

No. 542

15 May 2009

**REPLACEMENT OF GENERAL AUTHORISATION IN TERMS OF SECTION 39 OF THE NATIONAL  
WATER ACT, 1998 (ACT NO. 36 OF 1998)**

I, Pamela Bulelwa Yako in my capacity as Director-General: Water Affairs and Forestry intend to replace general authorisations 1 and 2 to the Schedule of Government Gazette Notice No. 398 dated 26 March 2004 as published in Government Gazette No 26187 relating to water use section 21(c) and (l) of the Act, with the general authorisation to the Schedule hereto which is published for comment under section 39(3) of the said Act.

Interested persons are hereby invited to submit written comments on the proposed Notice to the Director-General of the Department of Water Affairs and Forestry within 60 days of the publication of this Notice in the following manner:

- (a) Post: Private Bag X 313  
Pretoria  
0001:
- (b) Fax No (012) 336-6608
- (c) E-mail: [vduplessis@dwaf.gov.za](mailto:vduplessis@dwaf.gov.za)

Comments must be addressed to the Chief Director: Water Use, marked for the attention of Ms V du Plessis.



Ms Pam Yako

Director-General: Water Affairs and Forestry

## SCHEDULE

### *Explanatory Note*

*The use of a general authorisation does not require a licence. The existing general authorisation is now replaced with the general authorisation contained in this Schedule. Those water users who exercised their entitlements under the existing general authorisation and are unable to proceed with that use under this Notice, must apply for a licence under the Act. Those water users whose water use falls within this Notice may continue with such use.*

### 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 replaces the need for a water user to apply for a licence for water use section 21(c) and (i) of the Act provided that the use is within the conditions set out in this Notice, but does not exempt the water user from compliance with any other provision of the Act unless stated otherwise, 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;

**"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;

**“mine”** used as a noun or verb is as defined in section 1 of the Mineral and Petroleum Resources Act, 2002 (Act No. 28 of 2002);

**“mining operations”** means an operation as defined in section 1 of the Mineral and Petroleum Resources Act, 2002 (Act No. 28 of 2002);

**“mining related activities”** means—

- (a) any mining related process on the mine including the operation of washing plants, mineral processing facilities, mineral refineries and extraction plants; and
- (b) the operation and use of mineral loading and off-loading zones, transport facilities and mineral storage yards, whether situated at the mine or not—
  - (i) in which any substance is stockpiled, stored, accumulated or transported for use in such process; or
  - (ii) out of which process any residue is derived, stored, stockpiled, accumulated, dumped, disposed of or transported;

**“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 person contemplated in paragraph 5 of this Notice.

#### **Duration of Notice**

3. This Notice is valid for an indefinite period from the date of this publication unless—

- (a) it is replaced by another Government Notice;
- (b) it is replaced by a general authorisation in relation to a specific water resource or within a specific area or to any category of persons; or
- (c) the water user is required to apply for a licence in terms of the Act.

#### **Area of applicability**

4. This Notice applies throughout the Republic of South Africa except in the areas set out in Table 1 below.