

LOCAL AUTHORITY NOTICE 121 OF 2026

The City of Tshwane Metropolitan Municipality (herein after referred to as the "City of Tshwane"), hereby gives notice, in terms of Section 12 of the Local Government Municipal Systems Act, 2000 (Act 32 of 2000), as amended, read together with section 7 of the Gauteng Rationalisation of Local Government Affairs Act, 1998 (Act 10 of 1998), and 162 of the Constitution of the Republic of South Africa, 1996 of the enactment of the City of Tshwane: Work in the Public Road Reserve By-law, 2026.

The purpose of this By-law is to regulate, control and manage work done throughout public roads, including but not limited to, public road reserves, within the City's jurisdictional area in order to ensure good governance aligned to the Municipality's Constitutional Mandate as provided for in section 152 of the said Constitution, 1996.

MR JOHANN METTLER
CITY MANAGER

11 FEBRUARY 2026
(Notice 101/2026)

CITY OF TSHWANE**WORK IN THE PUBLIC ROAD RESERVE BY-LAW, 2026**

To provide for By-laws for the regulation of all work to be executed in any public road reserve within the jurisdictional area of the City of Tshwane Metropolitan Municipality and to ensure that the City of Tshwane delivers on its service delivery objectives as provided for in Section 152 of the Constitution of the Republic of South Africa, 1996 as provided for hereunder.

PREAMBLE

WHEREAS the City of Tshwane is required to provide uninterrupted services to all its residents at all times and remains committed to continuously improve its capability for effective and developmental service delivery; and

WHEREAS the City of Tshwane has an obligation to protect all services infrastructure within its road reserve boundaries; and

WHEREAS the City of Tshwane is committed to prevent damage to vehicles, to prevent injuries to vehicle occupants and pedestrians, to reduce the delays caused by roadworks and to prevent the reduction of the effective life span and durability of roads, footways and other services;

BE IT THEREFORE ENACTED by the City of Tshwane Metropolitan Municipality as follows:

ARRANGEMENT OF BY-LAWS

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SECTION 1

DEFINITIONS

1. DEFINITIONS

The following words, expressions and phrases shall have the meaning assigned to it in this By-law, unless the context clearly indicates otherwise, in which event the meaning shall be confined to the context of the particular text:

“Applicant” means an individual, organisation or entity that appoints a professional engineer to apply for a wayleave by using the electronic wayleave management system (WLMS) on its behalf and shall be known as the wayleave holder. The applicant shall be responsible for paying any required fees and refundable deposits or hand deliver an original guarantee.

“AASHTO” refers to American Association of State Highway and Transportation Officials and **“MOD AASHTO”** refers to modified AASHTO density, a standard for compaction used in road construction to determine the maximum density achievable for a soil or aggregate layer through a specific compaction test, where materials like subgrades and base courses are compacted to a high percentage of this maximum density, often expressed as **“95% Mod AASHTO”** or **“98% Mod AASHTO”** or the like;

“Authorised agent” means an official who amongst other, is responsible for the administration of the provisions of this By-law, including but not limited to –

- (a) peace officers as contemplated in Section 334 of the Criminal Procedure Act, 1977 (Act 51 of 1977), as amended;
- (b) municipal or metropolitan police officers as contemplated in the South African Police Services Act, 1995 (Act 68 of 1995) or duly appointed by the Municipality; and/or
- (c) such employees, agents, delegated nominees, representatives and / or service providers of the Municipality as are specifically authorised by the Municipality in this regard;

“Backfilling” means the replacement of the structural layers in a trench or excavation, and it includes the base, subbase and selected subgrade, but it excludes the surfacing (see reinstatement).

“Certificate of completion” means the correctly signed certificate as generated by WLMS, as-built drawings, material test results and compaction test results, as per General Conditions of Contract (GCC).

“Code” or “code of practice” means the Code of Practice for Work in the Public Road Reserve as approved by Council in 2003 and as amended from time to time.

“Completion notice” means the document submitted by the wayleave holder to the service coordinator when the work in the public road reserve has been completed.

“Council” means the municipal council of the City of Tshwane, established by Provincial Notice 6770 of 2000, dated 1 October 2000, as amended, or its successor in title, and any committee or person to which or whom an instruction has been given or any power, function or duty has been delegated or subdelegated in terms of, or as contemplated in, Section 59 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000).

“Cross-cut” means the excavation of a trench by hand to identify and/or confirm the positions of existing services in the public road reserve.

“Emergency work” means any work that is required to prevent or end a dangerous situation, to prevent or end an unplanned interruption in the supply of a service, or to avoid any substantial losses.

“Lane rental” means the rental determined by Council from time to time to be paid to the Municipality in respect of work in the public road reserve that results in time delay costs being incurred by the users of the public road reserve, provided that departments of the Municipality shall be excluded from the liability to pay the same. Lanes include road lanes, parking lanes, pedestrian lanes, bicycle lanes and bus lanes, but are not limited to these.

“Micro trench” means a narrow, shallow trench that is typically cut into asphalt pavement (roadway) by using specialised equipment. The depth and cross-section of the trench vary depending on the number of ducts to be laid but are typically less than three hundred (300) millimetre deep and fifty (50) millimetre wide. Micro trenches are used to install underground cables and other utilities without the need for disruptive excavation.

“Municipal department” means any department of the Municipality.

“Municipality” means the City of Tshwane Metropolitan Municipality as a corporate entity and local sphere of government and established in terms Section 12 of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998), read together with the proclamations made in terms thereof and amended from time to time as referred to in

“Newly surfaced” means any road that has been constructed, reconstructed or resurfaced in the past five (5) years.

“Outdoor advertising” means the act or process of notifying, warning, informing or making known or any other act of transferring information in a visual manner, primarily to attract the attention of road users.

“practical completion” means is the stage where the project in terms of the wayleave is finished and fit for its intended use, provided that the wayleave holder remains responsible to rectify minor defects may still exist to the satisfaction of the Municipality as contemplated in the **“snagging list”** of defects provided by the Municipal Administration;

“Professional engineer” means a person registered in terms of the Engineering Profession Act of South Africa Act, 1990 (Act 114 of 1990) at the Engineering Council of South Africa (ECSA). The person must be registered as a professional engineer, professional engineering technician or professional engineering technologist. The person must take full responsibility for the documentation, designs and site supervision as prescribed by the code of conduct of ECSA. The person must have professional liability insurance.

“Protected road surfaces” means designated roads or sections of roads where any form of excavation, such as digging or trenching, is strictly prohibited in order to preserve the road’s integrity, safety and functionality.

“Public road reserve” means the entire width of a public road, encompassing not only the roadway itself, but also the adjacent verge and any other areas within the designated road boundaries.

“Reinstatement” means 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.

“Roads and Transport Department” means the relevant department of the Municipality overseeing the administration of this By-law and includes the official or officials, as the case may be, within the particular administrative unit of the department responsible for the maintenance of WLMS and **“Department”** shall bear the same meaning;

“Service” means any infrastructure in the public road reserve that is used for supplying a product or service that is intended for public use and that is the property of a service agency.

“Service agency” means any municipal department, public agency or private company that owns a service in the public road reserve.

“Service coordinator” means the official in the Roads and Transport Department who is responsible for coordinating and regulating all documents that are associated with any work undertaken in those sections of the public road reserve that fall within the municipal area of the Municipality.

“**Service enquiry**” is the process that must be followed by a wayleave applicant to obtain the positions of existing services from all service agencies before applying for a wayleave.

“**Standard Construction Details and Design Standards**” means the latest version of all roads and storm water details that can be found at <https://wayleave.tshwane.gov.za/page/details/3/> and it is abbreviated as STD in this By-law.

“**Trenchless methods**” means methods that are used to place services under the road without excavating trenches through the surfacing and structural layers. Specialised drilling equipment is normally used.

“**Ward**” means a subdivision of a city or town that is used for electoral or administrative purposes. A ward usually has a representative, called a ward councillor, who is elected by the residents of the ward to serve on the municipal council.

“**Wayleave**” means the formal approval and its accompanying conditions in the prescribed format of the Municipality to carry out work in the public road reserve. A wayleave is issued by the service coordinator and consists of a wayleave form and approved drawings.

“**Wayleave holder**” means the municipal department, individual, organisation or entity that is in possession of a wayleave approved by the Group Head: Roads and Transport or the group head’s delegated official.

“**Wayleave Management System**” means the electronic Wayleave Management System developed by the City of Tshwane to be used by professional engineers to submit wayleave applications, and it can be access at <https://wayleave.tshwane.gov.za>, and the acronym

“**WLMS**” shall bear the same meaning;

“**Work**” in the public road reserve means any activity related to a service that is carried out within a public road reserve. It includes, but is not limited to, any project-related activities, irrespective of the size of the project.

“**Work not requiring a wayleave**” means all types of work which do not require excavation, traffic control or reinstatement activities and for which a wayleave is not required.

2. BASIC WAYLEAVE PROCEDURE

- (1) **Commencement of application:** The professional engineer must have a valid registration on the City of Tshwane WLMS. After completing the basic information electronically, the application must be submitted by the professional engineer to the WLMS.
- (2) **Service enquiries:** The application that was submitted by a professional engineer shall automatically be circulated to all service owners registered on WLMS. The WLMS shall prompt the professional engineer that an application fee is payable. Replies for the service owners shall only be visible after payment is received.
- (3) **Cross-cut application:** The wayleave applicant must first make a service enquiry, which is the process of obtaining service plans which indicate the positions of existing services from the service agencies identified by the service coordinator. The service plans must indicate the positions and type of services in the area where work will be undertaken. The WLMS shall prompt the professional engineer on the documentation that is the minimum requirement for a cross-cut application. A cross-cut approval document shall be issued after it is correctly signed. Where feasible the Municipal Administration may in its’ absolute discretion insist on trenchless technology to install services.
- (4) **Cross-cut report:** After the cross-cut is done, a report must be uploaded to the WLMS. The report must contain photographic evidence taken before, during and after the cross-cut. The professional engineer must with their statement and signature confirm that no existing services were broken and that the cross-cut trenches were compacted to at least ninety (90%) percent MOD AASHTO.

- (5) **Wayleave:** The WLMS shall prompt the professional engineer on documentation that is the minimum requirement for a wayleave application. This document shall be evaluated for technical compliance with the standards of the service agencies involved as well as compliance with the work planned by the Municipality within the area under consideration. The work must be done by a contractor under the supervision of a professional engineer.

The approval of a wayleave denotes that:

- (a) the wayleave holder has permission to –
- (i) place a new service in the public road reserve (or do maintenance, upgrading or alterations of an existing service);
 - (ii) do excavations in the public road reserve;
 - (iii) do vehicular and pedestrian control in the public road reserve; and
 - (iv) do reinstatement work on the road and pavement surfaces where excavations have been made;
- (b) the Municipality must protect the new service in its position in the public road reserve against damage by other service agencies that are working in the public road reserve; and
- (c) any service which is not installed, upgraded or removed, as the case may be according to the wayleave and approved drawings, shall be relocated or removed at the cost of the wayleave holder. The wayleave holder's responsibility in this regard shall remain, even after a certificate of completion has been issued.
- (6) **Refundable deposit and / or guarantee:** On submission of the wayleave application, the professional engineer shall be prompted that a refundable deposit is outstanding. No part of the detail design evaluation shall be visible to the professional engineer until the refundable deposit is paid. No work in the public road reserve may commence before a wayleave has been approved and issued by the Municipality for such work.
- (7) **Extension of time:** An extension of time is an increase in the duration of a project. The engineer must submit a written request to the service coordinator, which states a valid reason for the delay and provides supporting evidence. Outdoor advertisement wayleave approvals are excluded from this requirement. If an outdoor advertisement approval has lapsed, refer to the By-law on the Control of on Outdoor Advertising.
- (8) **Material and compaction test results:** After a practical completion certificate is correctly signed, the professional engineer must upload all material test results and compaction test results to the WLMS.
- (9) **As-built drawings:** After a practical completion certificate was correctly signed, the professional engineer must upload all as-built drawings to the WLMS.
- (10) **Certificate of completion:** Once the notification of completion of the work is received, the service coordinator shall generate a certificate of completion on the WLMS. The professional engineer must download the certificate of completion and schedule a site meeting with all the relevant officials listed on the certificate.
- (11) **Return of the refund deposit:** The WLMS shall prompt the professional engineer for the required documents needed for the processing of the refund.
- (12) **Final completion:** The WLMS shall prompt the professional engineer on final completion. The wayleave holder must include a guarantee period of twelve (12) months from the date of the completion certificate in its contract with the contractor. At the end of this period, the contractor is responsible for correcting all defects in the work.
- (13) The work must be carried out according to the procedures and specifications as referred to in the wayleave document, the conditions under which the work was approved and any other requirements of affected service agencies.

- (14) The wayleave and the approved service plans of the service agencies must be kept on site at all times while the work is in progress.
- (15) Work shall be stopped if the following documents are not available on-site during inspections:
- (a) documents supporting the wayleave approval and conditions (as listed on the wayleave approval document itself)
 - (b) wayleave document with approved service plans
- The work shall remain stopped until all the required documents are brought to the site.
- (16) On completion of the work, all trenches and excavations in the public road reserve must be backfilled and reinstated according to the specifications and snagging list referred to in this By-law and to the satisfaction of the service coordinator.
- (17) After the site meeting, the professional engineer must upload the signed and completed certificate of completion, the signed as-built drawings, the compaction test results and the material test results to the WLMS.

3. SCOPE OF WORK IN THE PUBLIC ROAD RESERVE

- (1) Work in the public road reserve includes digging trenches, tunnelling, erecting outdoor advertising signs, erecting structures, street shaping and landscaping, planting and maintaining ground cover and trees in the public road reserve 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 reserve.
- (2) Section 3(1) outlines the various types of work that require conditions from the relevant service agencies before a wayleave is granted, and these activities shall be conducted in accordance with the procedures outlined in this By-law. These activities primarily pertain to positioning a new service or maintaining an existing service within the public road reserve. Examples of such activities encompass a broad range, including but not limited to, the following: -
- (a) work related to the installation or maintenance of underground or overhead services by the Municipality's service agencies such as the Roads and Transport Department, the Water and Sanitation Department, the Energy and Electricity Department and the Environment and Agriculture Management Department;
 - (b) work related to the installation or maintenance of underground or overhead services done by non-municipal service agencies such as those for telecommunication, electricity, gas, oil and regional water supply;
 - (c) the erection of structures that require approved building plans in terms of the National Building Regulations and Building Standards Act, 1997 (Act 103 of 1997);
 - (d) the erection of advertising signs and structures that require approval in terms of the relevant By-laws;
 - (e) roadworks, such as construction of new roads, road widening or accesses to developments, that is undertaken by developers;
 - (f) the installation of new connection points for municipal services, such as for water, sewers, electricity and storm water drainage, for developments;
 - (g) erection of hoardings in the public road reserve;
 - (h) installation of services by private concerns, for example data cables to connect different buildings;

- (i) the installation or construction of kerbing, paving, bollards, walls, gardens, etc on sidewalks by property owners or occupiers;
 - (j) the planting of trees or any other plants and the installation of irrigation pipes;
 - (k) temporary road closures for construction purpose;
 - (l) traffic-calming infrastructure and devices; and
 - (m) electronic communication infrastructure
- (3) 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 section 14 of this By-law.
- (4) The types of work that do not include any construction work but will require traffic control due to the activities taking place within the public road reserve (work not requiring a wayleave) must be executed according to the procedures set out in section 15 of this By-law.
- (5) **Maintenance notification:** A maintenance notification is an essential document that the professional engineer is required to submit to the service coordinator regarding planned maintenance activities for damaged infrastructure or services. The maintenance notification should include the following information:
- (a) the purpose and scope of the maintenance work;
 - (b) the date and time of the maintenance work;
 - (c) the expected duration and impact of the maintenance work;
 - (d) the contact details of the maintenance contractor and the engineer; and
 - (e) the professional liability insurance of the appointed engineer.

4. WAYLEAVES ORGANISATION

- (1) All work in the public road reserve is controlled by an approved wayleave.
- (2) Large projects must be divided into wards. A single wayleave application may be submitted for a large project in a ward that covers work in a multiple streets, provided that the positions and expected commencement and / or completion dates of all work in the public road reserve are adequately described in the application. Each street and position where work will be carried out must be clearly identified in the wayleave application.
- (3) The required application information is stated on the electronic WLMS and may include, but is not restricted to, the following: -
- (a) **Description** of the work to be done
 - (b) **Time frame** within which the work must be done
 - (c) **Location of work:** Due to wayleave application limitations, large projects may need to be divided into ward-specific segments. This will require multiple wayleave applications to cover the entire project area.
- (4) Additionally, there may be specific conditions related to the wayleave which shall be stated on or referred to on the wayleave. Such conditions may include the following: -
- (a) specific working conditions required in terms of the Occupational Health and Safety Act, 1993 (Act 85 of 1993);
 - (b) methods of work execution in protected roads and precincts;
 - (c) specific conditions required by the service agencies; and
 - (d) reinstatement requirements

- (5) A wayleave application must be done on the electronic WLMS by a professional engineer, supported with the following information to the extent applicable: -
- (a) a traffic control plan which shows how vehicular and pedestrian traffic shall be accommodated during the execution of the works in the public road reserve;
 - (b) design drawings which show the details of the proposed work;
 - (c) digital photographs which clearly show the area of the proposed work;
 - (d) written proof that the environmental impact assessment (EIA) and water use licence application (WULA) requirements have been met;
 - (e) payment of the required deposit or submission of proof of financial guarantees; and
 - (f) payment of the prescribed processing fee.
- (6) Details required on the design drawing referred to above should include the following to the extent possible: -
- (a) all detail design drawings are to be done in accordance with the Standard Specifications for Municipal Civil Engineering Works, 3rd Edition, 2005, and the standard City of Tshwane detail drawings;
 - (b) a clear depiction of the proposed scope of work and anticipated activities;
 - (c) an indication where services are to be installed and the depth of the service below the surface level of the relevant portion of the public road reserve and in relation to existing services;
 - (d) the distance of the service from the public road reserve boundary (that is, the property boundary);
 - (e) the position of all existing above-ground structures, traffic signals, trees and street furniture;
 - (f) the position and extent of all underground structures such as manholes, chambers and junction boxes;
 - (g) the location of all other services in the public road reserve (Services are located by obtaining information from the service agencies (by means of a service enquiry) and by doing cross-cuts. Cross-cuts are required in all cases where excavations form part of the work.); and
 - (h) a wayleave shall only be issued once all the requirements have been complied with and shall be subject to the conditions specified in this By-law and on the electronic WLMS;

Provided that the Roads and Transport Department may at its discretion and with good reason, exempt an applicant from compliance with any one or more of the requirements reflected in paragraphs (a) to (h) above or any other requirement(s) provided for in this By-law.

- (7) The relevant municipal department that is making applications is responsible for uploading proof that the Financial Risk Management Subsection in Group Financial Services has been duly notified and has consented to cover the construction works.
- (8) The application for a wayleave must be submitted in time (at least thirty (30) working days before) in order to ensure that the wayleave can be issued before the work is programmed to start. Work being carried out in the public road reserve without a wayleave must be reported to the service coordinator and shall be stopped by an authorised agent on site. A copy of the wayleave must therefore always be on site when work is being done in the public road reserve.

- (9) The service coordinator shall endeavour to limit the duration of the application process to a period of thirty (30) working days for a new wayleave application.
- (10) Expiry of application phases must be aligned to; and comply with: -
- (a) **Service enquiry:** A service enquiry shall expire if there is no activity or payment of fees within sixty (60) calendar days of the date of the enquiry;
 - (b) **Cross-cut:** A cross-cut application shall expire if there is no activity or payment of fees within sixty (60) calendar days of the date of the application;
 - (c) **Wayleave:** A wayleave application shall expire if there is no activity or payment of fees within sixty (60) calendar days of the date of the application;
 - (d) **Approved wayleave:** An approved wayleave shall expire if there is no activity or payment of fees within sixty (60) calendar days of the date of approval;
 - (e) **Validity period:** Approved wayleaves have a validity period that must be adhered to. If the construction activity exceeds the expiry date, an extension of time application is required. See section 4(14) for more details; and
 - (f) **Refunds:** Application fees are non-refundable for all applications, but security deposits shall be refunded once the project is completed.
- (11) The wayleave holder accepts full responsibility for all costs associated with and resulting from the work carried out in the public road reserve.
- (12) Only work that is described in the wayleave may be executed. If the conditions on the site necessitate a deviation from the planned work, the service coordinator must be informed before any work is done. These deviations may be in relation to the position of the service or the timing of the works. The service coordinator may inform the wayleave holder of additional approvals that must be obtained from the service agencies affected by the deviation as well as further requirements in terms of drawings and specifications. Work shall only be allowed to continue once the service coordinator is satisfied that all the additional requirements have been met.
- (13) The wayleave holder must complete the work within the time frame specified on the wayleave or the approved time extension.
- (14) Professional Engineer request an extension of time application form from the service coordinator. This form must be completed and submitted no later than seven (7) working days before the current wayleave expires. Be aware that the approval of the time extension may be delayed if other contractors with approved wayleaves are also working in the area.

5 EXISTING SERVICES AND PLANNED SERVICES

- (1) Documentation received from; or submitted by service agencies does not in any way constitute approval of a wayleave.
- (2) After submitting a wayleave application on the WLMS, a notification shall automatically be sent to all known service agencies recorded within the municipal jurisdictional area informing them that wayleave application was received for a service enquiry to be conducted and obtain relevant information from such agencies regarding their services and interests. If the consultant knows of any that are not part of the known services, they must do the service enquiry on their own. The wayleave applicant must submit service drawings which indicate the position of services in the area of work together with the wayleave application form. This information may be obtained by means of a service enquiry from the relevant service agencies.
- (3) Service agencies may require additional precautions related to work in the vicinity of their services and must specify these in writing to be communicated to the wayleave applicant.

- (4) It is the responsibility of each service agency, and not the service coordinator, to ensure that their information given to wayleave applicants is accurate and up to date and adequately communicated to all interested parties.
- (5) Approval of a wayleave by the service coordinator shall not in any way be interpreted as approval for waiving any of the conditions or requirements of a service agency.
- (6) The service agencies must give information not only about existing services, but also about future services. The service coordinator shall verify with all service agencies whether future work is planned for the area indicated in the wayleave application. Such planned work may dictate whether a wayleave is approved and the conditions under which a wayleave is approved. The planning horizon shall depend on the planned life of the new service as well as the Municipality’s five-year Integrated Development Plan (IDP).

6. CROSS-CUT APPLICATIONS

- (1) Cross-cut applications must indicate in detail where the cross-cut will be made and what services are expected to be found. The purpose of cross-cuts is to establish and confirm the position of services in areas where the information on services is known but the exact position is unclear and uncertain.
- (2) A cross-cut is done by excavating a trench that runs from the edge of the road up to the property boundary, perpendicular to the normal direction of services. Excavation must always be done by hand. The minimum depth of the cross-cut trench is one (1) metre below the lowest point of the public road reserve.
- (3) Because cross-cuts are excavations in the public road reserve in the immediate vicinity of existing services, a wayleave must be obtained before cross-cuts may be done.

7. ROAD CATEGORIES

- (1) All roads are classified under one of the functional categories described below. The functional category of a road determines the backfilling and reinstatement specifications that are applicable to that road.
- (2) The following road categories shall be applicable: -

Table 1

	Road type
	i. Urban freeway or motorway
	ii. Major (inter) urban arterial
	iii. Minor (intra) urban arterial
	ii. Inter-neighbourhood distributor
	iii. Intra-neighbourhood distributor
	iv. Residential street

- (3) All roads have been categorised as one of the above categories by the Municipality. For any specific road, this information can be obtained from the **GeoWeb Viewer** at the following link:
 - (a) https://e-gis002.tshwane.gov.za/E_GIS_Web/
For provincial roads, the information is available as follows: -
 - (b) <https://pta-gis-2-Web1.csir.co.za/portal/apps/sites/#/qpdtrams/apps/7ff2a873b8d74a69b273a139c293fa61/explore>

8 PROTECTED ROAD SURFACES

- (1) Protected road surfaces are road surfaces where excavation of trenches is not permitted. A road surface is protected if it has been designated as a protected road surface by the Municipality. A road surface is designated as protected when the road is of particular strategic importance (Categories 1 to 3 in Table 1), if it poses special engineering difficulties or if it has been newly constructed or resurfaced.
- (2) Any road surface that has been newly constructed, reconstructed or resurfaced must be protected for a minimum period of five (5) years. A longer period may be applicable, depending on the type of surfacing and pavement layers. The service coordinator may relax the protected period, depending on the specific circumstances and after consultation with the Roads and Transport Department.
- (3) If a road surface is protected, it shall be indicated as such on the wayleave by the officials responsible for road asset management.
- (4) Protected road surfaces or such other road surfaces as may be indicated on the wayleave at the discretion of the Municipality may only be crossed using trenchless methods. If such methods cannot be used for some reason, special permission to excavate must be obtained through the wayleave process.
- (5) For the purpose of planning work by service agencies, Categories 4 and 5 in Table 1 may be regarded as unprotected, unless they have been newly constructed or resurfaced, and provided that the first twenty (20) metres from an intersection with any other road category is considered to be protected.

9. PROTECTED PRECINCTS

Work in protected precincts is subject to special trenching methods and care in order to ensure minimal damage to specialised and expensive material and furniture. The service coordinator shall inform the wayleave applicant of the required methods and may request that a third-party contractor be used to carry out the work.

10 COSTS

- (1) A processing fee shall be charged on the following basis:
 - (a) a fixed amount that is payable by the wayleave applicant upon submission of a wayleave application. This fee amount shall be determined by the Municipality on the recommendation of the service coordinator from time to time and shall be subject to public participation;
 - (b) the processing fee covers the Municipality's costs for work done by the service coordinator. Processing fees shall not be payable by national, provincial or local government bodies;
 - (c) the processing fee shall only be applicable from 1 July of any particular year; and
 - (d) processing fees paid shall not be refunded.
- (2) Security deposit arrangements shall be determined based on the following: -
 - (a) a refundable security deposit shall be charged for each wayleave being issued. Security deposits shall not be charged for work done that is departmentally by municipal departments;
 - (b) the deposit amount shall be based on a percentage (currently five (5) percent) of the work to be carried out for large works, and a fixed amount for smaller works;
 - (c) a wayleave holder who can produce proof of sureties or deposits held by other municipal agencies for the same project, the deposit shall be waived if the service coordinator considers the amount retained as sufficient to cover the potential risks involved;

- (d) as an alternative to a security deposit, a guarantee in accordance with the Tariffs and Property Rates Policy and Bylaw promulgated for that financial year may also be submitted, subject to approval by the service coordinator. The guarantee can be used for more than one approved wayleave, provided that the guaranteed sum is sufficient for the multiple wayleaves in accordance with the Tariffs and Property Rates Policy and Bylaw promulgated for that financial year;
 - (e) The guarantee cannot have an expiry date, but it can only be returned after a certificate of completion is uploaded to the WLMS;
 - (f) the Municipality shall have the right to use the security deposit to cover costs related to safety on the site and damage to municipal infrastructure in relation to the wayleave under consideration; and
 - (g) The responsibility remains with the wayleave holder to ensure that the contractor engaged in the implementation of the work has valid and sufficient public liability insurance. Proof thereof must be submitted as part of that wayleave application process.
- (3) additional costs may result from any of the following: -
- (a) damages to existing services;
 - (b) relocation of existing services;
 - (c) testing of services and backfills;
 - (d) costs claimed by the Tshwane Metro Police Department from external service agencies for loss in revenue due to removed parking meters;
 - (e) lane rentals; and
 - (f) services rendered by the service coordinator in completing work or altering work to conform to wayleave specifications
- (4) Claims that may result from the work, for example third-party claim extension of time applications, temporary road closure applications. All such costs shall be borne by the wayleave holder.
- (5) A party that wishes to dispute the costs charged to it as a result of any of the above-mentioned reasons shall do so at own cost during the public participation process.
- (6) The security deposit shall be refunded after completion of the works. The refund process is part of the WLMS and shall be subject to the professional engineer uploading seven different types of document.
- (7) The original guarantee shall be returned once the as-built drawings, the compaction test results and the certificate of completion have been submitted to the WLMS.

11. TRAFFIC CONTROL

- (1) It is the responsibility of the professional engineer to ensure that all legislation regarding traffic, safety, traffic signs and barricading are complied with while executing work in the public road reserve. To this end, the professional engineer must submit a detailed traffic and pedestrian management plan as part of the wayleave submission.
- (2) The person working in the public road reserve shall therefore take all the necessary precautions and measures and provide all necessary facilities to ensure an adequately safe and easy passage for traffic and pedestrians through areas in which work is in progress or is incomplete.
- (3) An approved traffic and pedestrian management plan must be kept available on site as part of the conditions under which the wayleave is approved.

- (4) Traffic signs and barricading shall be done according to the latest edition of the Southern African Development Community Roads Traffic Signs Manual.
- (5) The wayleave holder must contact the relevant traffic authority to ensure that all requirements have been met for the particular location where the work is being done and whether pointsmen will be required.
- (6) Work carried out on arterials, major collectors and central business district roads and such other roads as may be determined by the Municipality or the service coordinator shall be restricted to outside peak traffic periods. Peak periods are from 06:30 to 08:00 and 15:30 to 18:00. These times apply seven (7) days a week. The service coordinator may allow work to be done during peak periods in cases where traffic and/or pedestrian flow will not be affected by the work.
- (7) The importance of adequate traffic signs and barricading shall at all times be observed and respected and the service coordinator shall be at liberty to demand compliance with such measures which the service coordinator may deem appropriate under the circumstances. These measures are intended to ensure the maximum safety for motorists, pedestrians and workers as well as the minimum disruption to vehicle traffic and pedestrians. Work sites must be properly barricaded and signed, irrespective of how long the work will take. The safety precautions must be maintained for the full period that risks exist in the public road reserve due to the work being performed.

12. TEMPORARY ROAD CLOSURES FOR CONSTRUCTION PURPOSES

- (1) The granting of a wayleave does not give the wayleave holder the authority to completely close the road to traffic. Temporary closure of roads remains subject to compliance with the provisions of the Local Government Ordinance, 1939 (Ord. 17 of 1939), as amended and other applicable legislation. Methods of construction and programmes of work must therefore be determined on the basis that no road or portion of a road may completely be closed to traffic for any appreciable period.
- (2) In exceptional circumstances, permission may be granted for the temporary closure of a road or portion of road to traffic. The wayleave holder must apply to the Municipality separately through their professional engineer as soon as they become aware that a temporary road closure is needed, which is at least fourteen (14) working days before the planned temporary closure. A road closure shall be approved for a specific period only (specific time and date) and shall only be valid for that specific period. If the work is not carried out in that period, an application for a new road closure shall have to be made.
- (3) Fees are in accordance with Tariffs and Property Rates Policy and By-law.

13. LANE RENTAL

- (1) Lane rental refers to the rental of space in the public road reserve for any purpose other than providing a service to road users.
- (2) The payment of lane rentals for work in the public road reserve is mainly aimed at encouraging wayleave holders to reduce the impact on road users by limiting construction time to a minimum.
- (3) Lane rentals shall be payable from the date that work commences in the road reserve up to the date that the lane rental is no longer needed.

14. EMERGENCY WORK

- (1) Emergency work is defined as any work that is required to prevent or end a dangerous situation, to prevent or end an unplanned interruption in the supply of a service, or to avoid any substantial losses. Lack of proper planning of work to be carried out shall not be deemed so as to justify the carrying out of emergency work.

- (2) Examples of emergency work *inter alia* include the following:
 - (a) Electricity supply failures
 - (b) Burst water pipes
 - (c) Waste water blockages resulting in overflows
 - (d) Flood damage
 - (e) Sinkholes
- (3) The service coordinator shall provide an emergency number for the use of service agencies that require information on the position of services in the area where emergency work is to be carried out.
- (4) The service coordinator must be notified in writing within one (1) working day from commencing with emergency work. An emergency notification certificate (obtainable from the service coordinator) must be used for this purpose. An alternative electronic emergency notification system can be used if mutually agreed upon by the service agency and the service coordinator. If the service coordinator is not notified within twenty-four (24) hours from the first working day, it is an offence in terms of this By-law
- (5) The emergency notification must always be certified by an authorised agent of the service agency as an emergency situation that requires their immediate attention.
- (6) Emergency work must be done in accordance with all procedures and specifications applicable to the type of work as set out in this By-law and as required by other service agencies whose services are affected.
- (7) Reinstatement of the affected roads and verges shall be done within two (2) weeks by the wayleave holder.

15. WORK NOT REQUIRING A WAYLEAVE

- (1) All projects that involve excavation, traffic management and pedestrian control require wayleave approval.
- (2) However, certain types of work may be exempt from this requirement, provided that they are short in duration and have a minimal impact on existing services, traffic and pedestrians.
- (3) Typical examples of work that does not require a wayleave include the following:
 - (a) Routine maintenance of services in the public road reserve that does not require excavation, traffic control or reinstatement of roads and verges
 - (b) Vegetation management in the road reserve, such as cutting, removing or relocating plants
 - (c) Placement of advertising material on or within structures that were pre-erected with an approved wayleave for that purpose
 - (d) Erection of signs and road furniture, with or without outdoor advertising, where foundation excavations do not exceed three hundred and fifty (350) millimetre in depth
 - (e) Temporary diversion of traffic for public events such as sport events, mass gatherings and parades, application to Metro Police.
- (4) Ignorance of the provisions of this By-law shall not absolve a transgressor from liability to comply; provided the Roads and Transport Department must be contacted for clarification of obligations.
- (5) This By-law shall, subject to section 15(4) above, not apply to other types of work specifically exempted from wayleave requirements.

16. EXCAVATIONS

- (1) The area that is excavated must always be kept to a minimum. The width of the trench must be uniform in length and in depth, in other words the sides must be parallel and vertical. The top of the trench in a road must be cut with a saw to ensure smooth, uniform edges. The minimum width of the trench must be four hundred (400) millimetre and the surfacing must be cut one hundred (100) millimetre wider on both sides of the trench, as shown on STD006 Sheet 1 of 1.
- (2) All excavations must comply with the statutory requirements for health and safety standards. The wayleave holder must pay specific attention to the following:
 - (a) Excavations that need to be executed in accordance with the Occupational Health and Safety Act, 1993 and its regulations, as amended from time to time
 - (b) Excavations deeper than one comma five (1,5) metres must be shored or V-cut according to the Occupational Health and Safety Act, 1993.
 - (c) Excavations deeper than one comma five (1,5) metres must be registered with the Department of Employment and Labour before commencement of the work. Registration includes the scope of the work, the depth of the trench and the construction method (shoring or V-cut method according to the Occupational Health and Safety Act, 1993)
- (3) For all work where excavations are required, a construction board (wayleave name board, STD001) must be conspicuously displayed at the site and it must indicate the approved wayleave number, the name of the wayleave holder and the name of the construction company. The name board layout must be in accordance with the standard specifications of the Municipality.
- (4) The minimum depth at which any service may be placed under a road surface or at any other place in the public road reserve shall be according to the standard specifications of the Municipality.
- (5) All excavated material and equipment must be placed and demarcated in such a way so as to cause the minimum disruption to vehicle traffic and pedestrians.
- (6) The view of motorists must be kept clear at all times and must not be affected by any obstructions such as excavated material, road signs or hoardings.
- (7) A safe passage must be kept open for pedestrian traffic at all times.
- (8) Excavation areas must be clearly demarcated with warning signs that allow ample time for motorists and pedestrians to alter their routes when necessary.
- (9) The wayleave holder is held responsible for any damage to existing services. Services that are indicated on the drawings or on the site by representatives of the relevant service agencies must be opened by careful hand excavating. If the services cannot be found, the relevant service agency must be contacted again by the wayleave holder for further clarity and instructions. Under no circumstances may a wayleave holder excavate with mechanical equipment or use drilling equipment (trenchless methods) before the known services have been identified, found and clearly marked. When found, services must be marked and protected or supported as required by the service agency. If the services need to be relocated, instructions from the service agency must be complied with as if they are the instructions and requirements of the Municipality. The wayleave holder shall be responsible for all relocation costs. If any services are damaged as a result of the work, the relevant service agency and the service coordinator must be contacted immediately and be informed of the full detail and extent of the damage as well as the cause of damage. Any information that is wilfully wrong or withheld shall constitute a criminal offence in terms of this By-law.

- (10) Adequate preventative measures must be taken to ensure that no water (for example due to rain or otherwise) flows into the open trenches, since this will result in weakening the structural layers of the road. Any water that is present in the trenches must be pumped out before backfilling. Water must be pumped into the storm water system and not into sewer manholes. Any material that has become wet must be removed from the bottom of the trench before backfilling may commence.
- (11) The wayleave holder must prevent foreign materials from entering the drains and ensure that silting does not occur, either from pumping operations or as a result of rain. If any silting or other contamination does occur, the wayleave holder must clean the drains or request the service coordinator to do it at the cost of the wayleave holder.
- (12) All reusable materials such as concrete blocks, slabs, kerbs, gutters, channels and storm water inlets must be removed with care and reused if possible. Any surplus material must be returned to the Roads and Transport Department stores. The address shall be available from the service coordinator.
- (13) If any street furniture (for example street names, traffic signs, bus shelters, etc) or other services (for example cables, pipes, etc) must be removed, arrangements must be made with the relevant service agency for the removal, storage and re-erection thereof. The cost specified by the relevant authority shall be for the wayleave holder's account.
- (14) Where excavations are made through entrances to properties, access must be maintained by using steel plates, planks or other temporary bridges of sufficient strength that are properly secured against movement. The occupants of the properties must be kept informed at all times of how their accesses will be affected.
- (15) The finishing, cleaning up and reinstatement of the construction site to its previous condition is considered part of the work and must be completed within fourteen (14) days after reinstatement of the trench has been done. If the wayleave holder fails to do so, action shall be taken by the Municipality, as started in this By-law.

17. TRENCHLESS METHODS

- (1) If trenchless methods are used, disruption of traffic flow and pedestrian movement can be reduced considerably or totally eliminated. However, it is important that the wayleave holder who is using such methods must have all the necessary equipment and expertise to successfully complete the work. These methods can be used for all road categories, but they shall be used for all roads classified as "protected" as defined in this By-law.
- (2) Work using these methods can only be done as approved in the wayleave. The position of existing services must be located accurately. If any services are damaged, the wayleave holder shall be responsible for all costs.
- (3) The depth to the top of any tunnel that is drilled for the installation of new services must be at least eight hundred (800) millimetre, measured from the lowest level of the road surfacing.

18. ELECTRONIC COMMUNICATION NETWORKS, INCLUDING MICRO TRENCHING AND CLOSED-CIRCUIT TELEVISION

- (1) It is an offence in terms of this By-law to make a wayleave application with no intention to go into construction, but only to block competitors from applying.
- (2) A wayleave approval document is issued to a wayleave holder (electronic communication network) for the purpose of construction. A wayleave document cannot be transferred from one wayleave holder (electronic communication network) to another, nor can an approved wayleave be sold.
- (3) Before submitting a wayleave application, professional engineers should use the search map function of the WLMS to investigate existing applications and approvals.

- (4) Electronic communication networks must: -
- (a) be installed as shown on in the STD PLN specifications. Generally, Provided that overhead electronic communication networks are not permitted. Motivation to the service coordinator can be made, and if exceptional circumstances are motivated, the service coordinate shall make a recommendation for approval to the Group Head: Roads and Transport.
 - (b) The following minimum specifications shall be applicable to all manhole covers for electronic communication networks within the public road reserve:
 - (i) In the carriageway: The minimum load-bearing capacity is forty thousand (40 000) kilogram (SANS 50124, 1994 – D400)
 - (ii) In the verge: The minimum load-bearing capacity is four thousand (4 000) kilogram (SANS 1882, 2003 – Medium Duty)
- (5) Micro trenching must: -
- (a) In the project feasibility phase, the professional engineer must make contact with all network licensees to find out if they are interested in co-building or leasing new micro trench fibre sleeves. This active network licensee's details can be obtained from FTTX Council (juanita@fttxcouncil.com).
 - (b) Documented proof of this communication must accompany the wayleave application.
 - (c) Implementation programme: Micro trenching shall only be allowed in streets with the following classification:
 - (i) Class 5(a): Local street, residential access collector
 - (ii) Class 5(b): Local street, residential access loop
 - (iii) Class 5(c): Local street, access cul-de-sac
 - (iv) Class 5(d): Local street, access way
 - (v) Class 5(e): Local street, access court
 - (vi) Class 5(f): Local street, access strip
 - (d) Communication with residents: The applicant shall communicate at own cost with residents at least fourteen (14) days before construction starts about the upcoming micro trench construction in the area.
 - (e) Fees and tariffs: All fees and tariffs shall be determined by the Municipality as part of the annual budget. See Section 10.
 - (e) Standards
 - (i) All standards as set out in the Standard Specification for Municipal Civil Engineering Works (1991) and the General Conditions of Contract for the Construction of Civil Engineering Works (2005) must be adhered to.
 - (ii) This By-law is for Class 5(a) to (f) residential roads only.
 - (iii) Crossing of Class 4 and Class 3 roads shall only be allowed if motivated by the professional engineer for the applicant and approved by the Group Head: Roads and Transport.
 - (iv) All fibre to residential premises must be installed in such a way that no new manholes, hand holes or junction boxes are built in the public road reserve. Jointing boxes can be motivated by the professional engineer and must be approved by the Group Head: Roads and Transport.

- (v) Micro trench: A maximum of fifty (50) millimetre wide and maximum three hundred (300) millimetre deep.
 - (vi) Before micro trenching can start, a slot-cut at fifty-six (56) millimetre from the kerb, five (5) millimetre deep and four (4) millimetre wide, must be done. This ensures a straight edge break.
 - (vii) At road crossings, the pre-cut slot must be sixty-two (62) millimetre apart, five (5) millimetre deep and four (4) millimetre wide, before the micro trench is cut.
 - (viii) A trench on the verge must be a minimum of four hundred and fifty (450) millimetre deep and have a warning plastic ribbon three hundred (300) millimetre from the natural ground level.
 - (ix) No micro trench can be open for more than forty-eight (48) hours. The construction programme and method must support this.
- (f) Specifications
- (i) No specification shall be prescribed in this By-law for sleeves, fibre and bedding around the fibre. This is for the licensee and its professional engineer to determine.
 - (ii) Backfill material: The material that was excavated must and/or can be used for backfilling. It must be modified to have an unconfined compressive strength of three comma zero (3,0) megapascal. No aggregates may be larger than twenty-six comma four (26,4) millimetre. Care must be taken to do the backfill as “green” as possible, to reuse all the extracted material, and not to import new material.
 - (iii) Rejuvenating product: To rejuvenate the old asphalt, a bituminous product must be applied to the inside wall of the micro trench and must be twenty-five (25) millimetre wide.
 - (iv) Reinstatement: Only hot fine asphalt with a minimum thickness of thirty-five (35) millimetre shall be allowed and no more than one thousand (1 000) kilogram may be on site at any time. Asphalt with a temperature of one hundred and twelve (112) degrees Celsius and lower must be removed from the site and cannot be used for reinstatement.
- (6) Closed-circuit television
- (a) All closed-circuit television (CCTV) infrastructure can only be installed inside the public road reserve with an approved wayleave. Any construction work related to CCTV network installations inside the public road reserve without an approved wayleave shall be an offence in terms of this By-law.
 - (b) Wayleave applicants shall only be Independent Communications Authority of South Africa (ICASA) network licensees.
 - (c) At traffic signal intersections, the traffic signal installation shall have the highest priority, and the CCTV infrastructure shall have secondary priority.
 - (d) All CCTV infrastructure shall be painted grey (grey, hex triplet #808080, or dimgrey, hex triplet #696969).
 - (e) Electricity supply: An agreement for electricity supply must be in place with the City of Tshwane Energy and Electricity Department before a CCTV wayleave application is made.

- (f) Uninterrupted power supply (UPS): If the CCTV network is installed at an intersection with traffic signals and the CCTV has a UPS, the possibility of supplying the traffic signal with this UPS must be investigated. If feasible, the traffic signal must be supplied at no cost to the Municipality. Requirements for traffic light supply are fifty (50) Hertz, two hundred and twenty (220) Volt pure-sine wave with a low frequency inverter.
 - (g) Data feed: As part of the CCTV feasibility study pre-application, a data feed to the Tshwane Metro Police Department future data facility must be investigated and incorporated at the cost of the wayleave applicant.
 - (h) Damaged CCTV infrastructure must be removed and/or replaced within twenty-four (24) hours after the incident at the cost of the wayleave holder, with a maintenance notification to the service coordinator.
 - (i) Security on equipment must be supported by a tamper-proof facility, with notification on vandalism of the equipment to be made a standard technology.
 - (j) Placement of CCTV infrastructure at non-signalised intersections must be done in such a way that the future signalisation of the intersection will not be hampered in any way.
 - (k) Removal of CCTV infrastructure for road upgrades, intersection upgrades, changes to or new traffic signal installations shall be for the wayleave holder's cost and must be done within fourteen (14) working days after written instructions from the service coordinator.
- (7) As-built information
- (a) During the completion inspection, all as-built information must be submitted to the Municipality in the prescribed format.
 - (b) The as-built drawings and/or information shall be treated as proprietary and confidential to the extent permitted by law.
- (8) Monitoring, evaluation and review
- (a) Wayleave approval documents that expire before construction commences cannot be renewed. Instead, the approval shall be cancelled, and a new application must be made.
 - (b) For construction that started before the expiry date but which has the potential to go over the expiry date, the professional engineer must make an application to extend the time.
 - (c) Construction must start within thirty (30) calendar days of approval and must be completed sixty (60) percent within twelve (12) months.
 - (d) All construction work must be executed under the supervision of a professional engineer.
 - (e) Backfill evaluation: One year after the date of the completion certificate has been signed by the Municipality, the licensee, the consultant and the Municipality's dedicated representative must evaluate the backfill of the micro trench. All defects must be fixed within two (2) months after this inspection.
- (9) Cancellation of an application shall be effected: -
- (a) Applicants who employ applications with the intention of impeding competition from participating in micro trench installation shall have their applications promptly removed upon receipt of reports from fellow applicants regarding this unethical practice.

- (b) Furthermore, should an application be initiated but show no progress within a period of fourteen (14) working days, the service coordinator shall initiate the deletion of the application. However, the consultant is encouraged to provide a formal justification for the lack of progress and to submit a request for an extension.

19. BACKFILLING AND REINSTATEMENT

- (1) Any trenching activity inevitably disturbs the structural integrity of a road or footway. Backfilling and reinstatement must therefore restore the pavement in order to prevent any failures or deterioration that will result in road user discomfort and/or increased costs, as shown on STD006 Sheet 1 of 1.
- (2) Backfilling refers to the replacement of the structural layers in the trench or excavation and includes the base, subbase and selected subgrade, but it excludes the surfacing, as shown on STD006 Sheet 1 of 1.
- (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.
- (4) Backfilling and permanent reinstatement must in all cases be done by the wayleave holder in accordance with the specifications as set out in the wayleave. Approval for the wayleave holder to do the permanent reinstatement shall be based on proven resources and performance history.
- (5) The wayleave holder must obtain prior written approval from the Municipality's Roads and Transport Department for the backfilling specification to be used. The proposed specification shall be submitted to the Roads and Transport Department, who shall provide written comments on the specification or an alternative specification. The standard Roads and Transport Department backfilling specifications shown on the typical plans will normally be accepted, but specific requirements may be applicable, depending on site-specific conditions, as shown on STD006 Sheet 1 of 1.
- (6) The standard backfill specifications of the Roads and Transport Department shall be applicable, but the wayleave holder must nevertheless obtain approval for the proposed backfill specifications.
- (7) When the wayleave conditions place the responsibility for the permanent reinstatement on the wayleave holder, then the reinstatement specification must also be approved in advance by the Municipality's Roads and Transport Department.
- (8) Permanent backfilling and reinstatement done by the contractor on behalf of the wayleave holder shall be subject to a construction guarantee period of one (1) year.
- (9) Temporary reinstatement must be done where the wayleave holder leaves the site with the view of returning to complete the work. The wayleave holder must maintain the temporary reinstatement during this period. The wayleave holder may not leave the site for more than fourteen (14) working days if a permanent reinstatement is not done.
- (10) The use of temporary reinstatements is generally not desirable, and the use thereof must be kept to a minimum. No more than fourteen (14) calendar days will be allowed.

20. PRACTICAL COMPLETION AND CERTIFICATE OF COMPLETION

- (1) As soon as the contractor requests the engineer to do a practical completion inspection, the professional engineer must request the creation of a practical completion certificate on WLMS. This certificate must be signed on the site by the engineer, the contractor and the City of Tshwane official (as indicated on the generated certificate).

- (2) Upon completion of the work, the engineer must request the creation of the certificate of completion on the WLMS. This certificate of completion must be signed on the site by the engineer, the contractor and all the officials as indicated on the generated certificate of completion.
- (3) When uploading the certificate of completion on the WLMS, the following documents shall be part of the completion: Certificate of completion, as-built, material test results, compaction test results and safety report, if applicable. The twelve (12)-month guarantee period for the works shall commence only then.
- (4) Completion of the work means that all work has been completed according to the specification document(s), that all materials, equipment and rubble have been removed, the site is completely cleared and cleaned to the satisfaction of the service coordinator and either the permanent or temporary reinstatement, as the case may be, was duly executed by the wayleave holder. Furthermore, it requires that all applicable documentation and as-built information as specified on the wayleave have been handed to the service coordinator for proper and accurate recording purposes.

21. OFFENCES AND PENALTIES

- (1) Any person who –
 - (a) contravenes or fails to comply with any provision of this By-law;
 - (b) does, causes, permits, or suffers any act contrary to or otherwise than as provided by these By-laws;
 - (c) omits, neglects to do or permits or suffers to remain undone anything which according to the true intent and meaning of this By-law ought to be done at the time and in the manner provided therein;
 - (d) knowingly permits or allows any condition of things to exist or continue to exist that are contrary to this By-law;
 - (e) does not cease any action which that person is required to cease in terms of this By-law;
 - (f) fails or refuses, neglects to comply and/or continuously fails, refuses and/or neglects to comply even after notices of breach or lawful institutions have been issued in terms of this By-law;
 - (g) fails to comply with any notice, direction or conditions contained in any approval granted by the Municipality; or
 - (h) obstructs an authorised agent in the execution or performance or attempted execution or performance of any duty to be discharged by such an authorised agent in the exercise of any power conferred by this By-law –

shall be guilty of an offence and if found guilty be subject to a sentence of a maximum fine of R60,000.00 (Sixty Thousand Rand), or imprisonment not exceeding 3 (Three) years, or both such fine or imprisonment which the court may deem appropriate; Provided that should the offence justifies that the matter be heard within the Regional Court jurisdiction, then such fine may be increased to a maximum of R300 000.00 (Three Hundred Thousand Rand), or imprisonment not exceeding 15 (Fifteen), years or both such fine or imprisonment which the court may deem appropriate; or a fine in terms of the *Adjustment of Fines Act*, 1991 (Act 101 of 1991).

- (2) Any material, tools or equipment which are reasonably suspected of being used or are intended to be used or have been used in or in connection with illegal work in contravention of this By-law used in contravention of this By-law may be seized, removed and impounded and be disposed of in terms of the Criminal Procedure Act, 1977 (Act 51 of 1977)

22 DELEGATIONS OF POWERS

- (1) The Authorised Agent shall be authorised to exercise any law enforcement powers provided for in this By-law.
- (2) The Group Head of the Department shall be at liberty to delegate any one or more of the powers provided for under this By-law to an official or officials within his / her Department.
- (3) The said Group Head of the Department shall, subject to Council Policy, be entitled to enter into agreements with third parties outside the Municipal Administration and such agreement(s), if any, shall reflect the powers entrusted to such third parties.

23 REPEAL OF BY-LAWS, SHORT TITLE AND COMMENCEMENT

- (1) The City of Tshwane Metropolitan Municipality's By-law regulating Work in the Public Road Reserve, promulgated in the Provincial Gazette of 19 February 2014 under Local Authority Notice 229 of 2019, is hereby repealed and replaced by this By-law, which shall apply within the Municipality's area of jurisdiction.
- (2) This By-law supersedes any other By-law concerning the management and control of work within the public road reserve that was previously in force within the Municipality's area of jurisdiction.
- (3) This By-law shall be called the City of Tshwane Work in the Public Road Reserve By-law, 2026, and it takes effect on **11 FEBRUARY 2026** after publication in the Gauteng Provincial Gazette.

LOCAL AUTHORITY NOTICE 122 OF 2026**ADVERTISEMENT NOTICE PROVINCIAL GAZETTE NOTICE TSHWANE TOWN-PLANNING SCHEME, 2008**

Notice is hereby given to all whom it may concern, that in terms of Clause 16 of the Tshwane Town Planning Scheme, 2008, (Revised 2014) read with section 16(3) of the City of Tshwane Land Use management By-law 2016. I, Amanda, Kathleen Muller intend applying to The City of Tshwane for consent for: "Place of Instruction" on Erf 272, also known as 254 Tipperary Road, Hennospark located in a Residential zone. Any objection, with the grounds therefore, shall be lodged with or made in writing to: The Strategic Executive Director: City Planning, Development and Regional Services. *Centurion: Room F8, Town Planning Office, cnr Basden and Rabie Streets, Centurion, PO Box 14013, Lyttelton, 0140: or within 28 days of the publication of the advertisement in the Provincial Gazette, viz 4 February 2026. Full particulars and plans (if any) may be inspected during normal office hours at the above mentioned office, for a period of 28 days after the publication of the advertisement in the Provincial Gazette. Closing date for any objections: 4 March 2026. Applicant street and postal address 97 Old Kent Road, Midstream Estate, Postnet Suite 038, Private Bag X1007, Lyttelton, 0140, TELEPHONE: 061 407 0237

PLAASLIKE OWERHEID KENNISGEWING 122 VAN 2026**TSHWANE – DORPSBEPLANNINGSKEME, 2008**

Ingevolge klousule 16 van die Tshwane – Dorpsbeplanningskema, 2008, (hersien in 2014) word hiermee aan alle belanghebbendes kennis gegee dat ek, Amanda Kathleen Muller van voornemens is om by die Stad Tshwane aansoek to doen om toestemming vir "Plek van Onderrig" Op Erf 272 ook bekend as 254 Tipperary Weg, Hennospark geleë in 'n Residentiele sone. Enige beswaar, met die redes daarvoor, moet binne 28 dae na publikasie van die advertensie in die Provinsiale Koerant, nl 4 Februarie 2026 skriftelik by of tot: Die Strategiese Uitvoerende Direkteur: Stadsbeplanning, Ontwikkeling end Streeksdienste Centurion: Kamer 8, Stedelike Beplanning Kantore, h/v Basden-en Rabiestraat, Centurion. Volledige besonderhede en planne (as daar is) kan gedurende gewone kantoorure by bogenoemde kantoor besigtig word vir 'n periode van 28 dae na publikasie van die kennisgewing in die Provinsiale Koerant. Sluitingsdatum vir enige besware 4 Maart 2026. AANVRAER STRAATNAAM EN POSADRES Old Kent Straat 97, Midstream Estate, Postnet Suite 038, Privaat sak X1007, Lyttelton, 0140. TELEFOON: 061 407 0237