Summary: Wayleaves Policy

1) Introduction:

The City of Cape Town has developed a new Wayleaves Policy to underpin the administration of the wayleave application process, which in turn, supports the establishment and maintenance of infrastructure.

The policy sets to define the mechanisms required, via a wayleave, to ensure the protection of infrastructure and services under the custodianship of the City. A proposed new Wayleaves By-law that establishes the regulatory framework for managing wayleave applications and enabling the effective enforcement of wayleave conditions will complement the policy.

The policy has been identified as a critical lever through which an 'Ease of Doing Business' approach can be further embedded within Cape Town; whereby it supports a reduction in red tape associated with infrastructure development and maintenance.

2) Background:

For any development or maintenance of infrastructure that is to be located on, underneath or above municipal land, irrespective of whether such land is owned by the City of Cape Town, a wayleave agreement must first be obtained.

A wayleave is a written agreement between the City and the applicant, allowing the applicant to undertake development or maintenance work that may impact or encroach on services infrastructure such as pipelines, cables, pylons, roads, and stormwater services. The granting of a wayleave ensures that any deployment or maintenance of infrastructure is undertaken in a manner that safeguards existing services infrastructure that is critical for ongoing service delivery.

The Wayleave Management System

The Wayleave Management System (WMS) is the City's innovative digital solution for optimising the wayleave process. The WMS, launched in 2023, has shifted the application process from an outdated paper based process to an efficient digital system to administer applications online. The digital system is accelerating the administration of wayleaves, consolidating and standardising requirements from various City line departments to allow for a streamlined workflow and review process that includes, but is not limited to:

- The automated assignment of applications to relevant City departments,
- Application tracking and escalation,
- Email notifications

The Wayleave Policy recognises the value of the WMS and contains clear policy directives to guide on the use of the WMS, as part of the wayleave application process.

3) Objectives of the Wayleave Policy:

The Wayleaves Policy aims to:

1) Outline the strategic goals for more optimal wayleave administration within the City; more specifically:
   1.1) Enabling an Ease of Doing Business Approach in relation to wayleave applications based on improvements to the process such as automation and streamlining thereof.

1.2) Enabling the strategic design of developments following improvements to the process such as stronger standardisation and co-ordination which can help to achieve maximum productivity of all infrastructure.
1.3) Enabling the timely deployment of services infrastructure through utilisation of the WMS wherein automation aims to enhance application procedures, drive customer-centricity and reduce processing delays.
1.4) Ensure damage to City property is minimal whereby each specific wayleave will outline key considerations to ensure the protection of existing infrastructure and services.

2) Provide the various parameters for decision-making when considering wayleave applications.
3) Provide guidance on the wayleaves application process to applicants – whether this may be City line departments or external private sector applicants.
4) Inform the enforcement conditions set out in a supporting Wayleaves By-law.
5) Identify the range of roleplayers and stakeholders associated with the wayleave administration process; including private applicants.

The policy outlines specific considerations and applicable steps in relation to the Wayleave application procedure and further guides on construction methods, tariffs, permits and suspensions. It further captures aspects regarding monitoring and review; in terms of key role-players, processes and tools to support successful implementation of the policy.

6) Conclusion

The City is taking a three-pronged approach to improve the overall Wayleave management landscape that consists of the Wayleaves policy, the Wayleaves By-law and the automated WMS. All efforts are aimed at reducing red tape associated with infrastructure work by innovating and optimising the wayleave administration process, whilst balancing the needs of development with the protection of public assets.