

DEPARTMENT OF WATER AND SANITATION

NOTICE 509 OF 2016

GENERAL AUTHORISATION IN TERMS OF SECTION 39 OF THE NATIONAL WATER ACT, 1998 (ACT NO. 36 OF 1998) FOR WATER USES AS DEFINED IN SECTION 21(C) OR SECTION 21(I)

I, Anil Singh, in my capacity as the acting Director-General of the Department of Water and Sanitation, and duly authorized, do hereby issue a Notice to all persons or any category of persons to use water in terms of section 39(1) of the National Water Act, read with section 21(c) or section 21(i).



Mr Anil Singh

DIRECTOR-GENERAL (Acting)

DATE: 27/7/16

SCHEDULE

**IMPEDING OR DIVERTING THE FLOW OF WATER IN A WATERCOURSE (SECTION 21(C)),
OR ALTERING THE BED, BANKS, COURSE OR CHARACTERISTICS OF A
WATERCOURSE (SECTION 21(I)) OF THE NATIONAL WATER ACT (ACT NO. 36 OF 1998).**

Purpose of Authorisation

1. This General Authorisation replaces the need for a water user to apply for a licence in terms of the National Water Act (Act 36 of 1998) ("the Act") provided that the water use is within the limits and conditions of this General Authorisation.

Definitions

2. In this Notice any word or expression to which a meaning has been assigned in the Act shall have the meaning so assigned, with specific emphasis on the definitions for '**aquifer**', '**borehole**', '**estuary**', '**instream habitat**', '**person**', '**pollution**', '**resource quality**', '**responsible authority**', '**riparian habitat**', '**waste**', '**watercourse**', '**water resource**', and '**wetland**', unless the context indicates otherwise.

"characteristics of a watercourse" means the resource quality of a watercourse within the extent of a watercourse;

“construction” means any works undertaken to initiate or establish impeding or diverting or modifying resource quality, for the first time, including vegetation removal, site preparation and ground leveling;

“department” means the Department of Water and Sanitation (DWS);

“delineation of a wetland and riparian habitat” means delineation of wetlands and riparian habitat according to the methodology as contained in the Department of Water Affairs and Forestry, 2005 publication: A Practical Field Procedure for Delineation of Wetlands and Riparian Areas;

“diverting” means to, in any manner, cause the instream flow of water to be rerouted temporarily or permanently;

“emergency incident” means an unexpected sudden occurrence leading to a potential or serious danger to the public;

“emergency situation” means any emergency that developed that require immediate intervention for continuation of existing essential service delivery;

“extent of a watercourse” means:

- (a) The outer edge of the 1 in 100 year flood line and/or delineated riparian habitat, whichever is the greatest distance, measured from the middle of the watercourse of a river, spring, natural channel, lake or dam; and
- (b) Wetlands and pans: the delineated boundary (outer temporary zone) of any wetland or pan.

“flow-altering” means to, in any manner, alter the instream flow route, speed or quantity of water temporarily or permanently;

“impeding” means to, in any manner, hinder or obstruct the instream flow of water temporarily or permanently, but excludes the damming of flow so as to cause storage of water;

“maintenance” means any works undertaken to repair or partially replace or clean an existing structure so as to keep it in working order and so as to prevent it from having detrimental impacts on a watercourse, which works may result in the short-term (less than 30 days) disturbance or impeding or diverting or alteration of the flow of water in a watercourse; but will not result in changes to the design or size of the structure that will alter the function of the structure, and/or the hydrological functionality or integrity of the watercourse;

“pans” means any depression collecting water or that is inward draining or a flow through system with flow contributions from surface water, groundwater or interflow or combinations thereof;

“regulated area of a watercourse” for section 21(c) or (i) of the Act water uses in terms of this Notice means:

(a) The outer edge of the 1 in 100 year flood line and/or delineated riparian habitat, whichever is the greatest distance, measured from the middle of the watercourse of a river, spring, natural channel, lake or dam;

(b) In the absence of a determined 1 in 100 year flood line or riparian area the area within 100m from the edge of a watercourse where the edge of the watercourse is the first identifiable annual bank fill flood bench (*subject to compliance to section 144 of the Act*); or

(c) A 500 m radius from the delineated boundary (extent) of any wetland or pan.

“rehabilitation” means the process of reinstating natural ecological driving forces within part or the whole of a degraded watercourse to recover former or desired ecosystem structure, function, biotic composition and associated ecosystem services;

“reportable incident” means any incident, including leakages or spillages, at or near any existing structure, or that occurs during works performed at any structure, that has the potential to have a detrimental effect on surface- and/or groundwater resources, including potentially harmful effects to humans, any aquatic biota, or the resource quality, or that can cause potential damage to property, as well as any incident that can lead to or cause any contravention of any of the provisions of this Notice.

“resource quality” means the resource quality as contemplated in section 1 of the Act;

“responsible authority” means the responsible authority as contemplated in section 1 of the Act;

“river management plan” means any river management plan developed for the purposes of river or storm water management in any municipal/metropolitan area or described river section, river reach, entire river or sub quaternary catchment that considers the river in a catchment context and as approved by the Department;

“the Act” means the National Water Act, 1998 (Act No. 36 of 1998);

“water user” means any person who intends to use water in terms of section 21(c) or (i) of the Act and has the responsibility to comply with the provisions of this General Authorisation.

Exclusion from this General Authorisation

3. This General Authorisation does not apply—

(a) to the use of water in terms of section 21(c) or (i) of the Act for the rehabilitation of a wetland as contemplated in General Authorisation 1198 published in Government Gazette 32805 dated 18 December 2009,

(b) to the use of water in terms of section 21(c) or (i) of the Act within the regulated area of a watercourse where the Risk Class is Medium or High as determined by the Risk Matrix (**Appendix A**). This Risk Matrix must be completed by a suitably qualified SACNASP professional member;

(c) in instances where an application must be made for a water use license for the authorisation of any other water use as defined in section 21 of the Act that may be associated with a new activity;

(d) where storage of water results from the impeding or diverting of flow or altering the bed, banks, course or characteristics of a watercourse; and

(e) to any water use in terms of section 21(c) or (i) of the Act associated with construction, installation or maintenance of any sewerage pipelines, pipelines carrying hazardous materials and to raw water and wastewater treatment works.

Duration of General Authorisation

4. This General Authorisation is valid from the date of publication and remains effective for a period of 20 (twenty) years unless—

(a) it is replaced or amended by another general authorisation; or

(b) the period is extended for a further period by General Authorisation in the Gazette.

Area of applicability of General Authorisation

5. This General Authorisation applies throughout the Republic of South Africa to the use of water in terms of section 21(c) or (i) of the Act within the regulated area of a watercourse as defined in this General Authorisation.

Exercising water use activities in terms of section 21(c) or (i) of the Act

6. (1) A person who –
- (a) owns or lawfully occupies property registered in the Deeds office as at the date of this General Authorisation;
 - (b) lawfully occupies or uses land that is not registered or surveyed; or
 - (c) lawfully has access to land on which the use of water takes place;
- may, on that property or land –
- (i) exercise the water use activities in terms of section 21(c) or (i) of the Act as set out in **Appendix D1** subject to the conditions of this authorisation;
 - (ii) use water in terms of section 21(c) or (i) of the Act if it has a low risk class as determined through low risk class as determined through the Risk Matrix (**Appendix A**);
 - (iii) do maintenance work associated with their existing lawful water use in terms section 21(c) or (i) of the Act that has a LOW risk class as determined through the Risk Matrix (**Appendix A**);
 - (iv) conduct river and storm water management activities as contained in a river management plan (**Appendix B**);
 - (v) conduct rehabilitation of wetlands (read together with Notice 1198 published in Government Gazette 32805 dated 18 December 2009) or rivers where such rehabilitation activities has a LOW risk class as determined through the Risk Matrix (**Appendix A**); or

(vi) conduct emergency work arising from an emergency situation or incident associated with the persons' existing lawful water use, provided that all work is executed and reported in the manner prescribed in the Emergency Protocol (**Appendix C**).

(2) All State Owned Companies (SOC's), and other institutions specified in **Appendix D2** having lawful access to that property or land may on that property use water in terms of section 21(c) or (i) of the Act as specified under each of the relevant SOC's and other institution (**Appendix D2**).

(3) Any water user who used water in terms of Government Notice 1199 published in Government Gazette 32805 dated 18 December 2009 may, subject to the provisions of this General Authorisation, continue with such water use subject to the conditions of this General Authorisation.

Assessment of risk and mitigation factors

7. It is required that the following documents and associated spread sheets be used during the assessment of risk and mitigation of risks:

(a) A Practical Field Procedure for Delineation of Wetlands and Riparian Area (2005) which is available on the Department's website <http://www.dws.gov.za>, under water use authorization in terms of section 21 (c) or (i) of the Act;

(b) **Appendix A** (Excel Spreadsheet) and information regarding the method used in **Appendix A** is contained in the Department of Water and Sanitation 2015 publication: Section 21(c) and (i) water use Risk Assessment Protocol, which is available on the Department's website <http://www.dws.gov.za>, under section 21(c) and (i) water use authorization.

(c) Guideline: Assessment of activities/developments affecting wetlands, which is available on the Department's website <http://www.dws.gov.za>, under section 21 (c) and (i) water

use authorization.

(d) Guideline for the determination of buffer zones for rivers, wetlands and estuaries, which is available on the Department's website <http://www.dws.gov.za>, under water use authorization in terms of section 21 (c) and (i) of the Act.

Assistance to people with special needs

8. The necessary assistance will be given to people with:

- (a) Illiteracy;
- (b) a disability; or
- (c) any other disadvantage including historically disadvantaged individuals;

who cannot, but desire, to comply with this General Authorisation.

Conditions for impeding or diverting the flow of water or altering the bed, banks, course or characteristics of a watercourse

9. (1) The water user must ensure that:

(a) impeding or diverting the flow or altering the bed, banks, course or characteristics of a watercourse **do not detrimentally affect** other water users, property, health and safety of the general public, or **the resource quality;**

(b) **the existing hydraulic, hydrologic, geomorphic and ecological functions of the watercourse in the vicinity of the structure is maintained or improved upon;**

(c) a full financial provision for the implementation of the management measures prescribed in this General Authorisation, including an annual financial provision for any future maintenance, monitoring, rehabilitation, or restoration works, as may be applicable; and

(d) upon written request of the responsible authority, they implement any additional management measures or monitoring programmes that may be reasonably necessary to determine potential impacts on the water resource or management measures to address such impacts.

(2) Prior to the carrying out of any works, the water user must ensure that all persons entering on-site, including contractors and casual labourers, are made fully aware of the conditions and related management measures specified in this General Authorisation.

(3) The water user must ensure that –

(a) any construction camp, storage, washing and maintenance of equipment, storage of construction materials, or chemicals, as well as any sanitation and waste management facilities –

(i) is located outside the 1 in 100 year flood line or riparian habitat of a river, spring, lake, dam or outside any drainage feeding any wetland or pan, and

(ii) is removed within 30 days after the completion of any works.

(b) The water user must ensure that the selection of a site for establishing any impeding or diverting the flow or altering the bed, banks, course or characteristics of a watercourse works:

(i) is not located on a bend in the watercourse;

(ii) avoid high gradient areas, unstable slopes, actively eroding banks, interflow zones, springs, and seeps;

(iii) avoid or minimise realignment of the course of the watercourse;

(iv) minimise the footprint of the alteration, as well as the construction footprint so as to minimise the effect on the watercourse.

(c) The water user must ensure that a maximum impact footprint around the works is established, clearly demarcated, that no vegetation is cleared or damaged beyond this

demarcation, and that equipment and machinery is only operated within the delineated impact footprint.

(d) The water user must ensure that measures are implemented to minimise the duration of disturbance and the footprint of the disturbance of the beds and banks of the watercourse.

(e) The water user must ensure that measures are implemented to prevent the transfer of biota to a site, which biota is not indigenous to the environment at that site.

(f) The water user must ensure that all works, including emergency alterations or the rectification of incidents, start upstream and proceed in a downstream direction, to ensure minimal impact on the water resource.

(g) The water user must ensure that all material excavated from the bed or banks of the watercourse are stored at a clearly demarcated location until the works have been completed, upon which the excavated material must be backfilled to the locations from where it was taken (i.e. material taken from the bed must be returned to the bed, and material taken from the banks must be returned to the banks).

(h) The water user must ensure that adequate erosion control measures are implemented at and near all alterations, including at existing structures or activities with particular attention to erosion control at steep slopes and drainage lines.

(i) The water user must ensure that alterations or hardened surfaces associated with such structures or works –

- (i) are structurally stable;
- (ii) do not induce sedimentation, erosion or flooding;
- (iii) do not cause a detrimental change in the quantity, velocity, pattern, timing, water level and assurance of flow in a watercourse;
- (iv) do not cause a detrimental change in the quality of water in the watercourse;
- (v) do not cause a detrimental change in the stability or geomorphological structure of the watercourse; and

(vi) does not create nuisance condition, or health or safety hazards.

(j) The water user must ensure that measures are implemented at alterations, including at existing structures or activities, to –

- (i) prevent detrimental changes to the breeding, nesting or feeding patterns of aquatic biota, including migratory species;
- (ii) allow for the free up and downstream movement of aquatic biota, including migratory species; and
- (iii) prevent a decline in the composition and diversity of the indigenous and endemic aquatic biota.

(k) The water user must ensure that no substance or material that can potentially cause pollution of the water resource is being used in works, including for emergency alterations or the rectification of reportable incidents.

(l) The water user must ensure that measures are taken to prevent increased turbidity, sedimentation and detrimental chemical changes to the composition of the water resource as a result of carrying out the works, including for emergency alterations or the rectification of reportable incidents.

(m) The water user must ensure that in-stream water quality is measured on a weekly basis during construction, including for emergency alterations or the rectification of reportable incidents, which measurement must be by taking samples, and by analysing the samples for pH, EC/TDS, TSS/Turbidity, and/or Dissolved Oxygen ("DO") both upstream and downstream from the works.

(n) The water user must ensure that in-stream flow, both upstream and downstream from the works, is measured on an ongoing basis by means of instruments and devices certified by the South African Bureau of Standards ("SABS"), and that such measurement commences at least one week prior to the initiation of the works, including for emergency alterations or the rectification of reportable incidents.

(o) During the carrying out of any works, the water user must take the photographs and video-recordings referred to in paragraph (p) below, on a daily basis, starting

one (1) week before the commencement of any works, including for emergency structures and the rectification of reportable incidents, and continuing for one (1) month after the completion of such works:

(p) The following videos recordings and photographs must be taken as contemplated in paragraph (o) above:

- (i) one or more photographs or video-recordings of the watercourse and its banks at least 20 meters upstream from the structure;
- (ii) one or more photographs or video-recordings of the watercourse and its banks at least 20 meters downstream from the structure; and
- (iii) two or more photographs or video-recordings of the bed and banks at the structure, one of each taken from each opposite bank.

Rehabilitation

10. (1) Rehabilitation as contemplated in paragraph 6(1)(v) above must be conducted in terms of a rehabilitation plan and the implementation of the plan must be overseen by a suitably qualified SACNASP professional member.

(2) Upon completion of the construction activities related to the water use—

- (a) a systematic rehabilitation programme must be undertaken to restore the watercourse to its condition prior to the commencement of the water use;
- (b) all disturbed areas must be re-vegetated with indigenous vegetation suitable to the area; and
- (c) active alien invasive plant control measures must be implemented to prevent invasion by exotic and alien vegetation within the disturbed area.

(3) Following the completion of any works, and during any annual inspection to determine the need for maintenance at any impeding or diverting structure, the water user must ensure that all disturbed areas are —

- (i) cleared of construction debris and other blockages;
 - (ii) cleared of alien invasive vegetation;
 - (iii) reshaped to free-draining and non-erosive contours, and
 - (iv) re-vegetated with indigenous and endemic vegetation suitable to the area.
- (4) Upon completion of any works, the water user must ensure that the hydrological functionality and integrity of the watercourse, including its bed, banks, riparian habitat and aquatic biota is equivalent to or exceeds that what existed before commencing with the works.

Monitoring and reporting

11. (1) The water user must ensure the establishment and implementation of monitoring programmes to measure the impacts on the resource quality to ensure water use remains within the parameters of paragraph 8(3)(m) to (o) and results are stored;

(2) Upon the written request of the responsible authority the water user must-

- (a) ensure the establishment of any additional monitoring programmes; and
- (b) appoint a competent person to assess the water use measurements made in

terms of this General Authorisation and submit the findings to the responsible authority for evaluation.

(3) The water user shall monitor and determine present day values for water resource quality before commencement of water uses in terms of section 21(c) or (i) of the Act.

(4) Upon completion of construction activities related to the water use, the water user must undertake an Environmental Audit annually for three years to ensure that the rehabilitation is stable, failing which, remedial action must be taken to rectify any impacts.

(5) Rehabilitation structures must be inspected regularly for the accumulation of debris, blockages, instabilities and erosion with concomitant remedial and maintenance actions.

(6) Copies of all designs, method statements, risk assessments as done according to the Risk Matrix, rehabilitation plans and any other reports required must be made available to the responsible authority when requested to do so.

Budgetary provisions

12. (1) The water user must ensure that there is a sufficient budget to complete, rehabilitate and maintain the water use as set out in this General Authorisation.
- (2) The Department may at any stage of the process request proof of budgetary provisions.

Registration

13. (1) Subject to the provisions of this General Authorisation, a person who uses water as contemplated in this General Authorisation must submit the relevant registration forms to the responsible authority.
- (2) Upon completion of registration, the responsible authority will provide a certificate of registration to the water user within 30 working days of the submission.
- (3) On written receipt of a registration certificate from the Department, the person will be regarded as a registered water user and can only then commence with the water use as contemplated in this General Authorisation.
- (4) The registration forms can be obtained from DWS Regional Offices or Catchment Management Agency office of the Department or from the Departmental website: <http://www.dws.gov.za>

Record-keeping and disclosure of information

14. (1) The water user must keep a record of all the documents referred to in paragraph 11 above for a minimum period of five years.
- (2) The records referred to in this paragraph must be made available to the responsible authority upon written request.

Inspection

15. Any property in respect of which a water use has been registered in terms of this General Authorisation is subject to inspection in accordance with the relevant provisions of the Act.

Compliance by the water user

16. (1) The responsibility for complying with the provisions of this authorisation is lies with the water user.

(2) This General Authorisation is subject to the Act, any other applicable law, and regulation.

Repeal of Notices

17. This Notice replaces Government Notice 1199 published in Government Gazette 32805 dated 18 December 2009.

APPENDIX A: RISK MATRIX (Based on DWS 2015 publication: Section 21 c and I water use Risk Assessment Protocol)

Risk is determined after considering all listed control/mitigation measures. Borderline LOW/MODERATE risk scores can be manually adapted downwards up to a maximum of 25 points (from a score of 80) subject to listing of additional mitigation measures considered and listed in RED font.

					Severity								
No.	Phases	Activity	Aspect	Impact	Flow Regime		Physico & Chemical (Water Quality)		Habitat (Geomorph+Vegetation)		Biota		Severity
1		Example: Clearing of vegetation in close proximity to or in a watercourse	Creating Access roads for infrastructure	Impact posed by damage to bank. Loss of biodiversity & habitat; impeding the flow of the watercourse									

Risk being posed to "resource quality" as defined in the Act must be scored according to the Risk Rating Table for Severity. A Severity score is then generated.

Severity	Spatial scale	Duration	Consequence	Frequency of activity	Frequency of impact	Legal Issues	Detection	Likelihood	Significance	Risk Rating

Consequence, Likelihood and finally Significance scores are automatically calculated with the rest of parameters according to respective Risk Rating Tables.

Risk Rating	Confidence level	Control Measures	Borderline LOW MODERATE Rating Classes	PES AND EIS OF Watercourse

RISK = CONSEQUENCE x LIKELIHOOD

CONSEQUENCE = SEVERITY + SPATIAL SCALE + DURATION LIKELIHOOD = FREQUENCY OF THE ACTIVITY + FREQUENCY OF THE IMPACT + LEGAL ISSUES + DETECTION

ONLY LOW RISK ACTIVITIES located within the regulated area of the watercourse will qualify for a GA according to this Notice. Medium and High risk activities will require a Section 21 (c) and (i) water use licence.

RISK ASSESSMENT KEY (Based on DWS 2015 publication: Section 21 c and I water use Risk Assessment Protocol)

Negative Rating

TABLE 1- SEVERITY

How severe does the aspects impact on resource quality (flow regime, water quality, geomorphology, biota, habitat)?

Insignificant / non-harmful	1
Small / potentially harmful	2
Significant / slightly harmful	3
Great / harmful	4
Disastrous / extremely harmful and/or wetland(s) involved	5
Where "or wetland(s) are involved" it means that the activity is located within the delineated boundary of any wetland. The score of 5 is only compulsory for the significance rating.	

TABLE 2 – SPATIAL SCALE

How big is the area that the aspect is impacting on?

Area specific (at impact site)	1
Whole site (entire surface right)	2
Regional / neighboring areas (downstream within quaternary catchment)	3
National (impacting beyond secondary catchment or provinces)	4
Global (impacting beyond SA boundary)	5

TABLE 3 – DURATION

How long does the aspect impact on the environment and resource quality?

One day to one month, PES, EIS and/or REC not impacted	1
One month to one year, PES, EIS and/or REC impacted but no change in status	2
One year to 10 years, PES, EIS and/or REC impacted to a lower status but can be improved over this period through mitigation	3
Life of the activity, PES, EIS and/or REC permanently lowered	4
More than life of the organisation/facility, PES and EIS scores, a E or F	5
PES and EIS (sensitivity) must be considered.	

TABLE 4 – FREQUENCY OF THE ACTIVITY

How often do you do the specific activity?

Annually or less	1
6 monthly	2
Monthly	3
Weekly	4
Daily	5

TABLE 5 – FREQUENCY OF THE INCIDENT/IMPACT

How often does the activity impact on the environment?

Almost never / almost impossible / >20%	1
Very seldom / highly unlikely / >40%	2
Infrequent / unlikely / seldom / >60%	3
Often / regularly / likely / possible / >80%	4
Daily / highly likely / definitely / >100%	5

TABLE 6 – LEGAL ISSUES

How is the activity governed by legislation?

No legislation	1
Fully covered by legislation (wetlands are legally governed)	5
Located within the regulated areas	

TABLE 7 – DETECTION

How quickly/easily can the impacts/risks of the activity be observed on the resource quality, people and property?

Immediately	1
Without much effort	2
Need some effort	3
Remote and difficult to observe	4
Covered	5

TABLE 8: RATING CLASSES

RATING	CLASS	MANAGEMENT DESCRIPTION
1 – 55	(L) Low Risk	Acceptable as is or consider requirement for mitigation. Impact to watercourses and resource quality small and easily mitigated.
56 – 169	(M) Moderate Risk	Risk and impact on watercourses are notably and require mitigation measures on a higher level, which costs more and require specialist input. Licence required.
170 – 307	(H) High Risk	Water courses/ impacts by the activity are such that they impose a long-term threat on a large scale and lowering of the Reserve. Licence required.

A low risk class must be obtained for all activities to be considered for a GA.

TABLE 9: CALCULATIONS

Consequence = Severity + Spatial Scale + Duration
Likelihood = Frequency of Activity + Frequency of Incident + Legal Issues + Detection
Significance\Risk = Consequence X Likelihood

RISK ASSESSMENT MUST BE CONDUCTED BY A SUITABLY QUALIFIED SACNASP PROFESSIONAL MEMBER AND HE/SHE MUST:

- 1) CONSIDER BOTH CONSTRUCTION AND OPERATIONAL PHASES OF PROPOSED ACTIVITIES;
- 2) CONSIDER RISKS TO RESOURCE QUALITY POST MITIGATION CONSIDERING MITIGATION MEASURES LISTED IN TABLES PROVIDED;
- 3) CONSIDER THE SENSITIVITY (ECOLOGICAL IMPORTANCE AND SENSITIVITY – EIS) AND STATUS (PRESENT ECOLOGICAL STATUS - PES) OF THE WATERCOURSE AS RECEPTOR OF RISKS POSED;
- 4) CONSIDER POSITIVE IMPACTS/RISKS REDUCTION AS A VERY LOW RISK IN THIS ASSESSMENT;
- 5) INDICATE CONFIDENCE LEVEL OF SCORES PROVIDED IN THE LAST COLUMN AS A PERCENTAGE FROM 0 - 100%;
- 6) NAME AND REGISTRATION NUMBER OF SACNASP PROFESSIONAL MEMBER MUST BE PROVIDED ON EXCELL SPREADSHEET AND MUST BE SUBMITTED WITH REGISTRATION DOCUMENTATION.

ON THE EXCELL SPREADSHEET POP-UP COMMENTS ARE AVAILABLE FOR ALL COLUMNS IN THE HEADINGS WHICH EXPLAINS THE PURPOSE OF EACH COLUMN!

APPENDIX B: Aspects that must be addressed in any RIVER MANAGEMENT PLAN as specified under paragraph 6 (1) (iv) of this Notice.

River Management Plans for storm water and river management activities MUST:

Contain information on all the river and storm water management activities in terms of section 21(c) and (i) water uses of the Act with a section addressing all relevant supporting technical information used to ensure a LOW risk will be posed to the resource quality of the watercourses and that this management plan have been submitted to the relevant regional operations or Catchment Management Agency (CMA) office for APPROVAL. The report must include, but may not be limited to:

When developing a River Management Plan:

1. Identify River Management Plan domain, preferably from a whole-catchment perspective;
2. Identify an accountable, representative body that should take unbiased custodianship of the RMP and drive its implementation;
3. Identify key stakeholders;
4. Divide the river into useful management units;
5. Identify major drivers of river disturbance and instability – human and natural, and their primary and secondary effects;
6. Complete Risk assessment as per Risk Matrix (Appendix A) for identified mitigation activities;
7. Solicit input from stakeholders on their priorities and objectives;
8. Define best practice measures for rehabilitation and maintenance implementation;
9. Design a plan for ecological monitoring which is specifically linked to the stated objectives; and
10. Develop an implementation programme and review mechanism.

Report should contain supporting technical information used to ensure the low risk to resource quality like:

- a) Impact assessment and mitigation report completed by an independent consultant as required by NEMA and NWA;
- b) All the relevant specialist reports supporting the proposed mitigation measures;
 - Specialists Reports must address the level of modification/risk posed to resource quality ie: flow regime, water quality, geomorphological processes, habitat and biota of the watercourses and contain Present Ecological state (PES) and Ecological Importance and Sensitivity (EIS) data for relevant watercourses;
- c) Environmental management plan giving effect to all actions required to mitigate impacts (What, When, Who, Where and How);
- d) Best practices applicable to these activities, where applicable;
- e) Generic designs and method statements, where applicable;
- f) Norms and standards, where available;

- g) Monitoring programme that must include "present day" conditions to be used as base line values;
- h) Monitoring, auditing and reporting programme (reports must be send on request to the region or CMA); and;
- i) Internalized controls and auditing, where applicable.

PLEASE NOTE: Any activities outside the scope of the approved plan that is required for river – or storm water management (example: building of new gabion structures to stop bank erosion) must comply to all the provisions in **paragraph 6** of this notice.

CONTINUES ON PAGE 130 - PART 2

APPENDIX C: EMERGENCY PROTOCOL as specified under paragraph 6 (1) (vi) of this Notice.**Purpose of the "Emergency Protocol"**

The purpose of this protocol is to set out the process to be followed and actions to be taken by any person to provide assurance to the DWS in ensuring emergency incidents and situations can be responded to, while at the same time ensuring compliance to the requirements of the National Water Act. Failure to comply to these requirements will be dealt with in terms of section 19 or 20 of the National Water Act (NWA)(Act 36 of 1998).

The agreement relates to situations where any person or entity is required to immediately respond by taking necessary action to an emergency situation or incident. It is noted that this does not include routine or planned maintenance or to deal with poor project planning.

Emergency Protocol:

This "Emergency Protocol" spells out what protocol needs to be followed to remedy "emergency situations and incidents". In terms of Section 67 of the National Water Act "Dispensing with certain requirements of Act" the NWA states the following:

(1) In an emergency situation, or in cases of extreme urgency involving the safety of humans or property or the protection of a water resource or the environment, the Minister may

(a) dispense with the requirements of this Act relating to prior publication or to obtaining and considering public comment before any instrument contemplated in section 158(1) is made or issued;

(b) dispense with notice periods or time limits required by or under this Act;

(c) authorise a water management institution to dispense with

(i) the requirements of this Act relating to prior publication or to obtaining and considering public comment before any instrument is made or issued; and

(ii) notice periods or time limits required by or under this Act.

(2) Anything done under subsection (1)

(a) must be withdrawn or repealed within a maximum period of two years after the emergency situation or the urgency ceases to exist; and

(b) must be mentioned in the Minister's annual report to Parliament."

(3) An incident is an event that requires immediate attention that might lead to potential disruption of service delivery.

Examples include the following:

Replacement of stolen or vandalised or damaged underground cables or, overhead power lines, burst pipelines, flooded or damaged bridges and /or related infrastructure, the replacement of/ or repairs to damaged infrastructure.

Described below is the process to be followed and definitions.

Process to respond to an Emergency that has a water use implication in terms of section 21 water uses of the NWA.

Definitions:

Emergency incident and situations as defined in this notice read together with section 20 and 67 of the NWA.

Protocol to be followed:

Any person that must attend to an emergency must notify the regional office or CMA about the emergency immediately and provide all required documents to the relevant region(s) within 1 month thereafter according to the specified protocol in this document. Should the incident take place over a weekend or public holiday (outside DWS working hours), the documents can be forwarded to DWS and receipt be followed-up on the day after the weekend or holiday.

- 1) **Relevant DWS regional office to be notified about the emergency incident or situation** (hereafter referred to as an Emergency) by means of an email and or 24 hour hotline of DWS. The document emailed must as a minimum contain the following information:
 - a. Date of occurrence of the emergency;
 - b. Date at which any person became aware of the emergency;
 - c. Nature of emergency;
 - d. A motivation and definition of the emergency;
 - e. Description, location and receiving environment sensitivity of the emergency;
 - f. Description of short, medium and long term actions, environmental management and rehabilitation, and emergency plan required to be taken to respond to the emergency;
 - g. Date(s) when the actions will be taken (or have taken place);
 - h. Contract details of responsible persons.
- 2) The following is a list of the required information that must be submitted to the relevant CMA or regional office of DWS within 1 month following the Emergency response to enable the regional office or CMA to determine whether the activities qualifies for a GA in terms of this Notice or whether a *post facto* licence will be required.

Tabulated list of information required to be submitted within a maximum of 1 month after the occurrence of the "Emergency":

Table of Contents
List of Appendices
List of Maps
List of Tables
1. DESCRIPTION OF Emergency situation, location, date, etc.
1.1. Motivation that situation was an emergency
2. EMERGENCY RESPONSE PROGRAMME
3. METHODOLOGY FOLLOWED
4. ENVIRONMENTAL MANAGEMENT STRATEGY
4.1 Description of risks to resource quality and mitigation measures implemented to reduce risks (This report must be based on the Risk Matrix to be completed by SACNASP registered Professional).
4.2. Environmental Impact Management + rehabilitation plan (what, where, when, who, how)
4.3. Monitoring and Review Strategy
5. RESPONSIBILITIES AND PRESCRIBED OCCUPATIONS
6. DECLARATIONS
6.1. Design Engineer
6.2. Site Manager
6.3. Environmental Practitioner / Environmental Control Officer (contact person)
List of Appendices
APPENDIX A: Design/CONSTRUCTION DRAWINGS
APPENDIX B: ENVIRONMENTAL MANAGEMENT PLAN
List of Maps
Map 1: Site location
Map 2: Location of watercourses affected
List of Tables
Table 1: Schedule of Crossings
Table 2: Programme (Start and Completion dates)
Table 3: Risk Rating Matric (Impacts and Significance Ratings)
Table 4: Mitigation Measures
Table 5: Rehabilitation Measures
Table 4: Stormwater Management Plan
Table 6: Monitoring and Review Measures

Compliance to this Emergency Protocol does not absolve any person from complying to the requirements of any other laws and associated regulations.

APPENDIX D1: Activities that are generally authorized for any person subject only to compliance to the conditions of this Notice.

Any person	ACTIVITY
Farmers and any other land owners	Emergency river crossings for vehicles to gain access to livestock, crops or residences etc.
Any landowner	Maintenance to private roads and river crossings provided that footprint remains the same and the road is less than 4 m wide.
Any landowner	Erection of fences provided that the fence will not in any way impede or divert flow, or affect resource quality detrimentally in the short, medium to long term.

APPENDIX D2: Activities that are generally authorized for SOC's and institutions subject only to compliance to the conditions of this Notice.

SOC's, INSTITUTION or Individual	ACTIVITIES
ESKOM and other institutions	Construction of new transmission and distribution power lines, and minor maintenance of roads, river crossings, towers and substations where footprint will remain the same.
SANPARKS and provincial conservation agencies	All bridges, low water bridge crossings and pipe lines below 500 mm in diameter.
SANRAL and other provincial Departments of Transport or municipalities.	All maintenance of bridges over rivers, streams and wetlands and new construction of bridges done according to SANRAL Drainage Manual or similar norms and standards.
TRANSNET and other institutions	All 1.5 meter diameter and smaller pipe lines (<i>except pipelines excluded in terms of this Notice - paragraph 3 (e)</i>) and maintenance of railway line crossings of rivers and wetlands outside the boundary of a wetland.
Gautrain Management Agency	Maintenance of existing infrastructure and expansion to crossings of rivers within the existing servitude.
TELKOM and other communication companies	All cables crossing rivers and wetland outside delineated wetland boundary.
RAND WATER and other water boards	All raw water 1.5 meter diameter and smaller pipe lines crossings river and wetlands outside delineated wetland boundary.
Municipalities and other institutions.	Mini-scale hydropower developments with a maximum capacity of 10kW – 300kW. (<i>Read together with General notice 665 of 6 Sept 2013 General Authorisation section 21 (e) or as amended</i>) These hydropower plants will provide basic, non-grid electricity to rural communities and agricultural land and must in no way affect the flow regime, flow volume and/or water quality including temperature.