



FIBER WAYLEAVE POLICY

VERSION 01.00

APPROVED BY: COUNCIL

DATE OF APPROVAL: 31 MARCH 2026

OWNER OF POLICY: LANGEBERG MUNICIPALITY

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1. Purpose and Scope

The purpose of this policy is to regulate the installation and maintenance of fiber optic infrastructure within the boundaries of Langeberg Municipality (hereafter referred to as the 'Municipality'). This policy ensures compliance with the Electronic Communications Act (ECA) and the National Policy on Rapid Deployment of Broadband Infrastructure. It aims to facilitate efficient deployment of fiber optical cable and related networks while safeguarding municipal assets and public safety.

The objectives of this policy are to –

- a) Ensure that the protection and longevity of existing services infrastructure.
- b) Ensure that for any development or maintenance of services infrastructure that is located on, underneath or above Municipal land, irrespective of whether such land is owned by the Municipality, a wayleave agreement (hereafter referred to as 'wayleave') is first obtained.
- c) Ensure a wayleave issued by the Municipality will capture the consideration and mechanisms required to ensure the protection of existing infrastructure and services.
- d) Provide the right to utilise the property of another without being in possession of that particular property.
- e) Entitle the wayleave holder the right to utilise such land in a specific manner. Thus, the principles outlining the means of construction within a specific footprint, as per the wayleave proviso, must be considered.
- f) Enforce the responsibility of the Municipality in the issuance of wayleaves, both internally and externally, to different Government departments, as well as external applicants.

2. Background

Wayleave applications made to the Municipality are most often made for infrastructure development within the road reserve; a space that is often characterised by shared use but within a limited footprint. With several forms of essential services infrastructure sharing the road reserve, such as CCTV surveillance, electricity conveyance, telecommunications as well as water and sewer networks, it is inevitable that damage and subsequent service disruption can occur during construction or maintenance activities.

The unrestricted laying of pipes, ducts, poles and placement of overhead structures within the road reserve can pose a great hazard to the very public it is intended to serve. In the absence of standardised guidance, this can not only lead to continued damage to adjacent infrastructure, and a consequent disruption

of services, but can also cause disruption to the flow of traffic and may result in fatal accidents. Thus, the Municipality has the right to develop policy guidance for the effective administration of its Municipal roads, public space as well as for any other Municipal planning and Municipal public works.

Furthermore, National Treasury (NT) issued a model Wayleaves By-Law for Municipalities. The model Wayleaves By-law stipulates the regulations that apply when obtaining a wayleave, specifically for the deployment and operation of electronic communication facilities or networks. In the context of this policy, the wayleave application applicable is for fiber optic cabling and other related network infrastructure. Therefore, this policy has been developed to provide various parameters for decision-making, together with desired outcomes for more optimal wayleave administration within the Municipality which, in turn, informs the enforcement conditions set out herein.

3. Legal Mandates and Regulatory Framework

The statutory framework on which the Fiber Wayleaves Policy is founded are the following:

- a) The Constitution of the Republic of South Africa, 1996.
- b) Electronic Communications Act 36 of 2005.
- c) Local Government: Municipal Systems Act 32 of 2000.
- d) National Integrated ICT Policy White Paper.
- e) National Policy on Rapid Deployment of Electronic Communications Networks and Facilities.
- f) Standard By-Laws for the Deployment of Electronic Communications and Facilities.

4. Application Process

Applicants must submit a detailed application including route drawings, locality plans, utility scans, and method statements. Applications must also include a traffic management plan and environmental impact assessment where applicable. Approval timelines are typically 4–8 weeks, and wayleave permits are valid for 6 months from the date of issue.

- a. The application for a wayleave must be made on a wayleave application form as contained in the Appendices section of this policy. The application form must include the following:
 - Digital drawings or three (3) copies of drawings of the proposed work clearly showing the full extent of the fiber works deployment or related

electronic communications facilities on, underneath or above private land in the Municipal area. The drawings must also include the position and size of ancillary and supporting facilities, such as cabinets, containers, manholes, handholes, and/or junction boxes. In addition, they must include the location of other services in infrastructure already deployed in the area, and any above ground cabling or pilot holes undertaken must be done by prior arrangement with and under supervision of the Municipality. Further, include the depth of all fiber infrastructure and other electronic communications facilities underneath the road, where trenching is planned. Also, include the distance of the fiber works from the boundary of the road reserve, where relevant. Lastly, the drawings must illustrate where aerial fiber is being applied for, which will not be preferable, the dimensions and functionality of poles where they are to be sited and the height at which fiber will be strung.

- The proposed reinstatement.
 - The proposed commencement date and expected duration of fiber works and other related electronic communications works.
 - The details of consents or permissions required from third parties for the planned fiber deployment and proof that these have been obtained.
 - Where applicable, a statement declaring that the leasing of existing fiber or other electronic communications facilities has been investigated and is not feasible. **Note: The Municipality has issued Annual Telecommunications tariffs.**
 - Where applicable, evidence that the wayleave applicant has been approved for the fiber and other electronic communications infrastructure colocation requirements.
 - A completed compliance statement as provided for in the wayleave application form.
 - A Municipal Land Use Agreement between the owner/operator of the fiber network operator, Internet Services Provider, or electronic communications network operator, and the Municipality.
- b. The wayleave application form may be obtained from the Municipality's offices or online from the Municipality website.
- c. Before submitting the wayleave application form, the applicant must obtain any necessary approval from all relevant authorities and affected providers.
- d. Application fees for a wayleave application as set out on the Municipal approved tariffs in line with applicable legislation and policies.
- e. The tariffs are available from the Municipal website.
- f. Wayleave application fees are non-refundable.

- g. Complete fiber wayleave application forms must be submitted to the Manager: ICT.
- h. Submitted wayleave application forms must be assessed and vetted by the Municipality for completeness, including payment of the wayleave application fee.
- i. The Municipality must notify the wayleave applicant in writing within five (5) working days of receipt of the wayleave application form that:
 - The wayleave application form is complete and that all required information has been submitted and payments made. The date on this notice will be considered as the wayleave submission date, or the wayleave application form is incomplete and must be resubmitted, and such notice will specify the requirements which have not been met, and these must be complied with within a further fifteen (15) working days, failing which a completely new application will have to be submitted.
- j. A fiber wayleave application must be processed within thirty (30) working days from the wayleave submission date, and if the Municipality requires additional time for processing the application, the Municipality will notify the applicant in writing prior to the expiry of the initial period that a maximum of a further 30 working days is required.
- k. The Municipality may, during the fiber wayleave application processing period, consult with the wayleave applicant regarding aesthetic consideration and concerns relating to the planned fiber works and may require that:
 - The wayleave applicant conducts a public participation process in respect of affected persons; or
 - Terms and conditions relating to the preservation of the aesthetic character of an area are included in the wayleave issued.
- l. The requirement to conduct a public participation process shall not apply where:
 - The wayleave applicant is required to undertake a heritage impact assessment under the National Heritage Resources Act, 1999 (Act No. 25 of 1999), or an environment impact assessment under the National Environmental Management Act, 1998 (Act No. 107 of 1998); or
 - A public participation process acceptable to the Municipality has already been conducted by the wayleave applicant.
- m. In the case of emergency and maintenance wayleave applications for fiber, and related electronic communications infrastructure, emergency wayleave applications will be treated as priority as opposed to standard and maintenance fiber wayleave applications.

- n. Fiber wayleaves for emergency or maintenance works may only be applied for in respect fiber and/or related electronic communications facilities deployed under a wayleave originally issued by the Municipality.
- o. Clauses 5(a)(b)(c)(d)(e)(f)(g)(h), and (i) of this fiber wayleave policy remain applicable for emergency and maintenance fiber works.

5. Obligations on Wayleave Approvals

Fiber wayleave conditions include compliance with municipal engineering standards, payment of wayleave fees and deposits, and appointment of an Engineering Council of South Africa (ECSA)-registered civil engineering professional for supervision.

- a. A fiber wayleave holder is required to maintain compliance with this fiber wayleave policy as set out in the wayleave application form for the duration of the wayleave.
- b. A fiber wayleave holder is fully responsible for the acts and omissions of its agents and contractors in the performance of fiber works.
- c. A fiber wayleave holder must take steps necessary to verify the exact location of already deployed services infrastructure before the commencement of fiber or other electronic communications works.
- d. A fiber wayleave holder must commence with the fiber works within ninety (90) working days of the wayleave issue date, and written notification of the date and location of planned commencement must be provided to the Municipality no less than twenty (2) working days before such a date. Extensions to the planned commencement date and completion date may be approved by the Municipality on good cause shown.
- e. The Municipality may require a fiber wayleave holder to:
 - Publish a notice of the planned fiber works which must include dates and routes and areas for the benefit of potentially affected residents; and
 - Display the name and contact details of the fiber wayleave holder at the site of the fiber works.
- f. A fiber wayleave holder must ensure that a physical copy of the wayleave is always kept on site when the fiber works are being performed.
- g. All fiber works shall be undertaken between the hours indicated in the wayleave, if so indicated. Different work hours may be conditionally set for fiber works that are:
 - Noisy, invasive or disruptive; and
 - Any other fiber works that do not create any disturbance or other risk to labour or the public.

- h. A fiber wayleave holder must, within ten (10) working days of the date of the issue of a completion notice, provide the Municipality with as-built drawings and any applicable geographical information system (GIS) information in respect of the completed fiber works, signed by a professional Engineer.
- i. A fiber wayleave holder shall maintain sufficient public liability and indemnity insurance, considering the nature and extent of the fiber works.

6. Technical Standards

The technical standards of the fiber wayleave application approval must be set out in the wayleave approval letter(s) and/or Municipal Land Use Agreement or Municipal Lease Agreement issued by the Municipality.

7. Environmental & Safety Requirements

Impact assessments are required for sensitive areas. Traffic and pedestrian safety measures must be implemented during construction. The fiber wayleave holder must open and keep on-site a Health and Safety File before starting work. This file must contain all documentation required by the Occupational Health and Safety Act (Act No. 85 of 1993) and Construction Regulations, 2014. The file must be available for inspection by Department of Employment and Labour inspectors, the Municipality relevant staff or authorised agents, and other wayleave holders (or contractors) on site.

8. Fees and Compensation

The Municipality's Telecommunications Tariffs will outline a fee structure for wayleave permits, including penalties for non-compliance or damage to infrastructure. Also, included will be the tariffs that relate to the deployment and maintenance of fiber and related electronic communications facilities on, underneath or above Municipal land or Municipal property. Further any remedial work where there has been non-compliance by the wayleave holder, are compiled and reviewed annually under the Municipality's Tariff Policy which is made available on the Municipality website.

9. Monitoring and Close-Out

Completion notices must be issued by the Municipality after inspection. A defects liability period of twelve (12) months applies for trench reinstatement. At project close-out, the health and safety file referred to in clause 8 of the policy must be submitted to the Municipality for record-keeping

10. Dispute Resolution

- a. Disputes will be resolved in accordance with the Electronic Communications Act and municipal by-laws. The Municipality will seek to resolve disputes arising from the implementation of this policy through negotiation or enforcement of policy.
- b. Nothing in this policy restricts the right of the Municipality or the wayleave holder to approach a court of competent jurisdiction for relief on an urgent basis.

11. Confidentiality and protection of personal information

- a. All plans, drawings and other documents, exchanged with a fiber wayleave holder, that are not in the public domain or should not properly be in the public domain shall be regarded as confidential information.
- b. Subject to clause 5 of this policy, the Municipality and a fiber wayleave holder shall not share confidential information other than to the extent necessary for the wayleave application and implementation processes, or where there is legal duty to do so.
- c. To the extent that any personal information as defined in the Protection of Personal Information Act, 2023 (Act No. 4 of 2013), is contained in a fiber wayleave application form or other communications between the Municipality and a fiber wayleave holder, each party shall comply with its obligations under the PoPIA in the processing of that personal information.

12. Amendment and/or abolition of this policy

- 12.1. This policy may be amended or repealed by Council as it may deem necessary.

13. Endorsement

The Executive Mayor by virtue of his signature hereby APPROVES this policy.

Appendices

Appendix A: Fiber Wayleave Application Form.

DOCUMENT HISTORY

Revision History			
Revision	Date	Description of changes	Requested By