CITY OF CAPE TOWN
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Summary: Draft Wayleaves By-law **04 Feb 2025**

Introduction

The City of Cape Town Wayleaves By-law, 2025 establishes the regulatory framework for managing wayleave applications and controlling access to municipal infrastructure. It outlines the responsibilities of wayleave holders and the City while ensuring that infrastructure development and maintenance are conducted in an organised and accountable manner.

Objectives

The by-law aims to:

- Facilitate a centralised coordination system for wayleave management.
- Enable effective enforcement of wayleave conditions.
- Clearly define the roles and responsibilities of wayleave holders and the City.
- Establish clear timeframes for wayleave approvals.
- Minimise damage to municipal infrastructure.

Wayleave Application Process

A wayleave is required for any work affecting City-owned property, including excavation, trenching, installation of poles, and other infrastructure-related activities. Applicants must:

- Register on the Wayleave Management System (WMS).
- Submit supporting documentation, including detailed plans, engineering approvals, and a traffic management plan.
- Pay a non-refundable application fee and a security deposit.
- Obtain a **Permit to Work** before commencing activities.
- Follow a separate process for emergency wayleave applications, which are expedited and managed outside the WMS.

Obligations and Responsibilities

- **Wayleave Holders:** Must adhere to all permit conditions, verify infrastructure locations before starting work, maintain records on-site, and ensure proper restoration of any damaged infrastructure.
- **City of Cape Town:** Responsible for processing applications, supervising works, prioritising emergency cases, and recovering costs from wayleave holders for any unrectified damage to municipal infrastructure.

Compliance and Enforcement

- The by-law prohibits unauthorised installations, particularly in road reserves or informal areas.
- The City may issue compliance notices to rectify violations.
- Non-compliance may result in the suspension of wayleaves and work permits.
- Offences under the by-law can lead to fines or imprisonment for up to two years.

General Provisions

- Fees, security deposits, and other charges will align with the City's approved tariff policies.
- Completion certificates will be issued following inspections to confirm compliance with all requirements.
- Appeals may be submitted under the Local Government: Municipal Systems Act, 2000.
- Confidentiality provisions ensure that sensitive information related to applications is handled securely.

Conclusion

The Wayleaves By-law, 2025 provides a structured approach to managing municipal infrastructure work, balancing the needs of development with the protection of public assets. All stakeholders must adhere to the outlined procedures to ensure compliance and avoid penalties.