

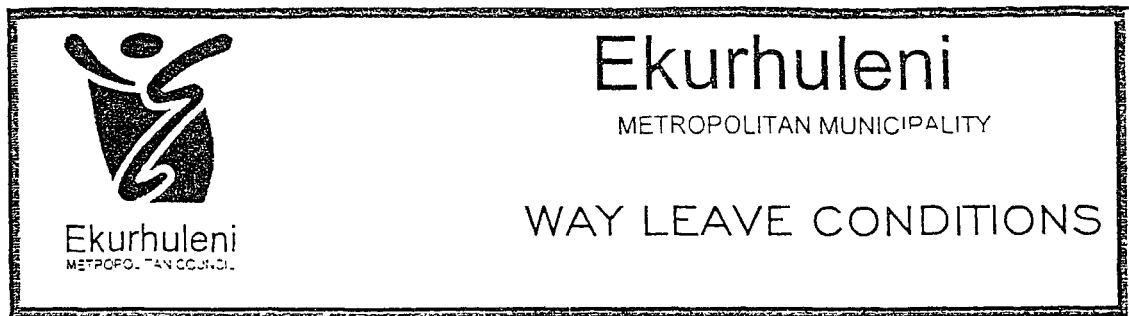
POLICY: WAY LEAVE

Item A-PT (16-2004) CM 26/08 /2004	WAY LEAVE POLICY AND CONDITIONS APPLICABLE FOR THE EKURHULENI METROPOLITAN MUNICIPALITY
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RESOLVED:

1. **That** the report on the establishing of a Way leave Policy and Conditions **BE NOTED**.
2. **That** the Way leave Policy and Conditions attached as **Annexure “A”** to the report **BE ACCEPTED** and **IMPLEMENTED** with immediate effect by the existing offices in the Customer Care Centres (CCC’s) tasked with this function.
3. **That** Central Control Offices for considering and issuing of Way leaves **BE ESTABLISHED** on a regional basis.
4. **That** the offices mentioned in (3) above **BE STAFFED** at the discretion of the Executive Director: Roads, Transport and Civil Works in terms of the Approved Staff Structure.
5. **That** the following **BE ADDED** under Section 2 of the Way leave Conditions attached as **Annexure “A”** to the report:

“Any person considering the carrying out of works on a site, which works is not related to a service as defined herein, must apply to the Corporate and Legal Services Department and obtain the approval of the Council before any application for a way leave in terms hereof will be considered.”



**THESE WAY LEAVE CONDITIONS APPLY WITHIN THE AREA
CONTROLLED BY THE EKURHULENI - METROPOLITAN MUNICIPALITY**

WAY LEAVE CONDITIONS

Prior to the Applicant executing work within the property of the Owner or over a servitude registered in the name of the Owner, the necessary Way Leave must be obtained from the office of the Owner and from the office of the Service Provider.

1. DEFINITIONS

- a) **“Applicant”** means the natural or juristic person or partnership named as the Applicant in the Way Leave application form and it includes a developer of land on which a servitude is registered and Service installed.
- b) **“Approved/Approval”** means approved/approval in writing by the Owner and by the Service Provider.
- c) **“Contractor”** means the natural or juristic person or partnership appointed by the Applicant for the purpose of carrying out the Works.
- d) **“Engineer”** means a professional engineer or a firm of Consulting Engineers appointed by the Applicant for the purpose of designing the Works and supervising the Contractor.
- e) **“Owner”** means the Ekurhuleni Metropolitan Municipality or its successor in title represented by the Way leave officer in each of its 3 regions (North-South- East).
- f) **“Service”** means:
 - 1) Any road and railway line;
 - 2) Any storm water, water, sanitation, gas, petrol pipeline;
 - 3) Any electricity or telecommunication cable: and
 - 4) Any tree or shrub or cultivated land

located within the Site of the Works and it includes associated works such as kerbs, manholes (inspection chambers), electricity poles etc

- g) **“Service Provider”** means the owner of the Service.
- h) **“Site”** means the land made available by the Owner for the purpose of the Way Leave on, under, over, in, or through which the Works are to be executed or carried out and it includes the land covered by a servitude registered in the name of the Owner.
- i) **“Works”** mean the works designed, supervised and constructed in accordance with the Way Leave application and conditions.
- j) **“Way Leave”** means the application and approval granted to the Applicant to carry out the Works on Site.

Words with capital letters shall have the meaning assigned to them in the definitions.

2. APPLICATIONS FOR WAY LEAVE

Any person considering the carrying out work on a Site must apply for a Way Leave.

- a) An application form must be obtained from the Way Leave officer located in each of the 3 regions of the Ekurhuleni Municipality. See annexure for addresses and telephone numbers.

It is the responsibility of the Applicant to apply within the correct region.

- b) To avoid delaying the process of considering the application, all information requested must be submitted.
- c) The Applicant shall submit with his application 5 detailed drawings, to a suitable scale and size, showing the **exact** position of the proposed Site and the **exact** nature and position of the proposed Works.
- d) On receipt of the application the Way Leave officer will request from all relevant sections within the regional Roads, Transport and Civil Works Department, that the position of existing Services within the proposed Site of the Works be marked on the drawing submitted. The comments of the relevant Department/s will also be sought regarding trees, shrubs that may be affected.

- e) The Applicant must approach all other Service Providers for the position of their Services. It is important to realise that some services if damaged are extremely expensive to repair and dangerous to the workers and public as for example high voltage cables, fibre optic cables petrol and gas pipelines. All electric cables must be considered to be live at all times.
- f) Low voltage electric cables, as for example cables supplying electricity to Street lights, and small diameter water pipelines and connection to houses / factories are not to be shown on the drawings as such positions are not recorded.
- g) If required by the Owner, the Applicant with his application must submit a method statement on how he intends to carry out the Works, how he will deal with pedestrian traffic, who will be the designated person in terms of the Occupational Health and Safety Act 85 of 1993 (General Safety Regulation 11), how long will the Works take for completion, and who the Consulting Engineer is.

Any person considering the carrying out of works on a site, which works is not related to a service as defined herein, must apply to the Corporate and Legal Services Department and obtain the approval of the Council before any application for a way leave in terms hereof will be considered. **[Inserted by Resolution 5 Item A-PT (16-2004) CM 26/08/2004]**

3. GENERAL

- a) The Applicant / Contractor may not commence with the Works on Site until and unless the Way Leave has been submitted, approved and the service has been approved on site.
- b) On Approval of the Way Leave, the Applicant will obtain 4 copies of the drawings which the Applicant has submitted with the marked up position of the Owner's Services.
- c) The Applicant / Contractor shall comply with all safety regulations in carrying out the Works. In particular he shall comply with the Occupational Health and Safety Act no 85 of 1993 (General Safety Regulations Section 13) regarding demolition and excavation work.
- d) The Applicant / Contractor shall designate in writing an employee with the duty of supervising the performance of the work in terms of Regulation Section 11 of the above mentioned Act.

- e) The position of Services shown on the drawings is only approximate. Position and depth of Services below ground, if given, is not guaranteed.
- f) No work shall be carried out on Site by using machinery unless the position of all Services shown on the drawings have been indicated on Site by the Service Provider and such Services have been exposed by hand excavation.
- g) At least 3 days notice must be given to the Way Leave Officer before Services can be indicated and work can commence on Site.

4. THE WORKS

- a) The Works must be constructed according to the applicable latest Standard SABS 1200 specifications or similar approved specification.
- b) No excavation shall be backfilled by the Applicant / Contractor unless and until an inspection has been carried out by the Owner to assess if any damage has been done to its Services.
- c) Photographs (in a digital format) of the Site shall be taken by the Applicant / Contractor prior to commencing with the Works to record any existing damage / fault found on or adjacent to the Site. Photographs showing damages / faults must be provided to the Way Leave officer before commencing with the Works. Should no such record be submitted, the Site is deemed to have been provided in a good condition.
- d) On completion of the Works the Site and its surroundings shall be left in a condition at least the same as that in which it was found.
- e) All road crossings must be designed and supervised by the Engineer, and constructed and made good to the satisfaction of the Roads, Transport and Civil Works Department. Defects found in the design, construction and repairs of the road crossing and other areas, will be made good by the Owner for a period of 12 months after completion of the Works, at the cost of the Applicant.
- f) No work shall be carried out on roads during peak hour traffic which is normally before 9 am and after 3 pm. The Ekurhuleni Metropolitan Police Department shall be liaised with regarding the accommodation of pedestrian and other traffic.
- g) Application to close roads must be submitted in writing by the Applicant / Engineer to the Way Leave officer at least 3 weeks

before the intended date of closure. No road shall be closed to traffic unless Approval has been obtained from the Roads, Transport and Civil Works Department.

- h) The Engineer / Contractor shall insure that no work shall be carried out in a road / street unless the necessary traffic signs in accordance with the SA Road Traffic Sign Manual are installed and maintained.

The following tables are annexed:

Annexure A: Contact numbers in case of emergency work

Annexure B: Contact numbers - Way Leave Officers (Civil Works)

Annexure C: Contact numbers - Way Leave Officers (Electrical Works)

Annexure D: Contact details - Service Providers

Annexure E: Way Leave Application Form (2 Pages)

5. EMERGENCY REPAIRS

In case of repairs to Services due to sudden emergencies, the Service Provider may not undertake repairs without obtaining a service control list from the Way Leave officer and only after services has been indicated on site. The Applicant at the first opportunity must complete the Way Leave form. The Applicant remains liable to the Owner for any damage / injury as described in the Way Leave form.

ANNEXURE A

(Annexure A)
CONTACT NUMBERS
FOR EMERGENCY CENTRES

EMERGENCY CENTRES	
ALBERTON SDC	861 - 4210
BENONI SDC	741 - 8000
BRAKPAN SDC	740 - 9016 / 7
EDENVALE SDC	452 - 1111
GERMISTON SDC	458 - 3000 / 0911
KEMPTON PARK SDC	394 - 2233

FIRE AND AMBULANCE	
BEDFORDVIEW	488 - 3000
BENONI	741 - 8000
BOKSBURG	894 - 8000
BRAKPAN	744 - 1111
GERMISTON	458 - 3000
NIGEL	814 - 8111
PRIMROSE	828 - 4323
VOSLOORUS	906 - 3525
WADEVILLE	824 - 2363
SPRINGS	811 - 1111

ANNEXURE B

(Annexure B)

**CONTACT NUMBERS
FOR WAY LEAVE OFFICERS****(Roads, Transportation and Civil Works)**

EKURHULENI METROPOLITAN MUNICIPALITY: (Water, Sewer, Storm water, Roads and Railway sidings)	
NORTHERN SERVICE DELIVERY REGION:	Contact person: H. Kidson Tel: 921-2217 Fax: 970-1429
KEMPTON PARK Service Delivery Centre P.O. Box 13 KEMPTON PARK, 1620	
LETHABONG Service Delivery Centre P.O. Box 25 EDENVALE	Contact person: Mr F. Zeelie Tel: 456-0116 Fax: 456-0242
SOUTHERN SERVICE DELIVERY REGION:	Contact person: S. Blaauw E-mail: sangra@germcity.co.za Tel. 874-6662 Fax. 874-6867
GERMISTON Service Delivery Centre P.O. Box 145 GERMISTON, 1400	Contact person: M. Swanepoel E-mail: madelein@germcity.co.za Tel. 874-6660 Fax. 874-6867
ALBERTON Service Delivery Centre P.O. Box 4 ALBERTON, 1450	Contact person: E. Hopley E-mail: elize@alberton.org.za Tel: 861-2204 Fax: 861-2043
BOKSBURG Service Delivery Centre P.O. Box 215 BOKSBURG, 1460	Contact person: E. Roets E-mail: roetse@boksburgetcouncil.co.za Tel: 899-4245 Fax: 917-1318
EASTERN SERVICE DELIVERY REGION :	Contact person: L. Venter Tel. 741-6263 Fax 421-5537
BENONI Service Delivery Centre P. O. Box 014 BENONI, 1500	
BRAKPAN Service Delivery Centre P.O. Box 15 BRAKPAN, 1540	Contact person: K. v.d. Merwe Tel 741-2109
SPRINGS Service Delivery Centre P. O. Box 45 SPRINGS,	Contact person: V. Venter Tel. 360-2427 Fax: 360-2415
NIGEL Service Delivery Centre P. O. Box 23 NIGEL, 1490	Contact person: Mr. Jordaan Tel. 360-6060 Fax: 360-6030

ANNEXURE C

(Annexure C)
CONTACT NUMBERS
FOR WAY LEAVE OFFICERS
(Electricity)

EKURHULENI METROPOLITAN MUNICIPALITY	
<u>ADDRESSES AS SHOWN ABOVE</u>	
<i>NORTHERN SERVICE DELIVERY REGION</i>	
KEMPTON PARK Service Delivery Centre	Contact person: J. Smit Tel: 921-2190
LETHABONG Service Delivery Centre	Contact person: P. Wait Tel: 456-0093 Fax: 456-0237
<i>SOUTHERN SERVICE DELIVERY REGION</i>	
GERMISTON Service Delivery Centre	Contact person: S. Blaauw E-mail: sandra@germotv.co.za Tel: 874-6862 Fax: 874-6867
ALBERTON Service Delivery Centre	Contact person: J.A.S. de Klerk Tel: 861-2392 Fax: 861-2048
BOKSBURG Service Delivery Centre	Contact person: N. Hietbrink Tel: 899-4022
<i>EASTERN SERVICE DELIVERY REGION</i>	
BENONI Service Delivery Centre	Contact person: F. Brandow Tel: 741-6371 Fax: 741-6372
BRAKPAN Service Delivery Centre	Contact person: S. Kriek Tel: 741-2067 Fax: 741-2075
SPRINGS Service Delivery Centre	Contact person: M. Swart Tel: 360-2210 Fax: 811-2562
NIGEL Service Delivery Centre	Contact person: J. Botha Tel: 360-6097 Fax: 814-3950

ANNEXURE D

(Annexure D)

CONTACT DETAILS : SERVICE PROVIDERS

ESKOM	
The Chief Executive ESKOM Lands and Rights Box 8610 JOHANNESBURG 2000	Contact person : Mr. John Boyce E-mail: boyceja@eskom.co.za Tel: 711-2525/6 or 711-2941 Fax: 711-2189
GAUTRANS	
Road Superintendent Private Bag X 001 BENONI 1500	Contact person : Mr. Jacob Segale Tel: 423-2602 Fax: 423-2837
PETRONET	
The Manager (Crossings & Estates) PETRONET Box 3113 DURBAN 4000	Contact person : Mr. JL Scrooby E- mail: jeff@petronet.co.za Tel: (031) 361-132 / 3 Fax: (031) 361-1346
RAND WATER	
The Chief Executive RAND WATER Survey Division Box 1127 JOHANNESBURG 2000	Contact person : Mr. Ralph Gray E-mail: rgray@randwater.co.za Tel: 682-0272 / 724-9201 / 825-5720 Fax: 903-8071
SASOLGAS	
The Service Co-ordinator SASOLGAS Box 123961 ALRODE 1451	Contact person: Mr. Bruce van den Heuvel E-mail: brucevandenheuvel@sasol.com Tel: 908-1010 ext. 259 Fax: 908-3777 / 864-4614
SPOORNET	
Infrastructure Maintenance Isando Central Box 3093 KEMPTON PARK 1620	Contact person : Mr Johan Momberg Tel: 978-4685 Fax: 978-4849
TELKOM	
The Manager Regional Executive : Technology and Network Services. Central Region East Box 932 CROWN MINES 1725	Contact person : W. Smit/ M Shafer E-mail: smitw3@telkom.co.za Tel: 309-9124 / 362-2896 / 362-1397 Fax: 309-9185

ANNEXURE E

(Annexure E)

<h2 style="margin: 0;">Ekurhuleni</h2> <p style="margin: 0;">METROPOLITAN MUNICIPALITY</p> <h3 style="margin: 0;">WAY LEAVE APPLICATION</h3>
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All juristic or other persons intending to carry out work on the property of the Owner or servitudes registered in the name of the Owner must apply and obtain permission before the Works can commence on Site.

The **Applicant** hereby indemnifies the Owner against any liability in respect of damage to or physical loss of the property of any person or injury to or death of any person and shall be liable to the Owner for damage to or physical loss of all property of the Owner, until the date of satisfactory completion of the Works, arising directly from the execution of the Works.

Work done by the Owner to correct defects found after completion of the Works, will be for the account of the Applicant.

THIS APPLICATION IS VALID FOR 3 MONTHS ONLY. A NEW APPLICATION MUST BE SUBMITTED AFTER 3 MONTHS.

SIGNED FOR THE APPLICANT _____ DATE ____/____/____
APPLICATION APPROVED BY WAY LEAVE OFFICER _____ DATE ____/____/____
APPLICANT
NAME : _____
ADDRESS : _____
CONTACT PERSON : _____
TEL NO : _____ FAX NO : _____
CONTRACTOR
NAME : _____
ADDRESS : _____
CONTACT PERSON : _____

TEL NO : _____ FAX NO : _____
ENGINEER
NAME : _____
ADDRESS : _____
CONTACT PERSON : _____
TEL NO : _____ FAX NO : _____
PHYSICAL LOCATION OF THE WORKS (ATTACHED 5 COPIES OF DRAWINGS) _____

Ekurhuleni
METROPOLTAN MUNICIPALITY
INSPECTION LIST

BREAKDOWN NO:		
PROJECT NO:		

THIS PAGE TO BE KEPT ON SITE					
PRE-CONSTRUCTION SITE INSPECTION FOR LOCATION OF SERVICES					
(3 days minimum notice required)					
SECTION	CONTACT TEL NO	CONTACT FAX NO	SERVICES INDICATED YES / NO / NA	DATE	SIGNATURE APPLICANT/ CONTRACTOR/ ENGINEER
Roads & Storm Water					
Sanitation					
Water					
Electricity					

REMARKS :

EXPOSED SERVICES PRE-BACKFILLING INSPECTION					
(3 days minimum notice required)					
SECTION	CONTACT TEL NO	CONTACT FAX NO	SERVICES DAMAGED UNDAMAGED	DATE	SIGNATURE APPLICANT/ CONTRACTOR/ ENGINEER
Roads & Storm Water					
Sanitation					
Water					
Electricity					

REMARKS :

THE WORKS HAVE BEEN COMPLETED AND THE SITE HAS BEEN REINSTATED ALL TO THE SATISFACTION OF THE ROADS, TRANSPORT AND CIVIL WORKS DEPARTMENT.

SIGNED FOR OWNER (ROADS, TRANSPORT AND CIVIL WORKS DEPARTMENT) _____

DATE: ___/___/___.

Note: This form when signed on completion of the work, will be retained by the Roads, Transport and Civil Works Department.