

DRAKENSTEIN MUNICIPALITY

POLICY FOR THE INSTALLATION OF SERVICES IN ROAD RESERVES

Notice is hereby given that Council intends to adopt the proposed Policy for the Installation of Services in Road Reserves for Drakenstein Municipality. Interested and affected parties are hereby invited to submit their written comments during a 30 day advertising period.

The draft policy is available at the offices of the Engineering Services Department, 3rd Floor, c/o Market and Main Road, Paarl (Market Street building), where the following officials can assist:

- Mr L Pienaar at (021 807 4715 / louis.pienaar@drakenstein.gov.za); and
- Mr L Smith at (021 807 4755 / lawrence.smith@drakenstein.gov.za).

The draft policy is also available on the municipal website, www.drakenstein.gov.za.

Comments can be submitted in writing to the City Manager, Drakenstein Municipality, P O Box 1, Paarl, 7622 or electronically to customercare@drakenstein.gov.za by no later than **Monday, 24 June 2019**.

Persons who are unable to read or write, can submit their comments verbally at the Engineering Services Department, 3rd Floor, c/o Market and Main Road, Paarl (Market Street building), where they will be assisted by a staff member, to put their comment in writing.

23 May 2019

DR J H LEIBBRANDT
CITY MANAGER
Paarl Post – 23/05/2019

DRAKENSTEIN MUNISIPALITEIT

BELEID VIR INSTALLERING VAN DIENSTE BINNE DIE PADRESERWE

Kennis geskied hiermee dat die Raad van voornemens is om die konsep beleid vir Installering van Dienste Binne die Padreserwe vir Drakenstein Munisipaliteit goed te keur. Geïnteresseerde en geaffekteerde partye word hiermee uitgenooi om skriftelik kommentaar te lewer gedurende die 30 dae adverteringstydperk.

Die konsep beleid is beskikbaar by die kantore van die Ingenieursdienste Departement, 3^{de} Vloer, h/v Mark- en Hoofstraat, Paarl (Markstraat gebou), waar die volgende amptenare u behulpsaam sal wees:

- Mnr L Pienaar by (021 807 4715 / louis.pienaar@drakenstein.gov.za); en
- Mnr L Smith by (021 807 4755 / lawrence.smith@drakenstein.gov.za).

Die konsep beleid is ook op die munisipale webtuiste, www.drakenstein.gov.za beskikbaar.

Kommentare kan skriftelik gerig word aan die Stadsbestuurder, Drakenstein Munisipaliteit, Posbus 1, Paarl, 7622 of elektronies aan customercare@drakenstein.gov.za, teen nie later nie as **Maandag, 24 Junie 2019**.

Indien 'n persoon nie kan lees of skryf nie, kan so 'n persoon sy kommentaar mondelings by die Ingenieursdienste Departement, 3^{de} Vloer, h/v Mark- en Hoofstraat, Paarl (Markstraat gebou) aflê, waar 'n personeellid sal help om sy kommentaar/vertoë op skrif te stel.

23 Mei 2019

DR J H LEIBBRANDT
STADSBESTUURDER



DRAKENSTEIN

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POLICY FOR THE INSTALLATION OF SERVICES IN ROAD RESERVES

Effective from 1 May 2019

Reviewed / Approved By	Date	Signature
Executive Director: Engineering Services		
Senior Manager: Civil Engineering Services		

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1. ABBREVIATIONS AND DEFINITIONS

- 1.1 **“administration fee”** means the fee that must be paid in advance for a permit to be processed and considered ICASA: Independent Communications Authority of South Africa
- 1.2 **“as-built information”** means information relating to how infrastructure has actually been installed by an operator
- 1.3 **“Contractor”** – A CIDB registered Contractor appointed by the Service Owner
- 1.4 **“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;
- 1.5 **“ECSA”** – means the Engineering Council of South Africa;
- 1.6 **“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);
- 1.7 **“ICASA”** means the Independent Communications Authority of South Africa;
- 1.8 **“Service Owner”** means a valid registered ICASA license holder. The Service Owner is accountable for the specific service provided, which includes both the infrastructure and/or network service.
- 1.9 **“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 Drakenstein 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.

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 Drakenstein 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 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 shall appoint an ECSA registered Civil Engineer to oversee the installation of services. The appointed Engineer must have sufficient 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 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 Drakenstein 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 details of the relevant Term Tender available 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 Drakenstein Municipal or Provincial road reserve unless:
- (a) Application has been made for wayleaves in accordance with this document;
 - (b) Wayleaves have been received and collected by the Service Owner or appointed Engineer and where the 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 and a new application shall be submitted for wayleave approval.

- 4.3.3 Validity time frame for wayleaves is 12 months from date of approval.
- 4.3.4 Should the project / proposed works exceed the time frames for which the wayleave is valid, the Service Owner or appointed Engineer may request an extension of time from the Senior Manager: Civils Engineering 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 Senior Manager: Civils 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 Senior Manager: Civils Engineering services, and subject to any additional conditions and costs that may be deemed necessary.
- 4.4.3 Any damage done to Drakenstein Municipality's infrastructure by installation of services by a Service Provider, shall be reported immediately to the relevant department. Remedial work will be carried out by Drakenstein Municipality's operational teams and the full costs will be recovered from the Service Owner.
- 4.4.4 Where directional drilling is not possible, the Service Owner shall apply in writing to request permission to hand excavate the road crossing.

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

- 4.5.1 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, further licensees must install their services so that a width of no more than 1.0m is occupied by all telecommunication services.

- 4.5.2 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 Engineer shall in association with Drakenstein's service departments, determine a viable position for the services.
- 4.5.3 All Network Licensees applying for wayleaves for a specific route must contact all other active Network Licensees within Drakenstein 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.
- 4.5.4 Once a Service Provider has started construction in an area, a moratorium for the installation of additional services by other Service Providers will be applicable for a 2 year period from the date that the final completion certificate for the specific area has been submitted and signed off by the Senior Manager: Civil Engineering Services.

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.
- 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. 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 Senior Manager: Civil Engineering Services.
- 4.7.3 Where road crossing are made via open trenching or directional drilling, an additional Class 10 HDPE duct of minimum 110mmØ must be provided for Drakenstein 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 Drakenstein Municipality.
- 4.7.4 Where existing ducts have been installed for Drakenstein Municipality and are available under roads, they shall be used for road crossings after obtaining permission from the Senior Manager: Civil Engineering Services.
- 4.7.5 Where Service Owners’ planned telecommunication networks overlaps with Drakenstein Municipality’s fibre master planning, the Service Owner shall install cable ducts provided by Drakenstein 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.

4.8 AS-BUILT INFORMATION

- 4.8.1 The Service Owner must provide Drakenstein Municipality with as-built information pertaining to the installed infrastructure, in a file format as prescribed by the Engineering Departments as-built specifications.
- 4.8.2 Drakenstein 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 TARIFFS, FINANCIAL EXCLUSIONS, GUARANTEES AND TERM TENDERS

4.9.1 Telecoms and other external applications:

- 4.9.1.1 All external Service Owners are required to pay an Administrative and Supervision Fee, which is based on Council Approved Tariffs. Payment of the Administrative fee must be made upfront with submission of the wayleave application, with all other fees payable upon wayleave approval.
- 4.9.1.2 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 Council Tariffs.
- 4.9.1.3 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 Senior Manager: Civil Engineering Services.
- 4.9.1.4 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 Council Tariffs. This amount must be paid upon wayleave approval and before commencement of work.

4.9.1.5 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 Senior Manager: Civil Engineering Services, fees will be charged according to the approved Council 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.

4.9.1.6 The Service Provider will be charged a Penalty for any unauthorized work inside the road reserve, regardless of whether Drakenstein Municipality later issues a wayleave. Rates will be in terms of approved Council tariffs.

4.9.2 Internal applications:

4.9.2.1 All internal Departments or State Funded Projects (National or Provincial), where the infrastructure will be taken over by Drakenstein Municipality, will be exempted from paying the Administrative & Supervision Fee, Refundable Deposits, Non-refundable Payments and/or Penalties.

4.10 DEFECTS LIABILITY PERIOD

4.10.1 The Service Owner shall be responsible for all defects resulting from the works for a period of two years after the final completion certificate has been submitted and signed off by the Senior Manager: Civil Engineering Services.

4.11 INDEMNIFICATION

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

4.12 REMEDIAL WORKS

- 4.12.1 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 Drakenstein Municipality. The Service Owner will be held liable for any claims as a result of such failure.
- 4.12.2 The Defect Liability Period as defined in section 4.10 of this Policy shall apply to all remedial works.

4.13 RELOCATION OF SERVICES

- 4.13.1 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 on instruction by Drakenstein Municipality.

5. PROCESS FLOW

5.1 SERVICE ENQUIRY (PRELIMINARY PLANNING PHASE)

- 5.1.1 During the Service Enquiry Phase the Service Owner or Engineer needs to obtain as-built information from the relevant Directorates and external parties, in an effort to determine a viable route for the newly proposed infrastructure.
- 5.1.2 During this Phase, no formal application is made and no fees are charged, except when the applicant needs to introduce trial holes or other invasive investigations.
- 5.1.3 Any trial hole inside the verge of the road or inside the black top area of the road reserve must be approved through a wayleave application.

5.2 WAYLEAVE APPLICATION AND APPROVAL

- 5.2.1 The Wayleave Approval process includes the official submission of a wayleave application and at this stage the proposed route should have been determined. The wayleave application must be submitted by the Service Owner's appointed Engineer.

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

- (a) Application letter: On applicant's letterhead and signed by an authorized person and indicating contact details (address/tel/cell/e-mail) and 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.
- (c) Civil Engineer appointment;
- (d) Confirmation that all Network Licensees have been contacted regarding the proposed installation and possible trench share;
- (e) Proof of payment of the applicable fees and tariffs;
- (f) Proof of contractor CIDB registration; and
- (g) Confirmation of quantities regarding proposed trenching.

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

5.2.4 The final approved wayleave must be collected by the Service Owner or delegated Engineer.

5.3 WAYLEAVE

5.3.1 The Service Owner's appointed Engineer must collect the wayleave 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.

5.3.2 During this Phase 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 Drakenstein Municipal representative during the completion inspection.

6. IMPLEMENTATION AND REVIEW OF THIS POLICY

- 6.1.1 This policy shall be implemented once approved by Council. All future wayleave applications must be considered in accordance with this policy.
- 6.1.2 The policy will be reviewed on a regular basis as the wayleave approval process is refined.

