


DEPARTMENT OF WATER AFFAIRS**No. 1198****18 December 2009**

**GENERAL AUTHORISATION IN TERMS OF SECTION 39 OF THE NATIONAL WATER ACT, 1998
(ACT NO 36 OF 1998) IN TERMS OF SECTION 21(c) AND (i) FOR THE PURPOSE OF
REHABILITATING A WETLAND FOR CONSERVATION PURPOSES**

I, Nobubele Ngele in my capacity as Acting Director-General of the Department of Water Affairs and duly authorised in terms of section 63 of the Act, do hereby generally authorise in terms of section 39(1) of the Act the use of water in respect of section 21(c) and (i) of the Act for the purpose of rehabilitating a wetland for conservation purposes to the category of persons as contained in the Schedule hereto.


Acting Director-General**Date: 7-12-09**

SCHEDULE**IMPEDING OR DIVERTING THE FLOW OF WATER IN A WATERCOURSE****[Section 21(c)]****and****ALTERING THE BED, BANKS, COURSE OR CHARACTERISTICS OF A WATERCOURSE****[Section 21(i)]****Purpose of Notice**

1. This Notice relieves a water user from the need to apply for a licence for impeding or diverting the flow of water in a watercourse in terms of section 21(c) or altering the bed, banks, course or characteristics of a watercourse in terms of section 21(i) of the Act for the purpose of rehabilitating a wetland for conservation purposes (a wetland being regarded as a watercourse under the Act), provided that the use is within the provisions set out in this Notice, but does not exempt the water user from compliance with any other provision of the Act or from any other applicable legislation, regulation, ordinance or by-law.

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, and unless the context otherwise indicates—

"altering the bed, banks, course or characteristics of a watercourse" means any change affecting the resource quality or flow components within the riparian habitat or 1:100 year floodline, whichever is the greater distance from the watercourse at the date of commencement of this Notice;

"Constitution" means the Constitution of the Republic South Africa, 1996 (Act No. 108 of 1996);

"diverting the flow" means a temporary or permanent structure causing the flow of water to be rerouted in a watercourse for any purpose;

"impeding the flow" means the temporary or permanent obstruction or hindrance to the flow of water in a watercourse by a structure built either fully or partially in or across a watercourse;

"NEMA" means the National Environmental Management Act, 1998 (Act No. 107 of 1998);

"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;

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

“water user” means the category of persons contemplated in paragraph 5 of this Notice.

Duration of Notice

3. This Notice is valid from the date of publication for a period of 20 (twenty) years unless —
- (a) the period is extended for a further period by a Notice in the *Gazette*;
 - (b) it is replaced by another general authorisation; or
 - (c) the water user is required to apply for a licence in terms of the Act.

Area of applicability of Notice

4. This Notice applies throughout the Republic of South Africa.

To whom Notice is applicable

5. This Notice is applicable to the category of persons who are organs of state in terms of the Constitution and who are undertaking water use 21(c) and (i) of the Act for the purpose of rehabilitating a wetland for conservation purposes.

Exclusions to Notice

6. This Notice does not apply—
- (a) if the water user must make an application for a licence for any other water use in terms of section 21 of the Act; and
 - (b) to any activity that may have a potential to impact a wetland in terms of NEMA.

Conditions for impeding or diverting the flow or altering the bed, banks, course or characteristics of a watercourse for the purpose of rehabilitating a wetland for conservation purposes in terms of this Notice

General

7. (1) The water user referred to in paragraph 5 must not cause a potential, measurable or