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[PROVINCIAL NOTICE NO. 98 OF 2024]

**WAYLEAVE BY -LAW
JULY 2025**

PREAMBLE

The Municipal Local Municipal Council in terms of subsection 156 (2) of the Constitution of the Republic of South Africa, 1996, read with section 13 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000), publishes the by-law as set forth hereafter as by-law made by the Council.

LONG TITLE

To provide a regulatory framework for work on the Municipal Road Reserve and the management thereof, to provide for the strengthening of measures to control, simplify, standardise and co-ordinate timeous infrastructure deployment including wayleave applications, approval, administration and close out, to provide for sanction in contravening the provisions, to provide for certain delegated power.

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13. Offences and penalties
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15. Provision for delegation
16. Short title and commencement

1. Definitions

- (a) **“Approved/Approval”** means granting of permission by the Municipality to the Wayleave Applicant to commence with the works on a specified site.
 - (b) **“Application fee”** means the tariff amount that is payable by the Wayleave Applicant upon submission of a wayleave application form. Which fee is determined by the Municipality and is standardised and non-refundable
 - (c) **“Approved Wayleave”** means the signed document/s issued by the Wayleave Management Unit, detailing the work which has been approved and the period during which the work shall be carried out and includes approved drawings/plans and generally Conditions of Approval.
 - (d) **“Building Line”** means an imaginary line indicating the limits of a building restriction area as measured from a street boundary or other boundary of a property which does not border on a street and which, at a fixed distance from such boundary, runs parallel to such boundary.
 - (e) **“Road Backfilling”** refers to the replacement of the structural layers in the trench or excavation and includes the base, sub-base, selected subgrade and subgrade, but exclude the surfacing.
 - (f) **“Certificate of Completion”** means the document issued by the supervising Municipal official or Professional Engineer as proof that the works have been completed in accordance with the requirements of the approval letter and contract.
 - (g) **“Completion Notice”** means the document or submitted by the Wayleave Permit Holder to the supervising Municipal Official or supervising engineer when the works have been completed
 - (h) **“Constitution”** means the *Constitution of the Republic of South Africa, 108 of 1996, as amended*
 - (i) **“Contractor”** means a natural or juristic person or partnership appointed by the Wayleave Applicant for carrying out the Works.
 - (j) **“Emergency Work”** means any work that is urgently required to prevent or end a dangerous situation, to prevent or end an unplanned interruption in the supply of a service, or to avoid any substantial losses.
 - (k) **“Engineer”** means a person registered as a Professional Engineer/ Technologist/ Technician in terms of the *Engineering Professions Act, 2000*, appointed and funded by the Wayleave Applicant to supervise the technical aspects of the Works and ensure compliance with the Conditions of Approval of the Wayleave. Presence of such a person is required to control the Works wherever any excavation is involved.
 - (l) **“Environment”** has the meaning assigned to it in section 1 of the *National Environmental Management Act 107 of 1998*, as amended from time to time.
 - (m) **“Legislation”** means any applicable law, proclamation, ordinance, act of Parliament or enactment having force of law.
 - (n) **“Local community”** in relation to the Municipality means that body of persons comprising:
 - (a) the residents of the Municipality;
 - (b) the ratepayers of the Municipality;
 - (c) any civic organisations and non-governmental, private sector or labour organisations or bodies which are involved in local affairs within the Municipality; and
 - (d) visitors and other people residing outside of the municipal area who, because of their presence in the municipal area, make use of services or facilities provided by the Municipality.
 - (o) **“Municipal Directorate or Unit”** means any Directorate or sub-Directorate that belongs to or is controlled by the Municipality.
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- (p) **"Municipality or MLM"** means the Matjhabeng Local Municipality, and includes any duly authorised official thereof, or a Wayleave Permit Holder fulfilling a responsibility under this Policy assigned to it in terms of the *Local Government: Municipal Systems Act 2000 (Act 32 of 2000)* or any other law, as the case may be acting in connection with a by-law or by virtue of a power vested in the Municipality and delegated, to such
- (q) **"Municipal Manager"** means the head of administration and also the accounting officer for the Municipality.
- (r) **"Owner"** means:
- (a) the person in whose name the property is registered;
 - (b) in the case where the person in whose name the property is registered, is insolvent or deceased, or is disqualified in terms of any legal action, the person who is responsible for administration or control of the property as curator, trustee, executor, administrator, legal manager, liquidator, usufructuary, servitude holder or any other duly authorised or appointed representative;
 - (c) in the case where the Municipality or Wayleave Permit Holder is unable to establish the identity of such person, the person who is entitled to derive benefit from the property or any buildings thereon;
 - (d) (thirty) years, the lessee or any other person to whom he has ceded his right, title and interest under the lease, or gratuitous successor to the lessee;
 - (e) In relation to:
 - (i) a piece of land delineated on a sectional title plan, and which is registered in terms of the *Sectional Title Act 95 of 1986*, without limiting it to the developer or body corporate of the common property;
 - (ii) a section as defined in the *Sectional Title Act 95 of 1986*, the person in whose name that section is registered in terms of a "sectional title deed", including the lawfully appointed representative or agent of such person;
 - (f) any legal entity including but not limited to:
 - (i) a company registered in terms of the *Companies Act 61 of 1973*, a trust *inter vivos*, *trust mortis causa*, a close corporation registered in terms of the *Close Corporation Act 69 of 1984* and any voluntary organisation;
 - (ii) any provincial or national government department, or local authority;
 - (iii) any Municipality or management body established in terms of any legal framework applicable to the Republic of South Africa; and
 - (iv) any embassy or other foreign entity in whose name the property is registered;
 - (g) in relation to property owned by the Municipality and which has been disposed of, but which has not been transferred to the person to whom it has been disposed of, from the date of the disposition concerned, such person; and
 - (h) in relation to property owned by or under the control or management of the Municipality while held under a lease or any express or tacit extension thereof or under any other contract or under servitude or right analogous thereto, the person so holding the immovable property.
- (s) **"Property"** means:
- (a) immovable property registered in the name of a person/owner including in the case of a sectional title scheme, a sectional title unit registered in the name of any person/owner;
 - (b) a right registered against immovable property in the name of a person excluding a mortgage bond registered against the property;
 - (c) any piece of land, the external surface boundaries of which are delineated on:
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- (i) a general plan or diagram registered in terms of the *Land Survey Act 9 of 1927* or in terms of the *Deeds Registries Act 47 of 1937* or;
- (ii) a sectional plan registered in terms of the *Sectional Titles Act 95 of 1986*; which is situated within the area of the Municipality;
- (d) a land tenure right registered in the name of a person or granted to a person in terms of legislation; or
- (e) public service infrastructure.
- (t) **"Municipal Road"** means any road, street or thoroughfare or any other place (whether a thoroughfare or not) which is commonly used by the public or any section thereof or to which the public or any section thereof has a right of access and includes:
- (a) the verge of any such road, street or thoroughfare;
- (b) any bridge, ferry, or drift traversed by any such road, street or thoroughfare; and
- (c) any other work or object forming part of or connected with or belonging to such road, street or thoroughfare.
- (u) **"Road Reserve"** means the full width of a public road and includes the verge and the roadway.
- (v) **"Reinstatement"** means the replacing the bituminous surfacing or paving blocks in the case of roads, or the paving blocks, paving slabs, bituminous surfacing or grass in the case of footways and verges.
- (w) **"Routine Maintenance Work"** is defined as all types of work involved in maintaining the services in the public road reserves and does not require excavation, traffic control or reinstatement activities.
- (x) **"Security Deposit"** means the **returnable bank guarantee issued by the Service provider/ Applicant in favour of** the Municipality in respect of each Wayleave approval issued, the amount of which will be determined by the Municipality.
- (y) **"Service"** means any system for supplying a public need that a Service Agency has on or intends to install within the geographical jurisdiction of the RLM.
- (z) **"Service Provider"** means any agency or utility that owns a Service within the geographical jurisdiction of the MLM.
- (aa) **"Service delivery"** is the distribution of basic resources citizens depend on like water, electricity, sanitation infrastructure, land, housing and other infrastructure.
- (bb) **"Service-Sharing Installation"** means installations of a service which are designed to utilise existing ducting or pipelines without the need for excavations, except minimal excavation/ construction at junctions or terminals.
- (cc) **"Site"** means the land made available by the Municipality or landowner 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.
- (dd) **"Structures Act"** means the *Local Government: Municipal Structures Act 117 of 1998* and the regulations promulgated in terms thereof.
- (ee) **"Supervising Municipal Official"** means a person appointed by the Matjhabeng Local Municipality to ensure compliance with the Conditions of Approval of the Wayleave.
- (ff) **"Systems Act"** means the *Local Government: Municipal Systems Act 32 of 2000* and the regulations promulgated in terms thereof.
- (gg) **"Wayleave"** means an agreement between the landowner and the Wayleave Permit Holder pertaining to the installation of services within or upon the land or road reserve.
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- (hh) **“Applicant”** means the natural or juristic person or partnership named as the Applicant in the Wayleave application form and it includes a developer of land on which a servitude is registered, and service(s) installed.
- (ii) **“Planning unit”** means the designated members of the Wayleave Management Unit with the sole responsibility to carry out the administrative functions of receiving, verifying and ensuring that wayleave applications conform to the prescribed MLM legal and procedural requirements.
- (jj) **“Works”** mean the installation and construction activities designed, supervised and executed in accordance with the Wayleave application and conditions.

CHAPTER 2

2. Application of the by-law

- (a) This by-law applies to all Roads and Road Reserves which fall under the jurisdiction of Council.
- (b) This by-law is binding on the Municipality as an organ of state and users of the Municipal Road Reserves.

3. Purpose of the by-law

The purpose of these by-laws is to provide, in conjunction with other applicable legislation, an effective legal and administrative framework: -

- (a) To ensure that the way in which the Council controls and manages development on the Road and Road Reserve is environmentally sustainable and aesthetics are maintained, and is in the long-term interests of the whole community of Matjhabeng including future generations, and
- (b) which clearly defines the rights and obligations of the public in relation to use of the Municipal Road Reserve
- (c) To mitigate the risk of Municipal and private infrastructure damage.

MUNICIPAL ROAD AND ROAD RESERVE

4. General offences

A person or a service provider commits an offence on the Municipal Road reserve if they perform the following without an approved wayleave:-

- (a) Cut the road
- (b) They dig trenches and or tunnel
- (c) Conduct any work that may affect motorists, cyclists, pedestrians, the road, footways, kerbing, traffic signs, traffic signals, street lighting, underground or overhead Services or any other structure or Service that is contained within the road reserve.
- (d) Position a new Service whether underground or overhead.
- (e) Maintenance of underground or overhead Services done by service providers like telecommunication, electricity, and regional water supply.
- (f) The erection of structures that require approved building plans in terms of the National Building Regulations and Building Standards Act 103 of 1997.
- (g) The erection of advertising sign and a structure that require approval in terms of the relevant by laws.
- (h) Road works, such as construction of new roads, road widening, or accesses to developments, undertaken by developers.
- (i) Cutting across or alongside a road in any direction
 - (i) The installation of new connection points for Municipal Services, such as water, sewer, electricity, and storm water drainage from developments.

- (j) Installation of Services by service providers, e.g., data cables to connect different buildings
- (k) The types of Work for which prior approval from the Municipality cannot be obtained due to the nature of the Work is deemed Emergency Work and must be undertaken according to the procedures set out in **Section 7** of this document and in the MLM Wayleave Application and Procedure Manual (Annexure A)
- (l) The types of Work that does not include any construction Work but will require traffic Control due to the activities taking place within the road reserve is deemed Routine Maintenance Work, must obtain pre-approval from the **Traffic and Security Department**.

5. Servitudes within the road reserve

The Municipality has a right to:-

- (a) To install its own services within the road reserve
- (b) Grant or deny permission to service providers to install services within the road reserve
- (c) To protect services installed within the road reserve from damage by other services providers working within the road reserve
- (d) The relocation of their services by a service provider at no additional cost to the Municipality
- (e) Compensation for permitting service providers to erect services within their road reserve
 - i. In addition, compensation must cover all direct and indirect costs, including the loss of value in the land.
 - ii. Compensation also can be in addition, as per situation, in a form on both a once-off amount and an annual rental fee. The once-off amount must cover all costs involved when the service is initially installed (including the value of the land). The annual rental must cover the annual cost incurred by the municipality to manage and control services.
- (f) The value of the land in a road reserve, once the road has been proclaimed, could be minimal and the registration of a servitude does not diminish the value of such land
- (g) To enforce sharing of the same servitude by different service providers where:-
 - i. the Municipality requires a new service to be installed service sharing installations
 - ii. it is physically possible and practical to install more than one service within the same portion of land

CHAPTER 3

ACCOMMODATION OF SERVICES

Wayleaves:-

6. An approved Wayleave means that:

- (a) The applicant/ service provider Has provided the Municipality with, and not limited to the following:
 - i. An application letter with a description the application scope,
 - ii. The application letter must be signed by a professional Engineer/ Technologist/ Technician,
 - iii. Completed Municipal wayleave application form,
 - iv. Copies of Company Registration Documents and Professional Engineers /Technologist/ Technician Certificate of Registration,
 - v. Proof of payment of the non-refundable application fees,
 - vi. For optic fibre - written acknowledgement of other Wayleave Permit Holders of their wish to be in the same trench/ duct,
 - vii. Technical drawing,
 - viii. Installation method statement including estimated duration of construction,
 - ix. Written proof notice given to other stakeholders which have ownership of installed service infrastructure such as **ESKOM, TELKOM, Sedibeng Water, SANRAL, the Free State Provincial Department of Public Works & Roads, e.t.c** of their intention to commence works within the vicinity of the area where their respective services have been installed,
 - x. In a case where an applicant of a Wayleave permit requires to install services (communication network or lines) on portion of land including farmland, the applicant must submit as part of the application process:
 - a. A sketch diagram or services designs for the network or lines clearly indicating the required space for such network and or lines (the submission of designs must be done in both hard copy and Geographic Information System (GIS) compatible format).
 - b. A servitude registration in this regard will be necessitated and the applicant must facilitate the registration of the servitude with the owner of the property. The servitude must be registered in favour of the approved wayleave permit holder. All due processes need to be followed in this regard,
 - xi. In a case where a 2m building line or building restricted area is required for services including communication network or lines, the applicant for Wayleave permit other than the Local Municipality must obtain a written approval for use of such restricted area from the Municipality as part of the wayleave permit application process. The application must be accompanied by a site development plan clearly indicating where the services are going to be installed in relation to the restricted area. The submission of designs must be done in both printed hard copy and Geographic Information System (GIS) compatible format).

- (b) The Engineering planning survey and design unit has processed the application, and the **applicant** has calculated the refundable surety amount to be paid to the Municipality.
- (c) The applicant/ service provider has paid the refundable surety to the Municipality
- (d) The Municipal Manager has signed the wayleave approval
- (e) Once the service has been installed, the Municipality becomes the owner of the service. Wayleaves can therefore not be used to protect services in favour of the service provider.
- (f) The service provider must commence work within 14 calendar days of receiving an approved wayleave
- (g) The Municipality will cancel the approval if work has not commenced within 30 calendar days.
- (h) Unless specified a wayleave is valid for three (3) months

7. **Emergency work**

- (a) Emergency Work is defined as any Work that is required to prevent or end a dangerous situation, to prevent or end an unplanned interruption in the supply of a Service, or to avoid any substantial losses. It is important to note that a lack of proper planning of Work to be carried out will not justify Emergency Work and such activities will be stopped by the Municipality
- (b) The Municipality will provide an emergency number for the use of Service providers that requires information on the position of Services in the area where Emergency Work is to be carried out.
- (c) The Municipality must be notified in writing within 1 working day from commencing with Emergency Work. If the Wayleave Office is not notified within 24 hours from the first working day, the Work will be reinstated by the Municipality and the cost thereof will be invoiced against the Service provider.
- (d) The service provider will be responsible for all costs and repairs to damaged existing infrastructure and/or the interruption of services arising from their installation and construction activities.

8. **Rental of sidewalk to store building materials**

- (a) An approved wayleave is required before storage of material on the road verges. Wayleave application process must be followed.
- (b) Lane Rental will also be charged if a footway is affected by work. If the footway is totally closed so that pedestrians are required to use a traffic lane, then lane rental will be payable.
- (c) Rental fee will be based on the length of the site and duration of construction.
- (d) For the purpose of determining lane rental for footways, a footway will be considered that part of the verge that is normally used by pedestrians. The total length of the construction site boundary will be considered.
- (e) Building material must not be piled or stacked on top of manholes, valves or hydrants. Clear access should always be available.
- (f) Wayleaves terms and conditions will also apply for sidewalks rentals.

9. **Refundable Security Deposit**

- (a) Before an approved wayleave can be issued, the applicant/ service provider will be required to issue security in the form of a bank guarantee valid for Twelve (12) months or a deposit in favour of the Municipality
 - (b) the amount of which will be determined based on the following:
 - i. The nature of the work (e.g. the manner of the installation work)
 - ii. The impact of the work proposed (i.e. taking into account the nature and value of the surfaces or land area affected); and
 - iii. the extent of the surfaces or land area affected, taking into account the length of the trench (per m²), the situation of the trench and the nature of the surface.
 - (c) No security will be payable or required for work done by Internal Municipal Directorates themselves.
 - (d) The Municipality will hold this deposit for a period of twelve (12) months making up a defect's liability period.
 - (e) The Municipality reserves the right to use this security bank guarantee/ deposit to recover any costs it incurs because of defective, substandard or non-compliant works by the Service provider.
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- (f) The Municipality may upon further inspection and satisfaction that there are no defects arising consequent to the installation of services or that the service provider has made good such defects in the road reserve, re-statement of the road surface, pavement layers, footpaths etc. release and restore the security guarantee to the service provider.
- (g) The service provider indemnifies the Municipality against any claims, demands or losses incurred as a result of any work performed in terms of an approved wayleave.
- (h) It is the responsibility of the service provider to ensure that any of its contractors or agents engaged in the implementation of the work is in possession of valid and sufficient public liability insurance cover.

10. Accommodation of Services

- (a) The Local Municipality has the right to use a 2m strip (building line) next to any two boundaries of a property (street boundary excluded) and in case of a panhandle, an additional servitude, 2m wide across the access portion of the erf for the installation of engineering services, and such strips are to be considered as building restriction areas (no building or other structure shall be erected within the foresaid servitude area and no large rooted trees shall be planted within the area).
- (b) Services can be installed underground, overhead or with trenchless methods. Overhead services will be limited to Electricity, Telephones.
- (c) Optic fibre will be installed underground in service sharing installations only.
- (d) Where service sharing installations are installed, the service provider owning the service ducts should give other service providers access to install and maintain their services in the said ducts.
- (e) Where service sharing installations are not installed, the initial service provider to apply for installation of services in the area will be required to install a duct that will allow for sharing of the service installation with other service providers.
- (f) If trenchless methods are used it is important that the Service provider using such methods have all the necessary equipment and expertise to complete the Work successfully.
- (g) Trenchless method can be used for all road categories within the Municipalities jurisdiction.

The following authorities apply for the road categories

Category	Road Type	Administration
1	National Roads SANRAL Primary -(inter) provincial Urban Freeway/Motorways	SANRAL Free State DoT Matjhabeng LM
2	Primary – (inter) provincial Major (inter) urban arterials	Free State DoT Matjhabeng LM
3	(Inter) district connectors Minor (intra) urban arterials	Free State DoT Matjhabeng LM
4	Major and minor collectors Inter neighbourhood distributors Intra neighbourhood distributors	Free State DoT Matjhabeng LM Matjhabeng LM
5	Residential Streets	Matjhabeng LM

- (h) In situations where the services must be relocated, the service provider will be responsible for the cost of such relocation. The Municipality will not be held responsible for the risk that a service may have to be relocated in future for purposes of road provision.
- (i) In cases where the relocation of a road is required in terms of future road planning, it is preferred that the services should be installed according to the future road planning to avoid fruitless expenditure. Services on such roads must be installed in their 'Future position'.
- (j) Traffic flow must be controlled at all times during installation and road safety must be maintained.
- (k) Installed poles, and switching boxes must be installed in such a way that does not create traffic hazards.

**CHAPTER 4
COMPLETION OF WORKS**

11. Backfilling and Reinstatement

- (a) Any trenching activity disturbs the structural integrity of a road or footway. Backfilling and Reinstatement must therefore be done in such a way as to ensure that the reinstated trench and its immediate surroundings do not fail structurally, thus resulting in road user discomfort and increased costs.
- (b) Backfilling refers to the replacement of the structural layers in the trench or excavation and includes the base, subbase, selected subgrade and subgrade, but exclude the surfacing.
- (c) Reinstatement refers to replacing the bituminous surfacing or paving blocks in the case of roads, or the paving blocks, paving slabs, bituminous surfacing or grass in the case of footways and verges.
- (d) Backfilling must in all cases be done by the Service provider in accordance with the specifications as set out in the wayleave approval.
- (e) Permanent reinstatement can be done either by the Council's Roads and Stormwater Division or by the service provider.
- (f) Permanent Backfilling and Reinstatement done by the Service provider will be subject to a guarantee period of one year.
- (g) If permanent Reinstatement is done by the Council's Roads and Stormwater Division, the Service provider must do a temporary Reinstatement as specified in the wayleave approval. The Service provider will then be charged for the permanent Reinstatement at the applicable rates defined by the Planning unit.
- (h) The temporary Reinstatement must be removed by the Council's Roads and Stormwater Division and the Backfilling tested. If the Backfill does not comply with the applicable specifications, it must be replaced at the Service provider's cost. These costs are over and above the normal Reinstatement costs.
- (i) The Service provider is responsible for maintaining the temporary Reinstatement for a 1-week period after issuing of the Certificate of Completion to the Planning unit. During this period the Service provider is still be held liable for any claims relating to the Work that was carried out.
- (j) Temporary Reinstatement must be done where the Service provider leaves the site with the view of returning to complete the Work. The Service provider must maintain this temporary Reinstatement.
- (k) The Service provider may not leave the site without reinstating it for more than 7 working days without written notice to the Municipality and without a temporary reinstatement in the case of (j) above.
- (l) If a Service provider who leaves the site unattended for more than the period specified in (k), a penalty fee will be charged. The amount will be determined by the Council.

12. Damage to Municipal Infrastructure

- (a) The Approved Wayleave Holder shall be responsible for all costs and repairs to existing infrastructure and/or the interruption of services arising from the installation and construction activities.
- (b) Damaged infrastructure must be repaired within 24 hours. The Municipality will charge penalties every hour after the initial 24 hours have lapsed.
- (c) The penalties will be as determined by the Municipality and will take into account the extent of the disruption of service.
- (d) The Approved Wayleave Holder will also be charged for the losses resulting from the damaged infrastructure.

13. Inspection and Completion

- (a) On completion of the Work the Service provider must submit a fully signed inspection form.
 - (b) The Planning unit will then set up a site meeting with the Service provider to do an inspection and will issue a Certificate of Completion if all requirements have been met.
 - (c) The 12-month guarantee period for permanent Reinstatements by the Service provider, or the 1-week maintenance period for temporary Reinstatements by the Service provider, then commences.
 - (d) Completion of the Work means that all Work has been completed and that all materials, equipment and rubble have been removed and the site is completely cleared and cleaned and that either the permanent or temporary Reinstatement, as applicable, has been done by the Service provider.
 - (e) Furthermore, it requires that all applicable documentations and as-builds in a GIS data format, have been handed to the Planning unit for recording. This is a prerequisite to the issuing of the Completion certificate.
 - (f) The positions of all servitudes must be surveyed by a qualified land surveyor.
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- (g) If Work involves more than one street link (street block), then an inspection form must be submitted after completion of each place of the Work.

**CHAPTER 5
OFFENCES AND PENALTIES**

- 14. Any person who:**
- (a) contravenes any provision of these by-laws or which contravention is not expressly stated to be an offence;
 - (b) contravenes any condition or restriction imposed upon the granting of any application, approval, authority, consent or permission in terms of these by-laws; or
 - (c) fails to comply with the terms of any notice served upon him or instruction to him in terms of these by-laws,

shall be guilty of an offence.
 - (d) Any person who is guilty of an offence under these Bylaws shall be liable, upon conviction, to a fine or imprisonment or both.
 - (e) Fines will be as tabled in the Matjhabeng Local Municipality’s approved tariffs schedule.

CHAPTER 6

15. Transitional provisions

- (a) A person or legal entity who, at the commencement of these By-Laws, is currently installing services shall provide the Municipality with the technical designs telecommunication infrastructure network including its Base Stations, Switching Boxes, Connection points in compatible format of the latest version of ArcGIS.
- (b) Previously installed services, upon request to the various service providers, they must provide the Municipality with as built designs data that are ArcGIS compatible of their services installed within the Municipal road reserve and other areas falling outside of road reserves.
- (c) In a case where a person or legal entity, previously installed services that pose danger to the public or contravenes any of Council Policy(ies) or conditions of title deed(s) or deed of transfer documents; The Municipality reserves the right to effect a corrective measure irrespective of previously granted approval(s).

16. Provision for delegation

- (a) Subject to the provisions of any other legislation, the Council may delegate or assign in writing any power, duty or function imposed by or under this by-law, to any person in its employ subject further to such conditions as it may deem necessary.

17. Short title and commencement

This by-law is called the Wayleave By-Law No of 2022 and shall come into operation upon date of publication in the *Provincial Gazette*.

Annexure A:

Wayleave Application and Procedures Manual

July 2022

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1. Definitions

- a. **“Annexure A”** mean the Matjhabeng Local Municipality Wayleave Application and Procedures Manual.
- b. **“Approved/Approval”** means granting of permission by the Municipality to the Wayleave Applicant to commence with the works on a specified site.
- c. **“Approved wayleave”** means the signed document/s issued by the Municipality, detailing the work which has been approved and the period during which the work shall be carried out and includes approved drawings/plans and generally Conditions of Approval.
- d. **“Approved wayleave holder”** means the person, institution or Service Provider who is in possession of an Approved Wayleave approved by the Municipality.
- e. **“Road Backfilling”** refers to the replacement of the structural layers in the trench or excavation and includes the base, sub-base, selected subgrade and subgrade, but exclude the surfacing.
- f. **“Certificate of Completion”** means the document issued by the supervising Municipal official or Professional Engineer as proof that the works have been completed in accordance with the requirements of the approval letter and contract.
- g. **“Completion Notice”** means the document or submitted by the Approved Wayleave Holder to the supervising Municipal Official or supervising engineer when the works have been completed – Inspection form
- h. **“Council”** means the Matjhabeng Local Municipality’s council.
- i. **“Constitution”** means the *Constitution of the Republic of South Africa, 108 of 1996, as amended*
- j. **“Contractor”** means a natural or juristic person or partnership appointed by the Wayleave Applicant for carrying out the Works.
- k. **“Electronic Communications Facility”** includes but is not limited to any—
 - (a) space on or within poles, ducts, cable trays, manholes, hand holds and conduits; and
 - (b) associated support systems, sub-systems and services, ancillary to such electronic communications facilities or otherwise necessary for controlling connectivity of the various electronic communications facilities for proper functionality, control, integration and utilisation of such electronic communications facilities;
- l. **“Emergency Work”** means any work that is urgently required to prevent or end a dangerous situation, to prevent or end an unplanned interruption in the supply of a service, or to avoid any substantial losses.
- m. **“Engineer”** means a person registered as a Professional Engineer/ Technologist in terms of the *Engineering Professions Act, 2000*, appointed and funded by the Wayleave Applicant to supervise the technical aspects of the Works and ensure compliance with the Conditions of Approval of the Wayleave. Presence of such a person is required to control the Works wherever any excavation is involved.
- n. **“Engineering Planning Unit”** means the designated members of the Municipality with the sole responsibility to carry out the administrative functions of receiving, verifying and ensuring that wayleave applications conform to the prescribed MLM legal and procedural requirements.
- o. **“Environment”** has the meaning assigned to it in section 1 of the *National Environmental Management Act 107 of 1998*, as amended from time to time.
- p. **“Legislation”** means any applicable law, proclamation, ordinance, act of Parliament or enactment having force of law.
- q. **“Local community”** in relation to the Municipality means that body of persons comprising:
 - (e) the residents of the Municipality;
 - (f) the ratepayers of the Municipality;
 - (g) any civic organisations and non-governmental, private sector or labour organisations or bodies which are involved in local affairs within the Municipality; and
 - (h) visitors and other people residing outside of the municipal area who, because of their presence in the municipal area, make use of services or facilities provided by the Municipality.
- r. **“MLM Wayleave Application Procedure”** document forming “Addendum 1” of Matjhabeng Local Municipality Wayleave Policy, outlining the procedure and general requirements Service Providers must comply with before submitting a wayleave application to the Matjhabeng Local Municipality (MLM).
- s. **“Municipal Directorate or Unit”** means any Directorate or sub-Directorate that belongs to or is controlled by the Municipality.

- t. **"Municipality or MLM"** means the Matjhabeng Local Municipality, and includes any duly authorised official thereof, or a Approved Wayleave Holder fulfilling a responsibility under this Policy assigned to it in terms of the *Local Government: Municipal Systems Act 2000 (Act 32 of 2000)* or any other law, as the case may be acting in connection with a by-law or by virtue of a power vested in the Municipality and delegated, to such
- u. **"Municipal Manager"** means the head of administration and also the accounting officer for the Municipality.
- v. **"Owner"** means:
- (j) the person in whose name the property is registered;
 - (k) in the case where the person in whose name the property is registered, is insolvent or deceased, or is disqualified in terms of any legal action, the person who is responsible for administration or control of the property as curator, trustee, executor, administrator, legal manager, liquidator, usufructuary, servitude holder or any other duly authorised or appointed representative;
 - (l) in the case where the Municipality or Approved Wayleave Holder is unable to establish the identity of such person, the person who is entitled to derive benefit from the property or any buildings thereon;
 - (m) in the case of a lease agreement entered into for a period of 30 (thirty) years or longer, or for the natural life of the lessee or any other person mentioned in the lease, or is renewable from time to time at the will of the lessee indefinitely or for a period of periods which, together with the first period of the lease, amounts to 30 (thirty) years, the lessee or any other person to whom he has ceded his right, title and interest under the lease, or gratuitous successor to the lessee;
 - (n) In relation to:
 - (iii) a piece of land delineated on a sectional title plan and which is registered in terms of the *Sectional Title Act 95 of 1986*, without limiting it to the developer or body corporate of the common property;
 - (iv) a section as defined in the *Sectional Title Act 95 of 1986*, the person in whose name that section is registered in terms of a "sectional title deed", including the lawfully appointed representative or agent of such person;
 - (o) any legal entity including but not limited to:
 - (v) a company registered in terms of the *Companies Act 61 of 1973*, a trust *inter vivos*, *trust mortis causa*, a close corporation registered in terms of the *Close Corporation Act 69 of 1984* and any voluntary organisation;
 - (vi) any provincial or national government department, or local authority;
 - (vii) any Municipality or management body established in terms of any legal framework applicable to the Republic of South Africa; and
 - (viii) any embassy or other foreign entity in whose name the property is registered;
 - (p) in relation to property owned by the Municipality and which has been disposed of, but which has not been transferred to the person to whom it has been disposed of, from the date of the disposition concerned, such person; and
 - (q) in relation to property owned by or under the control or management of the Municipality while held under a lease or any express or tacit extension thereof or under any other contract or under servitude or right analogous thereto, the person so holding the immovable property.
- w. **"Property"** means:
- (d) immovable property registered in the name of a person/owner including in the case of a sectional title scheme, a sectional title unit registered in the name of any person/owner;
 - (e) a right registered against immovable property in the name of a person excluding a mortgage bond registered against the property;
 - (f) any piece of land, the external surface boundaries of which are delineated on:
 - (iii) a general plan or diagram registered in terms of the *Land Survey Act 9 of 1927* or in terms of the *Deeds Registries Act 47 of 1937* or;
 - (iv) a sectional plan registered in terms of the *Sectional Titles Act 95 of 1986*; which is situated within the area of the Municipality;
 - (f) a land tenure right registered in the name of a person or granted to a person in terms of legislation; or
 - (g) public service infrastructure.
- x. **"Public road"** means any road, street or thoroughfare or any other place (whether a thoroughfare or not) which is commonly used by the public or any section thereof or to which the public or any section thereof has a right of access and includes:
- (d) the verge of any such road, street or thoroughfare.
 - (e) any bridge, ferry, or drift traversed by any such road, street or thoroughfare; and
 - (f) any other work or object forming part of or connected with or belonging to such road, street or thoroughfare.
- y. **"Public Road Reserve"** means the full width of a public road and includes the verge and the roadway.
- z. **"Road Reserve"** means the verges on both sides of a public road.
- aa. **"Reinstatement"** means the replacing the bituminous surfacing or paving blocks in the case of roads, or the paving blocks, paving slabs, bituminous surfacing or grass in the case of footways and verges.
- bb. **"Routine Maintenance Work"** is defined as all types of work involved in maintaining the services in the public road reserves and does not require excavation, traffic control or reinstatement activities.
- cc. **"Security Deposit"** means the **returnable bank guarantee issued by the Wayleave Applicant in favour of** the Municipality in respect of each Wayleave approval issued, the amount of which will be determined by the Municipality.
- dd. **"Service"** means any system for supplying a public need that a Service Agency has on or intends to install within the geographical jurisdiction of the RLM.
- ee. **"Service Provider"** means any agency or utility that
- (a) owns a Service within the geographical jurisdiction of the MLM
-

- (b) the natural or juristic person or partnership named as the Applicant in the Wayleave application form and it includes a developer of land on which a servitude is registered, and service(s) installed.
- ff. **“Service delivery”** is the distribution of basic resources citizens depend on like water, electricity, sanitation infrastructure, land, housing and other infrastructure.
- gg. **“Service-Sharing Installation”** means installations of a service which are designed to:
 - (a) Utilise existing or construct new ducting or pipelines without the need for excavations, except minimal excavation/ construction at junctions or terminals.
 - (b) Allow service provider to install services (share) in the same duct or pipe line
- hh. **“Site”** means the land made available by the Municipality or landowner 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.
- ii. **“Structures Act”** means the *Local Government: Municipal Structures Act 117 of 1998* and the regulations promulgated in terms thereof.
- jj. **“Supervising Municipal Official”** means a person appointed by the Matjhabeng Local Municipality to ensure compliance with the Conditions of Approval of the Wayleave.
- kk. **“Systems Act”** means the *Local Government: Municipal Systems Act 32 of 2000* and the regulations promulgated in terms thereof.
- ll. **“Tariff Policy”** means the Tariff Policy of the Municipality adopted in terms of the provisions of section 74(1) of the *Systems Act* as amended from time to time.
- mm. **“Tariff Schedule”** means the schedule containing details pertaining to the levels and application of the various fees, charges or tariffs as approved by the Municipality from time to time.
- nn. **“Wayleave”** means an agreement between the landowner and the Approved Wayleave Holder pertaining to the installation of services within or upon the land or road reserve.
- oo. **“Wayleave Applicant”** means the natural or juristic person or partnership named as the Applicant in the Wayleave application form and it includes a developer of land on which a servitude is registered, and service(s) installed.
- pp. **“Wayleave Application Fee”** means the tariff amount that is payable by the Wayleave Applicant upon submission of a wayleave application form. Which fee is determined by the Municipality and is standardised and non-refundable.
- qq. **“Wayleave Application and Procedure Manual”** means Annexure A to the Matjhabeng Local Municipality Wayleave Policy
- rr. **“Works”** mean the installation and construction activities designed, supervised and executed in accordance with the Wayleave application and conditions.

2. What is a Wayleave

A wayleave is an agreement between the landowner and the Approved Wayleave Holder pertaining to the installation of services within or upon the land or road reserve. Wayleaves are generally used to grant access to the land or road reserve by the Approved Wayleave Holder to install the service. The wayleave relates more to the actual construction activities than to the eventual conveyance of services.

Once the service has been installed, the road authority concerned becomes the owner of the service. Wayleaves can therefore not be used to protect services in favour of the service provider.

No one is allowed to conduct any type of work without an approved wayleave or without following exemptions as provided for in this policy and related by-law.

a. The approval of a Wayleave means that:

The Approved Wayleave Holder has permission to:

- (a) Place a new Service in the Public Road Reserve.
- (b) Do excavations in the Public Road Reserve.
- (c) Do vehicular and pedestrian control in the Public Road Reserve; and,
- (d) Do Reinstatement Work on the road and pavement surfaces where excavations have been made.
- (e) The Council has to protect the new Service in its position in the Public Road Reserve against damage by other parties while working in the Public Road Reserve.
- (f) The cost associated with relocating the Service when a road is widened or rebuilt remains with the Service provider that owns the Service.
- (g) The cost to relocate a Service owned by the Council must be included in the project cost.

An approved wayleave is valid for 6 months from the date of issue.

b. Wayleave Application Procedure

No service provider, contractor or their agents may commence work within the geographical area falling under the municipality's jurisdiction without having submitted a wayleave application and receiving municipal approval of same.

All applications for wayleaves shall be made in the Matjhabeng Local Municipality Wayleave Application Form as shown in “Addendum 1” of the Wayleave Policy, accompanied by a covering letter on the applicant's official letterhead, clearly and comprehensively stating the Wayleave Applicants reasons for requiring the wayleave.

- i. Wayleave Application may be submitted for projects that covers work in any area within the jurisdiction of the Matjhabeng Local Municipality, provided that the position and expected start / end dates of all Work in the road reserve is adequately described under the description of the Work to be done.
- ii. General conditions are stated on the Wayleave Application Form and may include, but are not restricted to, the following:

- (a) An application letter with a description the application scope
 - (b) The application letter must be signed by a professional Engineer/ Technologist/ Technician
 - (c) Completed Municipal wayleave application form
 - (d) Copies of Company Registration Documents and Professional Engineers /Technologist/ Technician Certificate of Registration.
 - (e) Proof of payment of the non-refundable application fees
 - (f) **For optic fibre** - written acknowledgement of other Approved Wayleave Holders of their wish to be in the same trench/ duct
 - (g) Three A3 copies of the design drawing showing details of the proposed Work. Detail should include.
 - i Indication where Services are to be installed and the depth of the Service below the surface.
 - ii Distance of the Service from the road reserve boundary (i.e., the property boundary).
 - iii Position and extent of all structures including underground structures such as manholes, chambers, and junction boxes.
 - iv The location of all other Services in the road reserve. Services are located by obtaining information from the Service providers within the Council and by doing cross cuts where required. The use of cross cuts is strongly recommended
 - (h) Three A3 copies of the area layout
 - (i) Installation method statement including estimated duration of construction
 - (j) Written proof of notice given to other stakeholders which have ownership of installed service infrastructure such as **ESKOM, TELKOM, Sedibeng Water, SANRAL, the Free State Provincial Department of Public Works & Roads, e.t.c** of their intention to commence works within the vicinity of the area where their respective services have been installed.
 - (k) Wayleave will only be issued once all the requirements have been complied with and will be subject to the conditions specified in Section 3.3 and on the Wayleave form.
 - (l) In a case where an applicant of a Wayleave permit requires to install services (communication network or lines) on portion of land including farmland, the applicant must submit as part of the application process:
 - i. A sketch diagram or services designs for the network or lines clearly indicating the required space for such network and or lines (the submission of designs must be done in both hard copy and Geographic Information System (GIS) compatible format).
 - ii. A servitude registration in this regard will be necessitated and the applicant must facilitate the registration of the servitude with the owner of the property. The servitude must be registered in favour of the approved wayleave permit holder. All due processes need to be followed in this regard.
 - (m) In a case where a 2m building line or building restricted area is required for services including communication network or lines, the applicant for Wayleave permit other than the Local Municipality must obtain a written approval for use of such restricted area from the Municipality as part of the wayleave permit application process. The application must be accompanied by a site development plan clearly indicating where the services are going to be installed in relation to the restricted area. The submission of designs must be done in both printed hard copy and Geographic Information System (GIS compatible format).
- iii. The application for a Wayleave must be submitted timeously to ensure that the Wayleave can be issued before the Work is programmed to start. **WORK BEING CARRIED OUT IN THE PUBLIC ROAD WITHOUT A WAYLEAVE MUST BE REPORTED TO THE ENGINEERING PLANNING UNIT AND WILL BE STOPPED BY THE COUNCIL LAW ENFORCEMENT.** A copy of the Wayleave must therefore always be on site when Work is being done in the road reserve.
 - iv. The South African Railway Commuter Corporation (SARCC) requires notification of all road planning and development of services such as pipelines, cables, power lines, etc. above or underground, that is within 1 km of any existing or planned SARCC railway line or property. These proposals of developments must be submitted to the SARCC Senior Manager, Strategic Network Development for comment.
 - v. The Engineering Planning Unit will strive to limit the duration of the application review process to seven (30) working days.
 - vi. The Approved Wayleave Holder accepts full responsibility for all costs with and resulting from the Work carried out in the public road reserve.
 - vii. Only Work described in the Wayleave may be executed. If the conditions on site necessitate a deviation from the planned Work, the Engineering Planning Unit must be informed before any Work is done. These deviations may be in relation to the placement of the Service or the timing of the Works. The Engineering Planning Unit may inform the Approved Wayleave Holder of additional approvals that must be obtained from the Service providers affected by the deviation as well as further requirements in terms of drawings and specifications. Work will only be allowed to continue once The Engineering Planning Unit is satisfied that all the additional requirements have been met.
 - viii. The Approved Wayleave Holder must complete the Work within the time specified on the Wayleave or the approved time extension.
 - ix. An Approved Wayleave Holder who fails to complete the Work within the specified time window will be given a fourteen (14) day notice period to either complete the Work or apply for a time extension.
 - x. If upon expiry of the notice period referred to in 2.2.8 the Approved Wayleave Holder is still in default, the Work will be stopped and made safe by The Engineering Planning Unit at the expense of the Wayleave Holder.
-

c. Payment of “Wayleave Application Fees” and “Bank Guarantee”.

- i. It is mandatory that all Wayleave Applications are accompanied by the payment of the stipulated standardised and non-refundable application Administration Fee as determined by the Municipality.
- ii. A security in the form of a bank guarantee in favour of the Municipality equivalent to a yet to be determined gross percentage (%) estimated value of works will be required from the successful Wayleave Applicant before commencing with the works.
- iii. The of the bank guarantee amount will be determined based on the following:
 - a. The nature of the work (e.g. the manner of the installation work)
 - b. The impact of the work proposed (i.e. taking into account the nature and value of the surfaces or land area affected); and
 - c. The extent of the surfaces or land area affected, taking into account the length of the trench (per m²), the situation of the trench and the nature of the surface.
- iv. No security will be required for work done by Internal Municipal Directorates themselves.
- v. The Municipality will hold this security for a period of twelve (12) months after the work have been completed, making up the defects liability period. The Municipality reserves the right to use this security bank guarantee to recover any costs it incurs as a result of defective, substandard or non-compliant works by the Approved Wayleave Holder.
- vi. The Municipality reserves its right to recover any costs actually incurred for remedial or rehabilitation work that it must perform as a result of defective, substandard or non-compliant work by a Approved Wayleave Holder, irrespective of whether a security guarantee is deemed released and restored to the issuer.

d. Evaluation of the wayleave application

- i. The Municipality’s Engineering Planning unit will communicate receipt of the Wayleave Application to the Wayleave Applicant in writing and check whether the application is compliant with all legal and technical requirements, and further request any additional information where necessary.

e. Circulation of wayleave application for comments

- i. The submitted application and supporting documents are then forwarded to the affected Municipal internal Directorate/Units for technical inputs, comments and related conditions.

f. Consolidation of comments and recommendations

- i. The comments from various internal directorates/units of the design and technical drawings submitted and work method statements are consolidated into the draft approval letter.
- ii. Attached to the application must be confirmation of payment of the application fees, security deposits and public liability insurance cover.
- iii. This letter will then be submitted for the consideration and approval by the Municipal Manager.

g. Approval of application by the Municipal Manager

- i. The decision whether to approve or decline the Wayleave Application ultimately rests with the Municipal Manager, who will then proceed to inform the Wayleave Applicant as to the outcome of the application by issuing a Wayleave Application Approval Letter.
- ii. Where the application has been successful the wayleave approval will be registered and an approved wayleave will be issued. The Applicant will then be given notice as to when they may commence with the works, and they will at all times be required to take note of any the special conditions attached to execution of the works.
- iii. It is anticipated that the municipality should take 14 (Fourteen) working days to approve a submitted wayleave application where the Wayleave Applicant has submitted all the necessary supporting documentation.

h. Supervision and inspection of the works by the MLM

- i. The Municipality will designate a Municipal official or engineer to inspect and where necessary supervise the execution of the works. The said official will ensure that all works are executed in accordance with the procedures and specifications as outlined in the submitted and approved work Method Statements.

i. Completion Notice and Certificate of Completion

- i. On completion of the Work the Service provider must fill in the Completion Notice (inspection form) and return it to the Planning unit within 2 working days. The Planning unit will schedule an inspection and will issue a Certificate of Completion if all requirements have been met. The 12-month guarantee period for permanent Reinstatements by the Service provider, or the 1-week maintenance period for temporary Reinstatements by the Service provider, then commences.
 - ii. Completion of the Work means that all Work has been completed and that all materials, equipment and rubble have been removed and the site is completely cleared and cleaned and that either the permanent or temporary Reinstatement, as applicable, has been done by the Service provider. Furthermore it requires that all applicable documentations and as-buils as specified on the Wayleave form have been handed to the Planning unit for recording.
 - iii. If Work involves more than one street link (street block), then a Completion Notice must be submitted after completion of each place of the Work.
 - iv. The Municipal Finance Directorate will only refund the security deposit upon the presentation of the Certificate of Completion and the completion of the stipulated 12-month defects liability period.
-

3. Rental of sidewalk to store building materials

- a. An approved wayleave is required before storage of material on the road verges. Wayleave application process must be followed.
- b. Lane Rental will also be charged if a footway is affected by work. If the footway is totally closed so that pedestrians are required to use a traffic lane, then lane rental will be payable.
- c. Rental fee will be based on the length of the site and duration of construction.
- d. For the purpose of determining lane rental for footways, a footway will be considered that part of the verge that is normally used by pedestrians. The total length of the construction site boundary will be considered.
- e. Building material must not be piled or stacked on top of manholes, valves or hydrants. Clear access should always be available.
- f. Wayleaves terms and conditions will also apply for sidewalks rentals

4. General requirements

- 4.1. A Service-Sharing Installation approach shall be encouraged, whereby a single trench approach is supported whenever it is technically feasible. An obligation should be put in place that as from henceforth service agencies are to include excess capacity in their deployment (especially at road crossings) and to lease said spare capacity to other licensees at reasonable rates.
- 4.2. Control over the manner of installation of services on municipal land falls within the ambit of municipal planning, any installation of services on municipal land is subject to the applicable national and provincial legislation, municipal spatial planning and land use management policies and bylaws, together with the applicable environmental policies and bylaws.
- 4.3. The Approved Wayleave Holder shall accept responsibility for all costs associated with and immediately effecting all repairs arising from their installation and construction activities, including any repairs and costs arising from damage to existing infrastructure and/or the interruption of services.
- 4.4. The execution of the works requires the Approved Wayleave Holder to comply with all safety regulations, in particular provisions of the Occupational Health and Safety Act no. 85 of 1993 (General Safety Regulations Section 13) regarding demolition and excavation works.
- 4.5. The Approved Wayleave Holder shall in writing designate an employee with the duty of supervising the performance of the works in terms of Regulation Section 11 of the Occupational Health and Safety Act no. 85 of 1993.
- 4.6. The Approved Wayleave Holder shall take photographs (in a digital format) of the site to be taken prior to commencement with the Works to record any existing damage or faults found on or adjacent to the Site. These photographs and a written report on such damage or faults must be provided to the Planning units before commencing with the Works.
- 4.7. Should no such photographic record be submitted to the Planning units, the Site will be deemed to have been handed over to the Approved Wayleave Holder in good condition.
- 4.8. **The Wayleave Permit, design and technical drawings, maps, work method statements and health & safety file must be kept on site at all times while the Works are in progress.**
- 4.9. The use of machinery on site will be prohibited unless the position of all installed services has been exposed by hand excavation or said services are clearly outlined in the maps accompanying the Wayleave Application.

5. Liability for damages to installed services and infrastructure

- 5.1. The Approved Wayleave Holder shall be responsible for all costs and repairs to existing infrastructure and/or the interruption of services arising from the installation and construction activities.
- 5.2. Damaged infrastructure must be repaired within 24 hours. The Municipality will charge penalties every hour after the initial 24 hours have lapsed.
- 5.3. The penalties will be as determined by the Municipality and will take into account the extent of the disruption of service.
- 5.4. The service provider will also be charged for the losses resulting from the damaged infrastructure.
- 5.5. The Municipality may, upon further inspection and satisfaction, that there are no defects arising consequent to the installation of services or that the applicant has made good such defects in the road reserve, re-statement of the road surface, pavement layers, footpaths, etc., release and restore the security guarantee to the applicant.

6. Works installation requirements

- 6.1. Commencement of works by Approved Wayleave Holders constitutes an undertaking by them that they fully understand all wayleave specific general and special conditions.
 - 6.2. The Municipality reserves the right to inspect the works during such periods as may be necessary to ascertain compliance with, and to require correction of deviations from any agreed terms and conditions of the wayleave permit.
 - 6.3. The municipality may assign a municipal official or engineer to inspect the Works. Such inspection shall in no way relieve the service agency of any duty of responsibility nor shall such inspection absolve the service owner from any liability for loss, damage, or injury to persons or property.
 - 6.4. The assigned municipal official or engineer shall meet with the successful wayleave applicants engineer and site supervisory team on site, to review the workplans, wayleave general and special conditions and work method procedures.
 - 6.5. The MLM prefers the open trenching excavation method as against thrust boring, specifically in urban environs and protected precincts. However, where thrust boring cannot be avoided in must be performed in a controlled manner as per approved work method statement as submitted to the municipality and under the supervision of a designated municipal official or engineer.
 - 6.6. Excavation works requiring road crossing must be designed and supervised by a professionally registered civil Engineer in compliance with COTO guidelines and specifications. The Municipality will also designate a municipal official or engineer to inspect and where necessary supervise the execution of said road crossing works.
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- 6.7. Excavation works requiring road crossing must be designed and supervised by a professionally registered engineer in compliance with nationally accepted COTO guidelines and specifications. The municipality will also designate a municipal official or engineer to monitor and where necessary supervise the execution of said road crossing works.
- 6.8. Where the Municipality determines that an Approved Wayleave Holder installed infrastructure and/or equipment (or part thereof) must be relocated for whatever reason, said relocation cost shall be borne by the Approved Wayleave Holder at no cost to the Municipality.

7. Onsite safety requirements

- 7.1. The execution of the works requires the Approved Wayleave Holder to comply with all safety regulations, in particular provisions the **Occupational Health and Safety Act no. 85 of 1993** (General Safety Regulations Section 13) regarding demolition and excavation works.
- 7.2. The Approved Wayleave Holder shall in writing designate an employee with the duty of supervising the performance of the works in terms of Regulation Section 11 of the *Occupational Health and Safety Act no. 85 of 1993*.
- 7.3. The Approved Wayleave, design and technical drawings, maps, work method statements and health & safety file must at all times be kept on site and be available for reference and inspection while the Works are in progress.
- 7.4. During the initial installation or construction of the facilities or during their repair, removal, relocation, maintenance or any other miscellaneous operations, all necessary barricades, suitable and sufficient lights, danger signals, signs and other traffic control devices shall be erected and maintained and all necessary precautions for the protection of the works and safety of the public shall be taken. This work shall be carried out in consultation with and to the satisfaction of the supervising Municipal official or supervising Municipal professional engineer.
- 7.5. Work shall be planned so that closure of lanes, intersecting roads and accesses is kept to a minimum. At no time shall permission be granted for the road be closed entirely. All traffic control and safety devices used for the protection of work areas shall conform to the national standard specifications for road maintenance and working in the road reserve.

8. Backfilling and Reinstatement

On completion of the works, it is the responsibility of the Approved Wayleave Holder to rehabilitate the surrounding environment to the condition in which it was found.

- 8.1. Any trenching activity disturbs the structural integrity of a road or footway. Backfilling and Reinstatement must therefore be done in such a way as to ensure that the reinstated trench and its immediate surroundings do not fail structurally, thus resulting in road user discomfort and increased costs.
- 8.2. Backfilling refers to the replacement of the structural layers in the trench or excavation and includes the base, subbase, selected subgrade and subgrade, but exclude the surfacing.
- 8.3. Reinstatement refers to replacing the bituminous surfacing or paving blocks in the case of roads, or the paving blocks, paving slabs, bituminous surfacing or grass in the case of footways and verges.
- 8.4. Backfilling must in all cases be done by the Service provider in accordance with the specifications as set out in the **Backfilling and Reinstatement Specifications, Section 9** of this Manual. Permanent Reinstatement can either be done by the Council's Roads and Stormwater Unit or by the Service provider. The Engineering Planning Unit will decide whether the Service provider will be allowed to do the permanent Reinstatement based on performance history.
- 8.5. When the Wayleave conditions place the responsibility for Reinstatement work on the Service provider then the Reinstatement specification will be as per **Section 9** below.
- 8.6. Permanent Backfilling and Reinstatement done by the Service provider will be subject to a guarantee period of one year.
- 8.7. If permanent Reinstatement is done by the Council's Roads and Stormwater Division, the Service provider must do a temporary Reinstatement as specified. The Service provider will then be charged for the permanent Reinstatement at the applicable rates defined by the Engineering Planning unit.
- 8.8. The temporary Reinstatement must be removed by the Council's Roads and Stormwater Division and the Backfilling tested. If the Backfill does not comply with the applicable specifications, it must be replaced at the cost of the Service provider. These costs are over and above the normal Reinstatement costs.
- 8.9. The Service provider is responsible for maintaining the temporary Reinstatement for a 1-week period after issuing of the Certificate of Completion to the Engineering Planning unit. During this period the Service provider is still be held liable for any claims relating to the Work that was carried out.
- 8.10. Temporary Reinstatement must be done where the Service provider leaves the site with the view of returning to complete the Work. The Service provider must maintain this temporary Reinstatement.
- 8.11. The Service provider may not leave the site without reinstating it for more than 7 working days without written notice to the Municipality and without a temporary reinstatement in the case of 8.10.
- 8.12. If a Service provider who leaves the site unattended for more than the period specified in 8.11, a penalty fee will be charged. The amount will be determined by the Council.

9. Backfilling and Reinstatement Specification

The Municipality's Reinstatement specifications:

9.1. Carriageway Crossings

(a) Backfill

In situ material from trench excavation, min G9 placed in 150mm thickness or sand compacted at 100% or G7 if imported.

(b) Light duty crossing

100mm G5 over approved backfill

- 20mm sand under approved pavers, or 30mm continuously graded premix
- (c) Heavy duty crossings
 - 150mm G5,
 - 20mm sand under approved pavers, or 30mm continuously graded premix
- (d) Extra Heavy-duty crossings
 - Require 200mm G2 base, placed in two layers with thicknesses of 100mm each
 - 20mm sand under 80mm interlocking paving blocks, or 40mm premix

9.2. **Roadways General:**

- Joints to be sealed with Via Seal and mixed in with fine sand.
- Wearing course to overlap underlying layer by 40mm on each side.
- Base course to overlap underlying layer by 150mm on each side.

9.2.1. **Layer works for road crossings for other roads (Class 5):**

- Backfill - min G9 material from trench excavation placed in 150mm thickness or sand compacted at 100%
- 150mm G7 Layer
- 150mm thick G5 layer
- 150mm thick G3 Base Course layer. G3 material with a
- 26.5mm maximum aggregate size, compacted to 98% Mod AASHTO maximum density
- 30mm continuously graded asphalt wearing course or 20mm sand under 80mm interlocking paving blocks

9.2.2. **Layer works for main roads and roads carrying heavy traffic (Class 3, 4 and Heavy Vehicle route):**

- Backfill to be stabilized material, G9 from trench excavation (G7 if imported), placed in 150mm thickness and compacted to minimum of 93 % of modified AASHTO maximum density
- G7 layer 150mm thick stabilized with 2% cement
- G4 layer 150mm thick each
- G2 Base Course layer 150 mm thick. G2 material with
- 26.5mm maximum aggregate size, compacted to 98% Mod AASHTO maximum density
- 40mm continuously graded medium asphalt wearing course.

9.3. **Reinstatement Performance Specifications**

9.3.1. The performance of any trench permanently reinstated by the approved wayleave holder will be monitored for 12 months, during which period the approved wayleave holder will be held responsible for any remedial work that may be required.

9.3.2. Remedial work will be required if any of the following defects exists:

- (a) Depressions.
- (b) humps (crowning);
- (c) edge depression (trips, vertical discontinuities) at the interface; or
- (d) cracking.

9.3.3. Any depression or hump will be measured with a straight edge across the reinstatement and will require remedial work if the following limits are exceeded over 100 mm or more of the length of the trench:

Reinstatement Width mm	Height of Deformation or Hump as measured with straight edge mm
0 to 400	10
400 to 500	12
500 to 600	14
600 to 700	16
700 to 800	19
800 to 900	22
Over 900	25

9.3.4. Remedial work will also be required if a depression results in standing water wider than 500 mm or exceeding one square metre, two hours after rain has stopped.

9.3.5. Any edge depression exceeding 10 mm over 100 mm or more of the length of the trench will require remedial work.

9.3.6. Any open crack wider than 3 mm and longer than 100 mm will require remedial work.

10. GIS Services and Servitude Database

- 10.2. Upon completion of the works, Approved Wayleave Holders must submit as-built drawings electronically in the format of a shape files to the Engineering Planning Unit.
- 10.3. The positions of all servitudes must be determined by a qualified land surveyor. The as-built drawings will then be used to populate and update the in-house GIS Services and Servitude Database.
- 10.4. The submission of as-built drawings is a pre-condition to the issuing of a MLM Certificate of Completion.

WAYLEAVE APPLICATION FORM

CONTACT DETAILS

WAYLEAVE APPLICANT:

The Wayleave Applicant is the Company or Person who pays for the project design and construction and who owns the infrastructure or service. (NOT the agent/person/company/subcontractor/ engineer that completes the application form on behalf of the Wayleave Applicant)

COMPANY/AGENCY/DEPARTMENT _____

TRADING AS _____

COMPANY TYPE _____

COMPANY REGISTRATION NUMBER _____

CONTACT PERSON _____

CONTACT TEL _____

E-MAIL _____

PHYSICAL ADDRESS _____

CITY AND PROVINCE _____

APPLICANT'S ENGINEER:

NAME AND SURNAME _____

ECSA PROF REG. NUMBER _____

CONTACT TEL _____

MOBILE NUMBER _____

E-MAIL _____

CONTRACTOR:

NAME _____

CONTACT TEL _____

CONTACT PERSON _____

E-MAIL _____

B. PURPOSE OF APPLICATION

1. To install a new service.	<input type="checkbox"/>	Mark with an 'X' in the appropriate block
2. To Maintain/Repair/Replace an Existing Service	<input type="checkbox"/>	
3. To occupy or perform other operations.	<input type="checkbox"/>	
4. Other (give details below)	<input type="checkbox"/>	

BANK GUARANTEED SURETY IN FAVOUR OF THE MATJABENG LOCAL MUNICIPALITY

D. UNDERTAKING / INDEMNITY

I, the undersigned hereby,

- Accept the terms and conditions of the wayleave approval and all the conditions as outlined by other affected service agencies.
- Accept responsibility for all costs associated with the work, including any damages to other services, the reinstatement of services, the cost of any tests that may be required and any claims that may result from the work until the permanent reinstatement is completed.
- Indemnifies the Matjhabeng Local Municipality (MLM) against any claim(s), cost or damage or loss of whatsoever nature that may be incurred or sustained by the municipality, the Wayleave Applicant or any third party and also against all actions, legal proceedings and claims of whatsoever nature that may be instituted or made against the municipality arising out of, because of, or in any way whatsoever caused by or connected with the exercising by the applicant of the rights granted by the wayleave application as well as in respect of cost which the Municipality may incur in examining or resisting any such demands, actions, legal proceedings and claims, instituted by any person or party for injury to person(s) loss of life or
- damage to or loss of property, arising directly or indirectly from exercising the permission granted with the approval of this wayleave application.

Signed at WELKOM on the _____ day of _____ 20____.

For and on behalf of **Wayleave Applicant** _____

E. CHECKLIST FOR THE APPLICATION (For Official Use)	PROVIDED		
	YES	NO	
1. Cover letter describing the scope of the application:	YES	NO	
2. Proof of payment of wayleave application fees	YES	NO	
3. Application submitted under the signature of an engineer or professional technologist:	YES	NO	
4. Copies of Company Registration documents and Professional Engineers Certificate of Registration.	YES	NO	
5. Engineers letter of appointment by service provider for supervision provided	YES	NO	N/A
6. For Fibre Optic Cables is the written acknowledgement of other Wayleave Permit Holders of their wish to be in the same trench or their lack thereof part of the application	YES	NO	N/A
7. Level survey cross section provided for crossings:	YES	NO	N/A
8. Technical Drawings (<i>plan/section are mandatory, must show all existing services</i>) – no scanned copies	YES	NO	
9. Number of copies of drawings submitted = 3 A3 Size	YES	NO	
10. Aerial map or sketch of the work site (<i>must show access routes, location of machinery, distance to rail</i>)	YES	NO	N/A
11. Work Method Statement (<i>must be site and work specific</i>)	YES	NO	
12. Temporary Signage at Road works design provided:	YES	NO	N/A
13. Has Wayleave Applicant received a copy of the Matjhabeng Local Municipality (MLM) Wayleave Procedure and Conditions Manual?	YES	NO	

F. APPROVALS CONTACT DETAILS

The Wayleave Applicant has given notice to the following service agencies that they will be working within the vicinity of their services and said agencies have given the applicant their conditions for conducting such work and have expressed no objection to them applying for a wayleave and to executing said works within the vicinity of their installations.

AGENCY	REMARKS ON PRELIMINARY REQUEST /SIGNATURE / DATE	DETAIL DESIGN TO BE REVIEWED BY AGENCY (Y/N)	REMARKS ON DETAIL DESIGN / SIGNATURE / DATE
ESKOM			
TELKOM			
MTN			
VODACOM			
CELL C			

[GENERAL NOTICE NO.203 OF 2024]

MATJHABENG BY-LAW ON MUNICIPAL LAND USE PLANNING, 2015

UNDER THE POWERS IN TERMS OF SECTION 35(1) OF THE SPATIAL PLANNING AND LAND USE MANAGEMENT ACT, ACT 16 OF 2013, VESTED IN THE MUNICIPAL PLANNING TRIBUNAL OF THE MATJHABENG MUNICIPALITY, AND SECTION 62(4) OF THE MATJHABENG BY-LAW ON MUNICIPAL LAND USE PLANNING, 2015, THE FOLLOWING APPROVALS WAS GRANTED:

Reference Number	Application description	Approval Date
MPT 3/2025	(i) The registration of a long-term lease agreement measuring ±145ha over the Remainder of the farm Kopje Alleen 81, Odendaalsrus District; (ii) The special consent of the Municipality to use the ±145 ha of the Remainder of the farm Kopje Alleen 81, Odendaalsrus District, for the purpose of "Renewable Energy Structures" under the "Agricultural" zoning of the Matjhabeng Land Use Scheme 2022; (iii) The relaxation of the property boundary building lines from 10m to 0m along the boundaries affected by the ±145ha lease area.	18/02/2025
MPT 4/2025	(i) The registration of a long-term lease agreement measuring ±128 ha over Portion 1 (Bellevue) of the farm Kopje Alleen 81, Odendaalsrus District; (ii) The special consent of the Municipality to use the ±128ha of Portion 1 (Bellevue) of the farm Kopje Alleen 81, Odendaalsrus District, for the purpose of "Renewable Energy Structures" under the "Agricultural " zoning of the Matjhabeng Land Use Scheme 2022; (iii) The relaxation of the property boundary building lines from 10m to 0m along the boundaries affected by the ±128a lease area.	18/02/2025

[KENNISGEWING NR.203 VAN 2024]

MATJHABENG VERORDENING OP MUNISIPALE GRONDBEGRUIKSBEPLANNING 2015

KRAGTENS DIE BEVOEGDHEID, KRAGTENS ARTIKEL 35(1) VAN DIE WET OP RUIMTELIKE BEPLANNING EN GRONDGEBRUIKBESTUUR, WET NO. 16 VAN 2013, VERLEEN AAN DIE MATJHABENG MUNISIPALE BEPLANNINGSRIBUNAAL, EN ARTIKEL 62(4) VAN DIE MATJHABENG VERORDENING OP MUNISIPALE GRONDBEGRUIKSBEPLANNING, 2015, WAS DIE VOLGENDE GOEDKEURING TOEGEKEN:

Verwysingsnommer	Aansoek beskrywing	Goedkeuringsdatum
MPT 3/2025	(i) Die registrasie van 'n langtermyn huurooreenkoms ±145ha groot oor die Restant van die plaas Kopje Alleen 81, Odendaalsrus Distrik; (ii) Die spesiale toestemming van die Munisipaliteit om die ±145ha van die Restant van die plaas Kopje Alleen 81, Odendaalsrus Distrik vir die doel van "Hernubare Energie Strukture" onder die "Landbou" sonering van die Matjhabeng Grondgebruikskema 2022; (iii) Die verslapping van die eiendomsgrens boulyne van 10m tot 0m langs die grense wat geraak word deur die ±145ha huurgebied.	18/02/2025
MPT 4/2025	(i) Die registrasie van 'n langtermyn huurooreenkoms ±128ha groot oor GEDEELTE 1 (Bellevue) van die plaas Kopje Alleen 81, Odendaalsrus Distrik; (ii) Die spesiale toestemming van die Munisipaliteit om die ±128ha van GEDEELTE 1 (Bellevue) van die plaas Kopje Alleen 81, Odendaalsrus Distrik vir die doel van "Hernubare Energie Strukture" onder die "Landbou" sonering van die Matjhabeng Grondgebruikskema 2022; (iii) Die verslapping van die eiendomsgrens boulyne van 10m tot 0m langs die grense wat geraak word deur die ±128ha huurgebied.	18/02/2025

<p>MPT 5/2025</p>	<p>(i) The registration of a long-term lease agreement measuring ±102 ha over Portion 3 (Zaaiplaats) of the farm Kopje Alleen 81, Odendaalsrus District;</p> <p>(ii) The special consent of the Municipality to use the ±102 ha of Portion 3 (Zaaiplaats) of the farm Kopje Alleen 81, Odendaalsrus District, for the purpose of "Renewable Energy Structures" under the "Agricultural" zoning of the Matjhabeng Land Use Scheme 2022;</p> <p>(iii) The relaxation of the property boundary building lines from 10m to 0m, only along the boundaries affected by the ±102ha lease area.</p>	<p>18/02/2025</p>	<p>MPT 5/2025</p>	<p>(i) Die registrasie van 'n langtermyn huurooreenkoms ±102ha groot oor GEDEELTE 3 (Zaaiplaats) van die plaas Kopje Alleen 81, Odendaalsrus Distrik;</p> <p>(ii) Die spesiale toestemming van die Munisipaliteit om die ±102ha van GEDEELTE 3 (Zaaiplaats) van die plaas Kopje Alleen 81, Odendaalsrus Distrik vir die doel van "Hernubare Energie Strukture" onder die "Landbou" sonering van die Matjhabeng Grondgebruikskema 2022;</p> <p>(iii) Die verslapping van die eiendomsgrens boulyne van 10m tot 0m langs die grense wat geraak word deur die ±102ha huurgebied.</p>	<p>18/02/2025</p>
<p>MPT 6/2025</p>	<p>(i) The registration of a long-term lease agreement measuring ± 1 ha over the Remainder of the farm Kopje Alleen 81, Odendaalsrus District;</p> <p>(ii) The special consent of the Municipality to use ±1 ha of the Remainder of the farm Kopje Alleen 81, Odendaalsrus District, for the purpose of "Renewable Energy Structures" under the "Agricultural" zoning of the Matjhabeng Land Use Scheme 2022;</p> <p>(iii) The relaxation of the property boundary building lines from 10m to 0m, only along the boundaries affected by the ± 1 ha lease area.</p>	<p>18/02/2025</p>	<p>MPT 6/2025</p>	<p>(i) Die registrasie van 'n langtermyn huurooreenkoms ±1ha groot oor die Restante gedeelte van die plaas Kopje Alleen nr. 81, Odendaalsrus Distrik;</p> <p>(ii) Die spesiale toestemming van die Munisipaliteit om die ±1ha van die Restant gedeelte van die plaas Kopje Alleen 81, Odendaalsrus Distrik vir die doel van "Hernubare Energie Strukture" onder die "Landbou" sonering van die Matjhabeng Grondgebruikskema 2022;</p> <p>(iii) Die verslapping van die eiendomsgrens boulyne van 10m tot 0m langs die grense wat geraak word deur die ±1ha huurgebied;</p>	<p>18/02/2025</p>
<p>MPT 7/2025</p>	<p>(i) The registration of a long-term lease agreement measuring ± 43 ha over Portion 12 of the farm Nooitgedacht 74, Welkom District;</p> <p>(ii) The special consent of the Municipality to use the ± 43 ha of Portion 12 of the farm Nooitgedacht 74, Welkom District, for the purpose of "Renewable Energy Structures" under the "Agricultural" zoning of the Matjhabeng Land Use Scheme 2022,</p>	<p>18/02/2025</p>	<p>MPT 7/2025</p>	<p>(i) Die registrasie van 'n langtermyn huurooreenkoms ±43ha oor GEDEELTE 12 van die plaas Nooitgedacht 74, Welkom Distrik;</p> <p>(ii) Die spesiale toestemming van die Munisipaliteit om die ±43ha van Gedeelte 12 van die Plaas Nooitgedacht 74, Welkom Distrik vir die doel van "Hernubare Energie Strukture" onder die "Landbou" sonering van die Matjhabeng Grondgebruikskema 2022;</p>	<p>18/02/2025</p>

	(iii) The relaxation of the property boundary building lines from 10m to 0m along the boundaries affected by the ±43 ha lease area.			(iii) Die verslapping van die eiendoms grens boulyne van 10m tot 0m langs die grense wat geraak word deur die ±43ha huur gebied.	
MPT 8/2025	(i) The registration of a long-term lease agreement measuring ±18 ha over the remainder of the Farm Tafelbaai 413, Odendaalsrus District; (ii) The special consent of the Municipality to use ±18 ha of the remainder of the farm 413, Odendaalsrus District, for the purpose of "Renewable Energy Structures" under the "Agricultural" zoning of the Matjhabeng Land Use Scheme 2022; (iii) The relaxation of the property boundary building lines from 10m to 0m along the boundaries affected by the ±18 ha lease area.	18/02/2025	MPT 8/2025	(i) Die registrasie van 'n langtermyn huurooreenkoms ±18ha groot oor Restant van die Plaas Tafelbaai 413, Odendaalsrus Distrik; (ii) Die spesiale toestemming van die Munisipaliteit om die ±18ha van Restant van die plaas Tafelbaai 413, Odendaalsrus Distrik, vir die doel van "Hernubare Energie Strukture" onder die "Landbou" sonering van die Matjhabeng Grondgebruikskema 2022; (iii) Die verslapping van die eiendoms grens boulyne van 10m tot 0m langs die grense wat geraak word deur die ±18ha huur gebied;	18/02/2025
MPT 9/2025	(i) The registration of a long-term lease agreement measuring ±108 ha over Portion 9 of the farm Commandants Pan 382, Odendaalsrus District; (ii) The special consent of the Municipality to use the ±108ha of Portion 9 of the farm Commandants Pan 382, Odendaalsrus District, for the purpose of "Renewable Energy Structures" under the "Agricultural" zoning of the Matjhabeng Land Use Scheme 2022; (iii) The relaxation of the property boundary building lines from 10m to 0m along the boundaries affected by the ±108 ha lease area.	18/02/2025	MPT 9/2025	(i) Die registrasie van 'n langtermyn huurooreenkoms ±108ha groot oor gedeelte 9 van die plaas Commandants Pan 382, Odendaalsrus Distrik; (ii) Die spesiale toestemming van die Munisipaliteit om die ±108ha van gedeelte 9 van die plaas Commandants Pan 382, Odendaalsrus Distrik vir die doel van "Hernubare Energie Strukture" onder die "Landbou" sonering van die Matjhabeng Grondgebruikskema 2022; (iii) Die verslapping van die eiendoms grens boulyne van 10m tot 0m langs die grense wat geraak word deur die ±108ha huur gebied.	18/02/2025
MPT 10/2025	(i) The registration of a long-term lease agreement measuring ±58 over Portion 3 (Zaaiplaats) of the farm Kopje Alleen 81, Odendaalsrus District; (ii) The special consent of the Municipality to use the ±58 ha of Portion 3 (Zaaiplaats)	18/02/2025	MPT 10/2025	(i) Die registrasie van 'n langtermyn huurooreenkoms ±58ha groot oor gedeelte 3 (Zaaiplaats) van die plaas Kopje Alleen 81, Odendaalsrus Distrik; (ii) Die spesiale toestemming van die Munisipaliteit om die ±58ha van gedeelte 3	18/02/2025

	<p>the farm Kopje Alleen 81, Odendaalsrus District, for the purpose of "Renewable Energy Structures" under the "Agricultural" zoning of the Matjhabeng Land Use Scheme 2022;</p> <p>(iii) The relaxation on of the property boundary building lines from 10m to 0m along the boundaries affected by the ±58 ha lease area.</p>			<p>(Zaaiplaats) van die plaas Kopje Alleen 81, Odendaalsrus Distrik vir die doel van "Hernubare Energie Strukture" onder die "Landbou" sonering van die Matjhabeng Grondgebruikskema 2022;</p> <p>(iii) Die verslapping van die eiendomsgrens boulyne van 10m tot 0m langs die grense wat geraak word deur die ±58ha huurgebied;</p>	
MPT 11/2025	<p>(i) The registration of a long-term lease agreement measuring ±31 ha over Portion 9 of the farm Commandants Pan 382, Odendaalsrus District;</p> <p>(ii) The special consent of the Municipality to use the ±31 ha of Portion 9 of the farm Commandants Pan 382, Odendaalsrus District, for the purpose of "Renewable Energy Structures" under the "Agricultural" zoning of the Matjhabeng Land Use Scheme 2022;</p> <p>(iii) The relaxation of the property boundary building lines from 10m to 0m along the boundaries affected by the ±31 ha lease area.</p>	18/02/2025	MPT 11/2025	<p>(i) Die registrasie van 'n langtermyn huurooreenkoms ±31ha groot oor gedeelte 9 van die plaas Commandants Pan 382, Odendaalsrus Distrik;</p> <p>(ii) Die spesiale toestemming van die Munisipaliteit om die ±31ha van gedeelte 9 van die plaas Commandants Pan 382, Odendaalsrus Distrik vir die doel van "Hernubare Energie Strukture" onder die "Landbou" sonering van die Matjhabeng Grondgebruikskema 2022;</p> <p>(iii) Die verslapping van die eiendomsgrens boulyne van 10m tot 0m langs die grense wat geraak word deur die ±31ha huurgebied.</p>	18/02/2025

[GENERAL NOTICE NO.204 OF 2024]

MANGAUNG METROPOLITAN MUNICIPALITY

NOTICE OF APPLICATION FOR THE TOWNSHIP ESTABLISHMENT MADE IN TERMS OF THE PROVISIONS OF SECTION 50 OF THE MANGAUNG, MUNICIPAL LAND USE PLANNING BY-LAW, 2015 (AS AMENDED 2021), READ TOGETHER WITH THE PROVISIONS OF THE SPATIAL PLANNING AND LAND USE MANAGEMENT ACT, 2013 (ACT NO. 16 OF 2013)

Notice is hereby given for general information in terms of the provisions of Section 50 of the Mangaung, Municipal Land Use Planning By-Law, 2015 (As Amended 2021), read together with the provisions of the Spatial Planning and Land Use Management Act, 2013 (Act No. 16 of 2013) that an application has been made for township establishment on a portion of the Remainder of the Farm Kareefontein 66 Registration Division Dewetsdorp RD for the purpose of demarcating residential erven, business erven, community facilities, institutional erven, municipal erven, public open spaces and business erven.

The application, relevant plans, documents and information will be available for inspection from (08:30 – 16:00) at the office of the Town and Regional Planning Sub-directorate of the Mangaung Metropolitan Municipality, 10th Floor, Bram Fischer Building, Corner Nelson Mandela Drive and Markgraaf Street, Bloemfontein for a period of 30 days from the date of publication hereof, 28 March 2025.

Any person who has an interest in the matter and who wishes to comment or object to the granting of the application or who desires to be heard or wants to make representations concerning the matter must communicate in writing to the Town and Regional Planning Sub-directorate of the Mangaung Metropolitan Municipality at the above-mentioned address, or email: now George.masuabi@mangaung.co.za, or post to P.O Box 3704, Bloemfontein within a period of 30 days from the date of publication hereof, 28 March 2025 – 26 April 2025, quoting your name, address, contact details, interests in the application and reasons for your comments. The Municipality may refuse to accept comments received after the closing date. Any person who cannot write will be assisted by a Municipal Official by transcribing their comments.

Applicant: Nkanivo Development Consultants

Owner: Mangaung Metropolitan Municipality

Property Description: The Remainder of the Farm Kareefontein 66 Registration Division Dewetsdorp

Detailed Description of Proposal: Application is submitted in terms of the provisions of Section 21 of the Mangaung, Municipal Land Use Planning By-Law, 2015 (As Amended 2021), read together with the provisions of the Spatial Planning and Land Use Management Act, 2013 (Act No.16 of 2013).

[ALGEMENE KENNISGEWING NR.204 VAN 2024]

MMASEPALA WA MANGAUNG (MANGAUNG METROPOLITAN MUNICIPALITY)

TSEBISO EA KOPO EA HO THEHOA HA SEBAKA SA BODULO (TOWNSHIP) E ETSOANG HO LATELA KAROLO EA 50 EA MANGAUNG, MOLAO WA TŠEBELETSO YA MMASIPALA, WA 2015 (JOALOKAHA E LOKISITSWE KA 2021), E BALA MMOHO LE LIPEHELO TSA MOLAO WA MERERO YA SEBAKA LE TSHEBEDISO YA MOBU 2013 (MOLAO NO. 16 WA 2013)

Tsebisō e fanoe bakeng sa tlhaiso-leseling e akaretsang ho latela lipehelo tsa Karolo ea 50 ea Mangaung, Molao oa Tokiso ea Tšebeliso ea Mobu oa Mangaung, 2015 (Joalokaha o Lokisitsoe 2021), o baloang hammoho le lipehelo tsa Molao oa Merero ea Sebaka le Tšebeliso ea Mobu, 2013 (Molao oa 16 oa 2013) hore ho entsoe kopo ea ho theha lekeisheneng o entsoe ka karolo ea polasi Kareefontein 66 Registration Division Dewetsdorp RD ka sepheo sa ho lekanya libaka tsa bolulo, meaho ea khoebo, meaho ea sechaba, litsi tsa litsi, litsi tsa masepala, libaka tse bulehileng tsa sechaba le libaka tsa khoebo.

Kopo, meralo e amehang, litokomane le tlhaiso-leseling li tla fumaneha bakeng sa tlhahlobo ho tloha (08:30 - 16:00) ofising ea Lekala la Toropo le Meralo ea Setereke ea Mangaung Metropolitan Municipality, 10th Floor, Bram Fischer Building, Corner Nelson Mandela Drive le Markgraaf Street, Bloemfontein bakeng sa matsatsi a 30 ho tloha ka la 28 Hlakubele 2025.

Motho ofe kapa ofe ya nang le kgahleho tabeng ena mme a lakatsa ho hlhisa maikutlo kapa ho hana ho amohelwa ha kopo kapa ya lakatsang ho mamelwa kapa ya batlang ho hlhisa maikutlo mabapi le taba eo, o tlameha ho iteanya le Lefapha la Toropo le Lebatowa la Meralo ya Masepala wa Mangaung atereseng e boletsweng ka hodimo, kapa a romele molaetsa ka email: atereseng e latelang: George.masuabi@mangaung.co.za, kapa a romelle ka poso ho P.O Box 3704, Bloemfontein nakong ea matsatsi a 30 ho tloha ka letsatsi la phatlalatsō, 28 Hlakubele 2025 - 26 Mmesa 2025, o ngole lebitso la hau, atere, lintlha tsa boikopanyo, lithahasello tsa kopo le mabaka a maikutlo a hau. Masepala a ka hana ho amohela maikutlo a amohetsweng kamora letsatsi la ho kwala. Motho ofe kapa ofe ya sa kgoneng ho ngola o tla thusoa ke Ofisiri ya Mmasepala ka ho ngola maikutlo a bona.

Mokopi: Nkanivo Development Consultants

Mong'a: Mangaung Metropolitan Mmasipala

Tlhaloso ea Thepa: Masala a Polasi ea Kareefontein 66 Registration Division Dewetsdorp RD

Tlhaloso e Felletseng ea Tlhaliso: Kopo e rometsoe ho latela lipehelo tsa Karolo ea 21 ea Mangaung, Molao oa Masepala oa Moralo oa Tšebeliso ea Mobu oa 2015 (Joalokaha o Lokisitsoe 2021), o baloang hammoho le lipehelo tsa Molao oa Meralo ea Sebaka le Taolo ea Tšebeliso ea Mobu, 2013 (Molao oa No.16 oa 2013).

[GENERAL NOTICE NO.205 OF 2025]

MANTSOPA LOCAL MUNICIPALITY: MUNICIPAL PLANNING AND LAND USE MANAGEMENT BY-LAWS, 2015: CATEGORY 1 APPLICATION

It is hereby notified in terms of section 49 of the Municipal Land Use Planning By-Law, 2015, that an application as set out in the Schedule has been lodged at the Mantsopa Local Municipality by the agent as identified in the Schedule.

The relevant documents and information including plans are available for inspection during office hours (07:30-16:30) at Mantsopa Municipal Office, 38 Joubert Street, Ladybrand, as well as at the office of African Planning Solutions, 34 Manie Road, Pretoria, between 07:30-16:30 hours.

Any person who wishes to provide comments, objections, or representations to the granting of the proposed application, must submit such written comments, objections, or representations together with the reasons therefor, and their e-mail address, postal address, street address and telephone number(s) to Nthabiseng Tsiloane, town planning official of the Mantsopa Municipality, at P O Box 64, Ladybrand, 9745, or E-mail NTsiloane@mantsopa.co.za.

Any person who cannot write may, during office hours, visit the office of Nthabiseng Tsiloane at the Mantsopa Municipality, where the responsible official will assist such person by transcribing their objections, comments of representations.

Comments, objections or representations referred to above must reach the abovementioned office not later than 16:00 on **MONDAY 28 APRIL 2025**.

All relevant parties will be notified in writing of the inspection and hearing date. Please note that any objections that are received after the closing date will be disregarded.

SCHEDULE

LADYBRAND: REMAINDER OF PORTION 20 OF THE FARM DORP GRONDEN, LADYBRAND 451 - CATEGORY 1 APPLICATION - PROPOSED TOWNSHIP ESTABLISHMENT: 879 ERVEN AND STREETS

Remainder of Portion 20 of the farm Dorp Gronden, Ladybrand 451, situated in Ladybrand for the Town Establishment consisting of ±879 erven and streets, as well as rezoning, to enable the applicant to establish a town on the proposed property.

Agent Contact Details		Owner Contact Details	
Company Name and Surname	Firma Naam en Van	Company Name and Surname	Company Name and Surname
Postal address	Posadres	Postal address	Postal address
Work telephone	Tel nommer (werk)	Work telephone	Work telephone
Cellphone	Selfoonnommer	Cellphone	Cellphone
E-mail address	E-pos adres	E-mail address	E-mail address
Physical address	Fisieseadres	Physical address	Physical address

[ALGEMENE KENNISGEWING NR.205 VAN 2025]

MANTSOPA PLAASLIKE MUNISIPALITEIT: VERORDENINGE OP MUNISIPALE GRONDGEBRUIKSBEPLANNING, 2015: KATEGORIE 1 AANSOEK

Hiermee word ingevolge artikel 49 van die Munisipale Grondgebruikbeplanningsverordening, 2015, bekend gemaak dat 'n aansoek soos uiteengesit in die Bylae by die Mantsopa Plaaslike Munisipaliteit ingedien is deur die agent soos in die Bylae geïdentifiseer.

Die relevante dokumente en inligting insluitend planne is beskikbaar vir insae gedurende kantoorure (07:30-16:30) by Mantsopa Munisipale Kantoor, Joubert Straat 38, Ladybrand, asook by die kantoor van African Planning Solutions, Manie Straat 34, Pretoria, tussen 07:30-16:30 uur.

Enige persoon wat ten opsigte van die toestaan van die voorgestelde aansoek kommentaar het of beswaar wil maak of vertoë wil rig, moet sodanige skriftelike kommentaar, besware of vertoë tesame met die redes daarvoor, en hul e-posadres, posadres, straatadres en telefoonnommer(s) stuur aan Nthabiseng Tsiloane, stadsbeplanningsbeampte van die Mantsopa Munisipaliteit, by Posbus 64, Ladybrand, 9745, of e-pos NTsiloane@mantsopa.co.za.

Enige persoon wat nie kan skryf nie, kan gedurende kantoorure die kantoor van Nthabiseng Tsiloane by die Mantsopa Munisipaliteit besoek, waar die verantwoordelike beampte sodanige persoon behulpzaam sal wees met die opstel van besware, kommentaar of vertoë.

Kommentaar, besware of vertoë waarna hierbo verwys word, moet bogenoemde kantoor nie later nie as 16:00 op **MAANDAG 28 APRIL 2025** bereik.

Die betrokke partye sal skriftelik in kennis gestel word van die inspeksie- en verhoordatum. Neem asseblief kennis dat enige besware wat na die sluitingsdatum ontvang word, nie in ag geneem sal word nie.

BYLAE

LADYBRAND: RESTANT VAN GEDEELTE 20 VAN DIE PLAAS DORP GRONDEN, LADYBRAND 451 - KATEGORIE 1 AANSOEK - VOORGESTELDE DORPSIGTING: 879 ERWE EN STRATE

Restant van Gedeelte 20 van die Plaas Dorp Gronden, Ladybrand 451, , geleë in Ladybrand vir die Stigting van 'n Dorp van ±879 erwe plus strate, asook hersonering, ten einde die applikant in staat te stel om dorp te stig op die voorgestelde eiendom.

Kontakbesonderhede van Agent		Kontakbesonderhede van Agent	
Firma Naam en van	Firma Naam en Van	Firma Naam en Van	Mantsopa Local Municipality N. Tsiloane
Posadres	Posadres	Posadres	Posbus 64 Ladybrand 9745
Tel nommer (werk)	Tel nommer (werk)	Tel nommer (werk)	051 924 0654
Selfoonnommer	Selfoonnommer	Selfoonnommer	072 895 4247
E-pos adres	E-pos adres	E-pos adres	NTsiloane@mantsopa.co.za
Fisieseadres	Fisieseadres	Fisieseadres	Joubert Straat 38 Ladybrand 9745

**FREE STATE GAMBLING AND LIQUOR ACT, 2010
APPLICATION FOR A LIMITED GAMBLING MACHINE SITE LICENCE**

Notice is hereby given that:

1. **Starling Air Services** trading as **Starling Lounge** situated at, **Erf 6981 Shop 2, 28 Park Crescent Avenue, VIRGINIA.**
2. **Starling Air Services** trading as **Starling Tavern** situated at, **Erf 6981 Shop 1, 28 Park Crescent Avenue, VIRGINIA.**
3. **Starling Air Services** trading as **Starling Restaurant** situated at, **Erf 6981 Shop 3, 28 Park Crescent Avenue, VIRGINIA.**
4. **Palesa Rosilinah Mseleku** trading as **Mafanas Tavern** situated at, **16355 Snake Park, Maokeng Kroonstad.**
5. **Nnyolo Jeremia Nkhatho** trading as **Shaff's Palace** situated at, **1986 Mmamahabane, Ventersburg.**

Intends submitting an application to the Free State Gambling, Liquor and Tourism Authority for a Limited gambling machine site operator license at above mentioned sites.

These applications will be open for public inspection at the offices of the Free State Gambling, Liquor and Tourism Authority from **28 MARCH 2025** to **28 APRIL 2025**. Attention is directed to the proviso of section 67 of Free State Gambling and Liquor Authority Act, 2010 which makes provision for lodging of written representations in respect of the application. Such representations should be lodged with the **Chief Executive Officer, Free State Gambling, Liquor and Tourism Authority, 8 Corner Markgraaff and Henry Street, Bloemfontein, Free State, 9300**, within 30 days from **28 APRIL 2025**. Any persons submitting representations should state in such representation whether or not they wish to make oral representations at the hearing.

<p align="center">FREE STATE PROVINCIAL GAZETTE <i>(Published every Friday)</i></p>	<p align="center">VRYSTAAT PROVINSIALE KOERANT <i>(Verskyn elke Vrydag)</i></p>																								
<p align="center">New Tariffs from 01 April 2024</p> <p>All correspondence, advertisements, etc. must be addressed to the Officer in charge of the Provincial Gazette, P.O. Box 517, Bloemfontein, Tel.: (051) 405 5017. Free Voucher copies of the Free State Provincial Gazette or cuttings of advertisements are NOT supplied. The cost per copy of the Provincial Gazette is as follows:</p> <table border="1" data-bbox="137 524 788 636"> <tr> <td>EMAIL</td> <td align="right">14.00</td> </tr> <tr> <td>COLLECTION</td> <td align="right">R9.00</td> </tr> <tr> <td>POST</td> <td align="right">R21.00</td> </tr> </table> <p>SUBSCRIPTION RATES (payable in advance)</p>	EMAIL	14.00	COLLECTION	R9.00	POST	R21.00	<p align="center">Nuwe Tariewe vanaf 01 April 2024</p> <p>Alle korrespondensie, advertensies, ens. moet aan die Beampte Belas met die Provinsiale Koerant, Posbus 517, Bloemfontein, Tel.: No. (051) 405 5217 geadresseer word. Gratis eksemplare van die Vrystaat Provinsiale Koerant of uitknipsels van advertensies word NIE verskaf nie. Die koste per kopie van die Provinsiale Koerant is soos volg:</p> <table border="1" data-bbox="813 524 1471 636"> <tr> <td>E-POS</td> <td align="right">14.00</td> </tr> <tr> <td>AFHAAL</td> <td align="right">R9.00</td> </tr> <tr> <td>POS</td> <td align="right">R21.00</td> </tr> </table> <p>INTEKENGELD (vooruitbetaalbaar)</p>	E-POS	14.00	AFHAAL	R9.00	POS	R21.00												
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<p>NUMBERING OF PROVINCIAL GAZETTE</p> <p>You are hereby informed that the numbering of the Provincial Gazette /Tender Bulletin and notice numbers will from 2010 coincide with the relevant financial year. In other words, the chronological numbering starting from one will commence on or after 1 April of every year.</p>	<p>NOMMERING VAN PROVINSIALE KOERANT</p> <p>U word hiermee in kennis gestel dat die nommering van die Provinsiale Koerant / Tender Bulletin en kennisgewingnommers vanaf 2010 met die betrokke boekjaar sal ooreenstem. Met ander woorde, die kronologiese nommering beginnende met een, sal op of na 1 April van elke jaar begin.</p>																								
<p align="center">Printed and published by the Free State Provincial Government</p>	<p align="center">Gedruk en uitgegee deur die Vrystaatse Provinsiale Regering</p>																								