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water & sanitation

Department:
Water and Sanitation
REPUBLIC OF SOUTH AFRICA

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LICENCE IN TERMS OF CHAPTER 4 OF THE NATIONAL WATER ACT, 1998 (ACT NO. 36 OF 1998)

I, **Anil-Bijman Singh**, in my capacity as Director-General (Acting) in the Department of Water and Sanitation and acting under authority of the powers delegated to me by the Minister of Water and Sanitation, here by authorise the following water use in respect of this licence.

SIGNED: 

DATED: 06/11/2016

LICENCE NO: 06/W12A/D/3760
FILE NO: 27/2/1/W121/66/6

1.	Licensee:	Bayfibre Melmoth Farm
	Postal Address:	P.O Box 1445
		Pietermaritzburg
		3200
2.	Water Use	
2.1		Section 21 (d) read with Section 36 of the Act: Engaging in a stream flow reduction activity, subject to the conditions set out in Appendices I, II and III
3.	Property in respect of which this licence is issued	
3.1		Rem of Sub 1 & 2 of Vergelegen No. 6160
4.	Registered owner of the property	
4.1		Bayfibre Central Timber Co-Operative Limited
5.	Licence and review period	
5.1		This licence is valid for a period of forty (40) years from the date of issuance and it may be reviewed at intervals not more than five (5) years.

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6.	<p>Definitions</p> <p>“Any terms, words and expressions as defined in the National Water Act, 1998 (Act 36 of 1998) shall bear the same meaning when used in this licence.</p> <p>“<i>The Provincial Head</i>” means the Head of Provincial Operations: KwaZulu-Natal, Department of Water and Sanitation, P.O. Box 1018, Durban, 4000”.</p>
7.	<p>Description of the Activity</p> <p>The water use licence authorises the planting of 260 ha (two hundred and sixty hectares) of the Broad-leaved tree group Genus: <i>eucalyptus</i>. <i>The geographical location of the planting site is S: 28° 36' 48.0, E: 31° 28' 39.4”</i> in the W12A Quaternary Catchment of the Pongola to Umzimkhulu Water Management Area as indicated in Table 1. The species specified in table 1 (Broad-leaved tree group, genus: <i>Eucalyptus</i>) may be planted interchangeably with the <i>coniferous tree group, genus: Pinus</i>.</p>

Table 1: Water Use Details

Property Description	Registered Owner of Property	Tree group	Genus	Area (ha)
Rem of Sub 1 & 2 of Vergelegen No. 6160	Bayfibre Central Timber Co-Operative Limited	Broad-leaved	<i>Eucalyptus</i>	260

101 = 72 100 m²

APPENDIX I

General conditions of all water uses

1.	This licence is subject to all applicable provisions of the National Water Act, 1998 (Act 36 of 1998).
2.	The responsibility for complying with the provisions of the licence is vested in the Licensee and not any other person or body.
3.	Any contravention of, or failure to comply with the conditions of this licence constitutes an offence.
4.	While effect must be given to the Reserve as determined in terms of the Act, where a lower confidence determination of the Reserve has been used in the issuance of a licence, should a higher confidence determination of the Reserve be conducted; the licence conditions may be amended.
5.	If a Water User Association is established in the area to manage the resource, membership of the Licensee to the Association is compulsory. Rules, regulations and water management stipulation must be adhered to.
6.	The Licensee shall be responsible for any water use charges and/or levies imposed by the Responsible Authority.
7.	Changes in property boundaries and/ or information and changes in ownership 7.1 This water use licence is applicable to the property mentioned in 3 above (property in respect of which this licence is issued) and must be provided to successors in title. . 7.2 The Licensee must inform the Provincial Head within thirty (30) calendar days of transfer of any change in property ownership. 7.3 An application for the amendment of the water use registration must be made to the Provincial Head within the mentioned thirty (30) day period from transfer by successors-in-title. 7.4 Full details of any subdivision or consolidation changes, in respect of the property for which this licence is issued, must be provided to the Provincial Head within thirty (30) calendar days of the said change taking place.
8.	The licence shall not be construed as exempting the Licensee from compliance with the provisions of any other applicable Act, Ordinance, Regulation or By-law.
9.	The licence and any amendment of this licence are subject to all the applicable procedural requirements and relevant provisions of the Act, as amended from time to time.
10.	Any incident that causes or may cause water pollution must be reported to the Provincial Head or a Designated Representative within 24 hours of the incident's occurrence.
11.	If the water use described in this licence is not fully exercised within five (5) years of issuance of this licence, the licence may be amended or withdrawn accordingly. Year after, if any portion of the area is left unplanted for a minimum period of 5 years, the Responsible Authority may amend or withdraw the licence accordingly.
12.	An authorised person may, at any reasonable time and without prior notice, enter or cross a property with the necessary persons, vehicles, equipment and material in order to carry out routine inspections of the use of water under any authorisation.
13.	No water may be used for purposes other than intended in this licence, without the written approval by the Minister or his/her Delegated Authority.
14.	The Licensee shall establish and implement a continual process of raising awareness amongst itself, its workers and stakeholders of the need for Water Conservation and Water Demand Management.

15.	The issuance of this licence does not imply a guarantee relating to:- 15.1 the statistical probability of supply 15.2 the availability of the water , or 15.3 the quality of water.
16.	The Department accepts no liability for any change, loss or inconvenience, of whatever nature, suffered as a result of:- 16.1 Shortage of water 16.2 Inundation of flood 16.3 <i>Any exceptional event or circumstances which is beyond the Department's control, (force majeure event)</i>

APPENDIX II

Section 21(d) of the Act: Engaging in a Stream Flow Reduction Activity

1.	Standard conditions
1.1	<p>All forestry plantations located next to watercourses (as defined in the Act) must be established according to the delineation method described in: "A practical field procedure for identification and delineation of wetlands and riparian areas - 2008". The following minimum unplanted area must be maintained between the mentioned edge of the relevant watercourse and any plantation:-</p> <p>For afforestation that existed prior to 2014</p> <p>1.1.1 From the edge of delineated rivers, streams or natural channels in which water flows regularly or intermittently (excluding any wetlands), 20m, 1.1.2 From the highest water level mark of lakes, 50m, 1.1.3 From the full water mark of the dams, 20m, 1.1.4 From the edge of a delineated wetland (including pans, seeps and springs), 20m. Should the distance differ from the requirements of other Government Departments, the greater buffer should apply.</p> <p>For afforestation established after 2014 in accordance to this Authorisation</p> <p>1.1.1 From the edge of delineated rivers, streams or natural channels in which water flows regularly or intermittently (excluding any wetlands), 32m, 1.1.2 From the highest water level mark of lakes 50m 1.1.3 From the full water mark of the dams, 20m, 1.1.4 From the edge of a delineated wetland (including pans, seeps and springs),(500m). Should the distance differ from the requirements of other Government Departments, the greater buffer should apply.</p>
1.2	<p>In order to avoid degradation of the aquatic habitat and biological diversity of watercourses, all firebreaks are to be planned in such a way that no watercourses may be burned intentionally two years in succession. The Licensee is required to take all necessary precautions in accordance with the National Veld and Forest Fire Act, 1998 (Act No. 101 of 1998).</p>
1.3	<p>The Licensee must at his/her own expense control the spread of Stream Flow Reduction Activity (SFRA) forestry species (i.e. Eucalyptus, Pinus and Wattle species) outside the authorised plantable area and within watercourses and buffer zones throughout the lifetime and after closure of this project. The control of the mentioned species should be planned to reduce its density and abundance to less than 5% per species in the applicable areas. The methodologies and mechanisms to be used in achieving this must be in accordance with all relevant legislation. This condition is applicable to the property in respect of which this licence is issued. On unsurveyed or communal land this condition applies to the authorised plantable area (see appendix III) and a 100m radius around the outer edge of the plantable area. Should the extent of the property or applicable area (i.e. authorised plantable area and 100m radius) prevent annual clearing of the full property/ area, the control of the forestry species must be included in the Management Plan described in condition 1.7.</p>

1.4	<p>In order to prevent sedimentation and pollution of watercourse, the Licensee must take reasonable measures, to minimise the potential for and remedy the effects of pollution and /or sedimentation by ensuring that:</p> <p>1.4.1 Agro-chemicals used are applied and stored in accordance with the relevant specifications.</p> <p>1.4.2 Spraying of vegetation cover with herbicides on slopes exceeding 20% gradient (11.5°) to destroy vegetation, for the purpose of planting trees may only be done in strips, parallel with the contour, on the proposed planting rows.</p> <p>1.4.3 Planting occurs only by pitting, and not by open cultivation. Slopes exceeding 20% gradient may not be afforested without specific authorisation in terms of the Conservation of Agricultural Resources Act, 1983 (Act 43 of 1983).</p> <p>1.4.4 During the harvesting process, the land is covered by decaying or living vegetative material thereby affording protection against erosive action of water or wind.</p> <p>1.4.5 Potential sedimentation of watercourses following wildfires must be managed and controlled by all practicable means.</p>
1.5	<p>The Licensee shall conduct annual internal inspections on compliance with the conditions of this licence to measure compliance and annual improvement in compliance. This information must be available to this Department on request. An inspection template is available from the Department on request.</p>
1.6	<p>The Licensee shall appoint an independent external auditor to conduct five-yearly (5) audits on compliance with the conditions of this licence. The first audit must be conducted within five (5) years of first planting and a report on the audit shall be submitted to the Provincial Head within one (1) month of finalisation of the report. Entrepreneurial small-scale growers practising forestry with 50ha or less than 50ha afforestation are exempted from this requirement.</p>
1.7	<p>A Management Plan addressing, as a minimum, the following aspects must be made available to the Department upon request within 1 (one) year of issuance of this licence:-</p> <p>1.7.1 Harvesting - describe in detail the methods, equipment and erosion prevention strategies that would be implemented during harvesting,</p> <p>1.7.2 The control of Stream Flow Reduction Activity (SFRA) forestry species (i.e. Eucalyptus, Pinus and Wattle species) as discussed in condition 1.3 of this appendix. To enable compliance monitoring, this aspect of the Management Plan must address the following:</p> <ol style="list-style-type: none"> a. Methods of control applied and extent of yearly application, b. Frequency and methods used in follow-up clearing, c. Map of the property/ applicable area showing the yearly area of application. <p>1.7.3 Measures to prevent erosion, sedimentation and the prevention of pollution including the aspects mentioned in condition 1.4 of this appendix.</p> <p>1.7.4 Project closure - if any portion or the full extent of forestry plantation on the property is to be removed permanently, - measures to eradicate Stream Flow Reduction Activity (SFRA) forestry species (i.e. Eucalyptus, Pinus and Wattle species) from the property/ applicable area (discussed in condition 1.3) as well as measures to rehabilitate to natural condition without any invasion of SFRA or other weed species.</p> <p>Upon received of the Management Plan above, the Department may direct the Licensee accordingly. Such a Directive must be made within six (6) months of receipt of a plan, failure which it will be deemed that the plan is satisfactory.</p>
1.8	<p>Forestry plantation must be confined to the area identified as plantable on the attached planting plan – Appendix III.</p>
1.9	<p>The Licensee must inform the Provincial Head, in writing, if any training is required regarding the licence conditions and the implementation thereof. Contact details are provided in point 6 (definitions) of this licence.</p>
1.10	<p>The Licensee must notify the relevant provincial and/ or National Heritage Resources Agency administering the heritage resources legislation if any heritage resources (cultural, archaeological or other material) are discovered during the course of development.</p>
1.11	<p>Roads or any other activity proposed within a watercourse or buffer zone described in 1.1 must be authorised in terms of Section 21(c) & (i) of the Act and NEMA Act No. 107 of 1998 and its relevant amendments prior to any development taking place.</p>

1.12	A final, detailed planting plan showing the plantation size and layout (i.e. delineated watercourses and buffer zones, access and plantation roads, and firebreaks) must be submitted to the Provincial Head within one year of the date of this licence or prior to any development taking place. This information must also be provided in shape file format. Small Growers with less than 50ha authorised is exempted from the requirement to provide the information in shape file format.
1.13	This licence does not exempt the Licensee from complying with the requirement of any other relevant legislation. For new afforestation firstly established after 2014, and authorised in terms of this licence, the Licensee must obtain authorisation in terms of NEMA and CARA prior to any development taking place.

[END OF LICENCE]