  - (h) Any other consideration that the Municipality may deem to be appropriate.
- 5.2.5 The Municipal Manager, after thorough consideration, will approve / reject the wayleave application, in which case the reasons shall be given in writing to the applicant. The George Municipality reserves the right to only approve work in phases, subject to conditions being met before the next phase may be executed.
- 5.2.6 Applicants will be informed of the outcome of their application in writing, including any associated conditions that may be imposed, and the annual permit fee. If approved, permits will not be issued until proof of payment of the annual permit fee is provided.
- 5.2.7 The final approved permit must be collected by the Service Owner or delegated Engineer prior to commencement of works. The wayleave will only be issued once all required documents have been received and all fees / deposits have been paid in full.
- 5.2.8 No person may install an electronic communication facility / civil or electrical service until his or her application for a permit has been approved and issued to him or her.
- 5.2.9 A permit does not derogate from the right of the Municipality to impose additional conditions relating to –
- (a) Entering into lease agreements for the right to make use of Municipal property;
  - (b) Payment of direct costs associated with occupation such as the cost of electricity consumption; or
  - (c) Compliance with –
    - (i) regulations concerning environmental impacts;
    - (ii) heritage protection policies; or
    - (iii) any other applicable law.
- 5.2.10 Permit holders shall be entitled to access the geographical information system database of the telecommunications infrastructure of the Municipality at any time, at no charge, subject to the discretion of the Municipality.

### 5.3 GENERAL CONDITIONS

The following general conditions shall apply to the Applicant / permit holder if his or her application for a permit has been approved by the Municipality:

- (a) the Applicant / permit holder must pay the prescribed annual permit fee in advance, provided that –
  - (i) the Municipality and the Applicant / permit holder may agree that use of the service / electronic communications facility, or capacity of the network which it supports, shall be made available to the Municipality in lieu of payment, or in part payment of the fee;
  - (ii) the payment of the annual permit fee by the Applicant / permit holder shall not replace any once-off installation fee, ongoing service fee (for example, electricity charges) or other similar charge which the Municipality may levy to recover costs incurred as a result of the installation, construction or operation of the permit holder's facilities;
- (b) the permit holder must -
  - (i) provide the Municipality with as-built information pertaining to the permit holder's installed facilities, in a digital file format as may be prescribed, and that this information is updated by the permit holder if any modifications are made;
  - (ii) allow the Municipality to provide as-built information to other Applicants, electronic communications operators and or electronic communications facility owners, Municipal departments, utilities, and any other occupants of Municipal property, for the purpose of limiting damage or disruption to the facilities and other assets of others;
  - (iii) allow the Municipality to use the as-built information pertaining to the permit holder's installed facilities in any other way that it may deem necessary;
  - (iv) exercise the rights provided in terms of the permit within 180 days of the date of issue, provided that if the permitted occupation of Municipal property is not taken up, then the Municipality may revoke the permit;
  - (v) preserve, insofar as is possible, the aesthetics of the Municipality's Property;
  - (vi) take responsibility for the cost of any loss, including the repair of the Municipality's or any other entity (public or private) property or facilities, should any damage occur during the course of construction or operation;
  - (vii) not endanger any person in exercising its rights in terms of the permit;
  - (viii) maintain the upkeep of its facilities, at its own cost; and
  - (ix) not reassign the permit or transfer the permit without the permission of the Municipality;



- (c) No permit will confer or transfer any proprietary or exclusive rights in respect of the Municipal property to the permit holder;
- (d) Additional costs can be incurred by the applicant in terms of unplanned open trenching or penalties. These charges can be determined in advance if known, or otherwise will be calculated by a George Municipal representative during the completion inspection.
- (e) A permit granted in terms of this Policy does not exempt the permit holder or any other person from complying with any other law, Policy, By-law or zoning provisions of the Municipality's property or to use the property in any manner for any other purpose other than that specified in the permit.
- (f) The George Municipality reserves the right to cancel or suspend the permit if conditions are not met by the Applicant / Service Owner within 7 days after being notified by the George Municipality to comply with such condition/s.

## **6. GENERAL (FINANCIAL MATTERS)**

- (a) Refunds:
  - As indicated under Refundable Deposits, the Service Owner needs to initiate the refund process.
  - The Completion Certificate (verified by the Directorate: Civil Engineering Services) will indicate if any deductions/penalties will be applicable and needs to be signed off prior to commencement of the refund process.
- (b) When no deductions are applicable:
  - Forward the Refund Application Form to the applicant and ensure that all required paperwork is included in the submission back to you.
  - Ensure the sections "Account Details, Reason for Refund, Bank details and Municipal Account Holder or Authorised Person" are completed by the applicant.
  - The municipal account / bank details for the refund must correspond with the details supplied with the original security deposit.
  - The official Bank Date stamp must be present.
  - The section "For office use: must be completed by TDA.
    - Requested by: TD Wayleave Administrative (financial) person to sign off
    - Authorised by: District Manager or nominated person to sign off
  - Submit the signed off and completed refund application form, together with all relevant paper work to the Finance Department.
- (c) When deductions/penalties are applicable:
  - All paperwork, as described above, must be completed.
  - In addition, a Sundry Data Voucher must also be completed by the TDA administrative person. (This creates an opportunity to indicate what amount of funds needs to be withheld due to deductions / penalties).

- The same steps as in (b) above, must be completed. However, before creating a Notification, the Sundry Data Voucher must be sent to TDA: Head – Finance Roads, for checking.
  - After their approval and confirmation, you can proceed with the Notification.
- (d) In the event of non-payment:
- Inform the Applicant / Service Owner via e-mail of the outstanding amount.
  - Senior Technical Staff or District Manager to instruct recovery of outstanding fees via e-mail to person responsible for financial side of Wayleave / Permit process. This is for audit purposes, so please remember to file this instruction.
  - Complete Sundry Data Voucher and sent to Revenue for capturing.
  - The outstanding amount will be captured against the active business partner / municipal account provided with submission.
- (e) Implementation of revised tariffs with change of Financial Year:  
An applicant shall pay the latest approved tariff as set on the date of payment and not on the date of submission.

## **7. IMPLEMENTATION AND REVIEW OF THIS POLICY**

- 7.1.1 This policy shall be implemented once approved by Council. All future wayleave applications must be considered in accordance with this policy.
- 7.1.2 The policy will be reviewed on a regular basis as the wayleave approval process is refined.
- 7.1.3 The specific conditions of each department are subject to the nature and extent of the application, and each application will be assessed individually. The appropriate conditions will be included in the approval issued by the Municipal Manager.