



KWAZULU-NATAL PROVINCE

**ECONOMIC DEVELOPMENT, TOURISM
AND ENVIRONMENTAL AFFAIRS**
REPUBLIC OF SOUTH AFRICA

Maintenance Management Plan Policy Guideline

Purpose

- To promote consistency and efficiency in the assessment of applications submitted to request the adoption of a Maintenance Management Plan referred to in the National Environmental Management Act, 1998, and associated EIA Regulations (2014) (as amended); and,
- To serve as a guideline for the standardisation of minimum information and procedural requirements for the adoption of Maintenance Management Plans in KwaZulu-Natal.



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1. BACKGROUND AND INTRODUCTION

- 1.1. The objectives of this Policy Guideline is to promote consistency and efficiency in the assessment of applications submitted to request the adoption of a Maintenance Management Plan referred to in the National Environmental Management Act, 1998, and associated EIA Regulations (2014) (as amended); and, to serve as a guideline for the standardisation of minimum information and procedural requirements for the adoption of Maintenance Management Plans in KwaZulu-Natal.
- 1.2. The Environmental Impact Assessment (EIA) Regulations, 2014 (as amended) provide an exclusion to certain listed activities if these activities are done in accordance with a Maintenance Management Plan[MMP].
- 1.3. MMP's are defined in the EIA Regulations as a management plan for maintenance purposes defined or adopted by the competent authority. The Department may adopt or define a MMP, in accordance with the legal provisions of the NEMA, EIA Regulations and associated and applicable legislation.
- 1.4. The purpose of an MMP is considered to maintain both man-made and ecological infrastructure in a manner that either improves the current state of an ecosystems so that services are preserved and/or improved; and, to prevent further deterioration of the environment. The implementation of an MMP is intended to have positive environmental impacts.

2. APPLICATION AND SCOPE

- 2.1. These Policy Guidelines apply to the following listed activities identified in terms of the NEMA EIA Regulations, 2014 (as amended) within the Province of KwaZulu-Natal:

<i>EIA Regulations Listing Notice 1 of 2014 (as amended)</i>
Activity 18
The planting of vegetation or placing of any material on dunes or exposed sand surfaces of more than 10 square metres, within the littoral active zone, for the purpose of preventing the free movement of sand, erosion or accretion, <u>excluding</u> where — (i) the planting of vegetation or placement of material relates to restoration and maintenance of indigenous coastal vegetation <u>undertaken in accordance with a maintenance management plan</u> ; or....
Activity 19
The infilling or depositing of any material of more than 10 cubic meters into, or the dredging, excavation, removal or moving of soil, sand, shell grit, pebbles or rock of more than 10 cubic metres from a watercourse; but <u>excluding</u> where such infilling, depositing, dredging, excavation, removal or moving- (a) will occur behind a development setback.....; (b) is <u>for maintenance purposes undertaken in accordance with a maintenance management plan</u> ; (c) falls within the ambit of activity 21 in this Notice, in which case that activity applies; (d) occurs within existing ports or harbours that will not increase the development footprint of the port or harbour; or (e) where such development is related to the development of a port or harbour, in which case activity 26 in Listing Notice 2 of 2014 applies.

<p>Activity 19A</p> <p>The infilling or depositing of any material of more than 5 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 5 cubic metres from—</p> <ul style="list-style-type: none"> (i) the seashore; (ii) the littoral active zone, an estuary or a distance of 100 metres inland of the high-water mark of the sea or an estuary, whichever distance is the greater; or (iii) the sea; —<u>but excluding</u> where such infilling, depositing, dredging, excavation, removal, or moving— <ul style="list-style-type: none"> a) will occur behind a development setback; b) <u>is for maintenance purposes undertaken in accordance with a maintenance management plan</u>; c) falls within the ambit of activity 21 in this Notice, in which case that activity applies; d) occurs within existing ports or harbours that will not increase the development footprint of the port or harbour; or e) where such development is related to the development of a port or harbour, in which case activity 26 in Listing Notice 2 of 2014 applies.
<p>Activity 27</p> <p>The clearance of an area of 1 hectare or more, but less than 20 hectares of indigenous vegetation, <u>except</u> where such clearance of indigenous vegetation is required for -</p> <ul style="list-style-type: none"> i.; or ii. <u>Maintenance purposes undertaken in accordance with a MMP.</u>
<p>EIA Regulations Listing Notice 2 of 2014 (as amended)</p>
<p>Activity 15</p> <p>The clearance of an area of 20 hectares or more of indigenous vegetation, <u>excluding</u> where such clearance of indigenous vegetation is required for -</p> <ul style="list-style-type: none"> i.; or ii. <u>Maintenance purposes undertaken in accordance with a MMP.</u>
<p>Activity 24</p> <p>The extraction or removal of peat or peat soils, including the disturbance of vegetation or soils in anticipation of the extraction or removal of peat or peat soils, but <u>excluding</u> where such extraction or removal is <u>for the rehabilitation of wetlands in accordance with a MMP.</u></p>
<p>EIA Regulations Listing Notice 3 of 2014 (as amended)</p>
<p>Activity 12</p> <p>The clearance of an area of 300 square metres or more of indigenous vegetation <u>except</u> where such clearance of indigenous vegetation is required <u>for maintenance purposes undertaken in accordance with a MMP.</u></p> <p>d. KwaZulu-Natal</p> <ul style="list-style-type: none"> i. Trans-frontier protected areas managed under international conventions; ii. Community conservation areas; iii. Biodiversity stewardship programme Biodiversity Agreement areas; iv. Within any critically endangered or endangered ecosystem listed in terms of section 52 of the NEMBA or prior to the publication of such a list, within an area that has been identified as critically endangered in the National Spatial Biodiversity Assessment 2004; v. Critical biodiversity areas as identified in systematic biodiversity plans adopted by the Competent Authority or in bioregional plans; vi. Within the littoral active zone or 100 metres inland from high water mark of the sea or an estuarine functional zone, whichever distance is the greater, excluding where such removal will occur behind the development setback line on erven in urban areas; vii. On land, where, at the time of the coming into effect of this Notice or thereafter such land was zoned open space, conservation or had an equivalent zoning; viii. A protected area identified in terms of NEMPAA, excluding conservancies; ix. World Heritage Sites x. Sites or areas identified in terms of an international convention

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| <ul style="list-style-type: none">xi. Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority or zoned for a conservation purposexii. Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act and as adopted by the competent authority; orxiii. In an estuarine functional zone |
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3. POLICY GUIDELINES

3.1. POLICIES AND PRINCIPLES

- 3.1.1. Adopting or defining an MMP does not absolve a proponent from complying with any other applicable legislation (e.g. any obligations under the National Water Act, 1998 (Act 36 of 1998) or the Conservation of Agricultural Resources Act, 1983 (Act 43 of 1983)). Similarly the general “*duty of care*” set out in Section 28(1) of the NEMA is still applicable and must be adhered to.
- 3.1.2. The development of an MMP for a watercourse must be undertaken through consultation with the Department of Water and Sanitation to ensure compliance in terms of the National Water Act, 1998 (Act No. 36 of 1998). The process required for authorisation in terms of the National Water Act must be clarified prior to the drafting and submission of an MMP to the Department for consideration and adoption.
- 3.1.3. Where a Water Use Licence Application (WULA) is required in terms of the National Water Act for any activities proposed within a MMP, this does not prevent a request being submitted for a MMP to be adopted by the Department.
- 3.1.4. Based on the information submitted and the circumstances of the specific application, the Department retains the right not to adopt or define a MMP, and may require that an application be submitted to obtain Environmental Authorisation for the respective activities.
- 3.1.5. In adopting a MMP the Department may include relevant conditions related to *inter alia*, the implementation of the MMP; monitoring and reporting requirements; auditing of compliance with the MMP; the MMP review processes for updating and amending the MMP; the period for which the MMP is adopted; and, any other conditions necessary to ensure that adherence to the principles contained in Chapter 2 of NEMA.
- 3.1.6. Adopting a MMP does not absolve the proponent from complying with the general “*duty of care*” set out in Section 28(1) of the NEMA that states, “*Every person who causes, has caused or may cause significant pollution or degradation of the environment must take reasonable measures to prevent such pollution or degradation from occurring, continuing or recurring, or, in so far as such harm to the environment is authorised by law or cannot reasonably be avoided or stopped, to minimise and rectify such pollution or degradation of the environment*”.

3.1.7. The Department retains the right to withdraw the adoption of the MMP should circumstances require. Non-compliance with an adopted MMP may be considered as a failure to comply with the duty of care provided for in section 28 of NEMA; and, as an offence in terms of section 49A of NEMA.

3.1.8. Any activities undertaken outside the scope of the adopted MMP, or in terms of the actions outlined within the approved method statement/s, could be considered in non-compliance with Section 24(F) of NEMA and appropriate enforcement and compliance actions may be instituted.

3.1.9. Impact Mitigation Principles

MAINTENANCE MANAGEMENT ACTIONS	
Pre-Maintenance	<ul style="list-style-type: none"> ▪ Prior to maintenance actions commencing the maintenance areas, including the site camp, access roads, stockpile areas, maintenance and excavation areas, storage facilities and parking areas, must be clearly demarcated for the duration of the maintenance activity period. All maintenance activities/work must be limited to the maintenance activity footprint ▪ Storage areas must be located more than 50m from the watercourse ▪ Environmentally sensitive areas must be clearly demarcated for the duration of the maintenance activity period ▪ Sensitive plant species that must be protected within the maintenance area footprint must be clearly demarcated during maintenance activity period ▪ Where necessary and required, the maintenance activity site must be screened from surrounding sensitive social facilities (such as schools and clinics) and residences with fencing and shade cloth ▪ The removal, cutting, pruning or relocation of protected indigenous species or vegetation must be approved by the relevant competent authority if required. ▪ All contractors, maintenance staff or sub-contractors must receive environmental awareness training prior to commencing any work on the site
Maintenance Activity Phase	
Timing of maintenance	<ul style="list-style-type: none"> ▪ Maintenance activities must be undertaken as quickly as possible to limit environmental impact, and the timeframes within which these activities must commence and be completed must be specified in the MMP. ▪ Maintenance activities within a watercourse should be undertaken outside of the peak rainfall period of the year
Soils and erosion control	<ul style="list-style-type: none"> ▪ Appropriate and adequate erosion protection measures must be implemented throughout the Maintenance activity phase ▪ Silt laden water must be diverted into sediment ponds and sediments allowed to settle before water is discharged into any watercourse ▪ Silt fences or other silt and sediment trapping devices must be installed around all areas used for the storage for excavated and fill materials ▪ Excavated Soils must be replaced in same sequence as they were removed, and must be compacted to an equivalent compaction as the surrounding soil profile. ▪ Water from flumes, diversions or other methods used to maintain downstream flow must not cause erosion or introduce sediment into the channel

	<ul style="list-style-type: none"> ▪ Use of techniques to minimise compaction of soils, such as restricting access during wet conditions, and using protective boarding and low ground pressure machinery. If necessary, soil should be carefully removed and stored for subsequent reinstatement
Spills and pollution control	<ul style="list-style-type: none"> ▪ Chemicals, dangerous goods and fuels must be stored in a suitably bunded area, with an impervious surface and a bund capacity of at least 110% of the material storage capacity ▪ A spill contingency plan must be integrated into the MMP and any chemicals, dangerous good or fuels spills must be attended to immediately. ▪ Contaminated soils resulting from spills must be removed and disposed of within the hazardous waste stream at an appropriately licenced landfill site ▪ Significant spills must be immediately reported to the competent authorities ▪ Oil interceptors and/or drip trays are to be used under vehicles while in vehicle parking areas and during refuelling; and, are to be inspected and cleaned regularly ▪ No vehicles may be washed within a watercourse or in a manner that may result in contamination of a watercourse or water resource
Water and materials	<ul style="list-style-type: none"> ▪ Water use during the Maintenance activity phase may only be extracted or used from a water source approved by the relevant authority
Waste and sewerage management	<ul style="list-style-type: none"> ▪ Waste management measures must be established to separate, collect, store and dispose of general and hazardous waste streams ▪ General waste must be suitably stored and disposed of at an appropriate and lawful general waste disposal facility ▪ Hazardous waste streams must be established, separate from general waste streams and hazardous waste must be disposed of at an appropriate and lawful hazardous waste disposal facility ▪ No waste may be burnt on site ▪ Recycling, reuse and waste reduction strategies must be implemented ▪ Waste removal and safe disposal certificates must be maintained and made available on request ▪ Temporary chemical or other appropriate toilets facilities must be provided; and, where necessary chemical toilets must be serviced by registered service provider on at least a weekly basis ▪ Temporary ablutions and toilets must be established at least 50 meters from any watercourse or water source
Vehicle access and traffic	<ul style="list-style-type: none"> ▪ Vehicles must make use of existing access routes. If none exist the access route to the maintenance site must be created through the most degraded area avoiding sensitive/indigenous vegetation areas ▪ Where ever possible, heavy vehicles must not be allowed within 32m of a watercourse. Where this is not possible, measures must be put in place to limit soil compaction and the extent of the working areas.
Nuisance management	<ul style="list-style-type: none"> ▪ Prior notice must be given to residents, sensitive social receptors, such as schools or clinics, and businesses adjacent to work areas of any noisy or dusty activities that may be undertaken ▪ Maintenance work and site activity may only be undertaken between 7am and 5pm on weekdays, and 7am and 3pm on Saturdays. ▪ Where appropriate and necessary, dust suppression measures need to be applied to limit dust impacts on adjoining land uses
Cultural heritage	<ul style="list-style-type: none"> ▪ The competent authority for cultural heritage must be contacted if any heritage objects or graves are identified during excavation activities and all maintenance work must cease until authorisation to proceed is issued by the competent authority for cultural heritage

<p>Post-Maintenance and Rehabilitation/Monitoring</p>	<ul style="list-style-type: none"> ▪ All disturbed areas associated with the Maintenance activities must be reshaped, rehabilitated and re-vegetated immediately following the Maintenance activity phase ▪ All temporary dams, berms and other material used to divert the stream flow must be completely removed from the channel and the streambed and bank profiles must be returned to pre-maintenance conditions where applicable and appropriate ▪ Rehabilitation of disturbed areas must occur at the earliest time possible, following maintenance activities ▪ Rehabilitation and re-vegetation of disturbed areas must make use of locally indigenous species ▪ All construction debris and waste materials must be removed and disposed of at an appropriate and lawful general waste disposal facility ▪ The control of alien plant infestation within the maintenance area footprint must be integrated into the MMP and alien plant control must continue post-maintenance until the site has been suitable rehabilitated and re-vegetated with locally indigenous species ▪ Quarterly vegetation rehabilitation monitoring should be undertaken for at least 1 year after the Maintenance activity phase has been completed
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3.2. PROCEDURAL REQUIREMENTS

3.2.1. The process to consider and adopt a MMP must include the obligations to comply with just administrative action; and, public and authority consultation provided for in the Constitution, 1996, the Promotion of Administrative Justice Act 2000 and NEMA. This requires that there must be a consultation process during the development of a MMP and that there must be recourse in terms of administrative actions and decisions (i.e. an internal appeal process).

3.3. MINIMUM INFORMATION REQUIREMENTS

3.3.1. PRINCIPLE FACTORS:

All applications made for the request to adopt a MMP must consider the following principles and factors:

- The mitigation hierarchy must be considered, including the anticipation and prevention of negative impacts and risks; the minimisation of impacts; the rehabilitation and/or repair of environmental degradation; and, where necessary the remedy of residual negative impacts.
- The maintenance and management of ecological or hard infrastructure must be informed by the condition of the physical and ecological processes that drive and maintain the natural ecosystem, and take into consideration the desired state of the affected system.
- MMP actions must prevent further deterioration to the condition of an affected ecosystem.
- Maintenance actions proposed should aim to improve and maintain ecological infrastructure for the delivery of ecosystem services.
- Unnecessary, intrusive or environmentally-damaging maintenance actions should be avoided where possible.
- Continual and adaptive management must be applied.
- The best practical environmental option must be selected.

3.3.2. AUTHORITY CONSULTATION

The following authorities must be consulted and requested to provide input based on the proposed maintenance activities:

- Department of Water and Sanitation
- Ezemvelo KZN Wildlife
- KZN Department of Agriculture and Rural Development
- District Municipality
- Local Municipality
- Any applicable Irrigation Boards / Water Users Associations
- KZN Amafa and Research Institute (Amafa)
- Other authorities considered relevant in the circumstances

Details of interactions with each of the respective authorities should be captured by providing an attendance register and minutes of meetings attended with the authority in question, where a formal meeting is held. Copies of any written communication submitted to and received from the relevant authorities must be provided. Final comments received from the authorities must be submitted and referenced within the final application. For each of the indicated authorities an explanation as to their involvement must be provided.

3.3.3. PUBLIC PARTICIPATION

All potential interested and affected party(ies) of the proposed activity(ies) must be notified and allowed a minimum period of 21 (twenty-one) days to comment on the Draft MMP. The public participation requirements must be determined as part of the pre-consultation meeting with the Department.

The Department may determine the requirements for public participation taking into account the environment within which the maintenance work is proposed and the specific circumstances relevant to the request to adopt a MMP.

Details of the public participation process undertaken and any comments and/or objections received must be provided in the MMP.

3.3.4. INFORMATION AND ASSESSMENT

- 3.3.4.1. A locality map and a site plan (at an appropriate scale) must be provided that clearly defines:
- the area where maintenance activities will take place;
 - sensitive features including Critical Biodiversity Areas (CBAs); National Freshwater Ecosystem Priority Areas (NFEPAs); and, areas considered as sensitive in an Environmental Management Framework adopted by the Competent Authority;
 - the location of all site/s at which maintenance activities will take place; and,
 - Access routes to the site/s where the maintenance activities are to take place and, indicate whether these routes are existing or would need to be created.

Locality and Site Map Requirements

A locality map with scale at least 1:50 000 printed at a minimum size of A3 must be provided with the application. In addition to the information required in the KZN Policy Guideline: Maintenance Management Plans, the following minimum information must be indicated:

- A unique Locality Plan reference number and date;
- The position of the project site(s);
- Road names or numbers of all the major roads as well as access roads to the site(s);
- A North arrow;
- Legend;
- The location of the maintenance site(s), with a unique reference name(s).

A Site Plan with scale at least 1:10 000 printed at a minimum size of A3 must be provided with the application. In addition to the information required in the KZN Policy Guideline: Maintenance Management Plans, the following minimum information must be indicated:

- A unique Site Plan reference number and date
- Roads that provide access to the site(s);
- A North arrow;
- Legend;
- The location of the maintenance site(s), with a unique reference name(s) and the GPS co-ordinates for the centre point of the maintenance site(s) in degrees, minutes and seconds. The projection must be the WGS-84 spheroid in a national or local projection.
- Locations for all activities, for example,
 - Site camps, ablutions, storage areas;
 - Where soil/sediment/debris will be stored/loaded, etc.
- Extent of indigenous vegetation and sensitive features, if present
- The 1:100 year flood line (if known) and the 32 m line from a watercourse

- 3.3.4.2. GPS coordinates of all site(s) at which maintenance activities will take place must be provided in degrees, minutes and seconds using the Hartebeesthoek94 WGS84 co-ordinate system.
- 3.3.4.3. Provide a photographic record for the condition of the habitat around maintenance sites, with the presence of important and/or sensitive habitat/species noted.
- 3.3.4.4. Acronyms and technical terms used in the MMP must be defined or clarified so that the person(s) who must implement the plan understands the document clearly.
- 3.3.4.5. Specialist assessments must include consideration of the following:
 - An ecological and hydrological assessment (where appropriate);
 - A coastal dynamics assessment (where appropriate);
 - The relevant Present Ecological Status (PES) of a watercourse undertaken in accordance with the Department of Water and Sanitation (DWS) guidelines (where appropriate);
 - The management objective given the ecological status of the system;
 - Assessment of the impact on the ecosystem of the proposed maintenance activities;
 - An appropriate assessment of risk(s) for each of the proposed types of maintenance activities;
 - An explanation of the risks associated with the no-go option for the MMP i.e. the risk of not undertaking the maintenance activities as stated in the MMP; and,

- Consideration of any relevant strategic plans, such as a Catchment Management Strategy/Plan, where available, showing alignment of the MMP with such plans.

3.3.4.6. The specifications and Terms of Reference used for the appointment of all specialist inputs must be provided, together with declarations of independence of these appointed specialists.

3.3.5. METHOD STATEMENTS

3.3.5.1. A method statement must be compiled for each individual maintenance activity proposed to be undertaken.

3.3.5.2. Where uniform conditions and circumstances are evident for multiple sites that will require the same type of activity, a method statement can be given for a specific type of activity to be undertaken at multiple sites.

3.3.5.3. The method statement/s must provide a step-by-step plan to document the process and actions to be taken in a sequential and logical manner and within established and reasonable timeframes. The step-by-step plan may include schematic diagrams to assist defining the processes intended.

3.3.5.4. Time periods must be given within which the maintenance actions contemplated would be implemented. An indication must be made whether maintenance actions will be once-off or may be repeated at regular intervals or periodically.

3.3.6. MONITORING REQUIREMENTS

3.3.6.1. The specific reporting information required by the Department must be discussed during the Pre-consultation process between the proponent and the Department. The relevant monitoring requirements will be considered on a case-by-case basis.

3.3.6.2. The specific monitoring and reporting requirements will be included as conditions by the Department should the MMP be adopted.

3.3.6.3. The Department may, at any reasonable time, evaluate the maintenance activities and assess the maintenance sites in accordance with the adopted MMP.

4. APPLICATION AND CONTACT DETAILS

4.1. A proponent must submit to the Department, a duly completed and signed Application Form as set out in **Appendix 2** which must be accompanied by the following information–

- a) a report from the web based screening tool, as contemplated in the Environmental Impact Assessment Regulations;
- b) a report from any relevant and adopted Environmental Management Framework;
- c) a Maintenance Management Plan [MMP] including as a minimum the information as set out in this Policy Guideline; and, any specific mitigation measures necessary to avoid environmental impacts, or where these cannot altogether be avoided, to ensure that these impacts are minimised and remedied;
- d) a locality map and site plan(s);

- e) relevant specialist assessments (should a specialist report or report be submitted at any stage for any part of an application, the declaration of interest of the specialist must also be submitted); and,
- f) any other relevant information that may be requested by the Department in considering the adoption of the MMP.

4.2. An application for a request to adopt a Maintenance Management Plan must be submitted to:

Postal address:

KZN Department of Economic Development, Tourism & Environmental Affairs
Private Bag X9152
PIETERMARITZBURG
3200

Physical address:

270 Jabu Ndlovu Street
PIETERMARITZBURG
3201

Contact Person: Ms Zama Mbanjwa / Ms. Fikelephi Mthembu

Telephone No: 033 - 264 2898 / 2616

Cellular No.: 081 - 271 9541 / 082 – 796 3470

Email: Zama.Mbanjwa@kznedtea.gov.za / Fikelephi.Mthembu@kznedtea.gov.za

- 4.3. All documentation delivered to Head Office must be delivered during the official Departmental Office Hours visible on the Departmental premises.
- 4.4. Unless protected by law, all information filled in on the application will become public information on receipt by the Department. Any interested and affected party must be provided with the information contained in the application on request or during any stage of the application process.

ANNEXURE 1: DEFINITIONS AND ABBREVIATIONS

DEFINITIONS

"Activity" means an activity identified in any notice published by the Minister or MEC in terms of section 24D(1)(a) of the Act as a listed activity or specified activity. Activity in this document refers to the activities as listed in Listing Notice 1, 2 and 3 of the Environmental Impact Assessment Regulations, 2014 (as amended).

"Bush Encroachment" means stands of plants of the kinds specified in column 1 of Table 4 of the Conservation of Agricultural Resources Act (Act No. 43 of 1983) where individual plants are closer to each other than three times the mean crown diameter.

"Diverting" as defined in the 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) and 21(i) (GN. 509 of 26 August 2016), means to, in any manner, cause the in-stream flow of water to be rerouted temporarily or permanently.

"Ecological Infrastructure" refers to naturally functioning ecosystems that deliver valuable services to people, such as water and climate regulation, soil formation and disaster risk reduction.

"Estuary" has the meaning assigned to it in the National Environmental Management: Integrated Coastal Management Act, 2008 (Act No. 24 of 2008)

"Flood event" is the event where land is inundated by the overflowing of water from a river channel and where this event causes significant damage to infrastructure or results in watercourse erosion and/or sediment deposition. NOTE that flooding can be a natural phenomenon in many river or wetland systems which, due to encroachment and human modification of the form and function of the affected system, may have evolved into a potential hazard to life or property.

"Flow-altering" as defined in the 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) and 21(i) (GN. 509 of 26 August 2016), means to, in any manner, alter the in-stream flow route, speed or quantity of water temporarily or permanently.

"General Authorisation" in this document refers to the 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) (GN. 509 of 26 August 2016).

"Impeding" as defined in the 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) and 21(i) (GN. 509 of 26 August 2016), means to, in any manner, hinder or obstruct the in-stream flow of water temporarily or permanently, but excludes the damming of flow so as to cause storage of water.

"Indigenous vegetation" refers to vegetation consisting of indigenous plant species occurring naturally in an area, regardless of the level of alien infestation and where the topsoil has not been lawfully disturbed during the preceding ten years.

"Maintenance" means actions performed to keep a structure or system functioning or in service on the same location, capacity and footprint.

“Maintenance Management Plan” means a management plan for maintenance purposes defined or adopted by the competent authority.

“Watercourse” means:

(a) a river or spring;

(b) a natural channel in which water flows regularly or intermittently;

(c) a wetland, lake or dam into which, or from which, water flows; and

any collection of water which the Minister may, by notice in the Gazette, declare to be a watercourse as defined in the National Water Act, 1998 (Act No. 36 of 1998); and

a reference to a watercourse includes, where relevant, its bed and banks.

“Wetland” means, land which is transitional between terrestrial and aquatic systems where the water table is usually at or near the surface, or the land is periodically covered with shallow water, and which land in normal circumstances supports or would support vegetation typically adapted to life in saturated soil.

ACRONYMS

CBA	Critical Biodiversity Area
DEDTEA	Department of Economic Development, Tourism and Environmental Affairs
DWS	Department of Water & Sanitation
EAP	Environmental Assessment Practitioner
EIA	Environmental Impact Assessment
GA	General Authorisation, in terms of the National Water Act, 1998 (Act No. 36 of 1998)
GN	Government Notice
MEC	Member of Executive Council
MMP	Maintenance Management Plan
NEMA	National Environmental Management Act, 1998 (Act No. 107 of 1998)
NEMBA	National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004)
NFEPA	National Freshwater Ecosystem Priority Areas
NWA	National Water Act, 1998 (Act No. 36 of 1998)
PES	Present Ecological State
WUA	Water Users Association
WULA	Water Use Licence Application

ANNEXURE 2: APPLICATION FORM

(ELECTRONIC COPIES CAN BE REQUESTED FROM THE ADDRESS PROVIDED IN SECTION 4 OF THE GUIDELINE. IT IS ADVISED THAT THE MOST RECENT VERSION OF THE APPLICATION FORM IS REQUESTED BEFORE SUBMITTING)



KWAZULU-NATAL PROVINCE

ECONOMIC DEVELOPMENT, TOURISM
AND ENVIRONMENTAL AFFAIRS
REPUBLIC OF SOUTH AFRICA

(For official use only)

Provincial Reference Number:

Date Received by Department:

Date Received by District:

**APPLICATION FOR ADOPTION OF A MAINTENANCE
MANAGEMENT PLAN**

Submitted in terms of the National Environmental Management Act, 1998 (Act No. 107 of 1998), and the Environmental Impact Assessment Regulations, 2014.

PROJECT TITLE

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DISTRICT MUNICIPALITY

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IMPORTANT INFORMATION

PLEASE NOTE:

- 1) It is the responsibility of the applicant to confirm that the Department is the competent authority to which this application must be submitted (refer to NEMA section 24C).
- 2) This form is current as of **January 2022**. It is the responsibility of the Applicant / Environmental Assessment Practitioner (“EAP”) to ascertain whether subsequent versions of the form have been released by the Department.
- 3) The application must be typed within the spaces provided in the form. The size of the space provided is not necessarily indicative of the amount of information required. A legible font type and size must be used when completing this form. The font size should not be smaller than 10pt.
- 4) Where required, place a tick (✓) in the box you select.
- 5) Incomplete applications or applications that do not meet the minimum requirements provided in the ***KZN Policy Guideline: Maintenance Management Plans*** will not be accepted.
- 6) The use of the phrase “not applicable” in this form must be done with circumspection. Should it be done in respect of material information required by the competent authority for assessing the application, it may result in the refusal of the application for Adoption of the Maintenance Management Plan.
- 7) Unless protected by law, all information contained in, and attached to this document, shall become public information on receipt by the competent authority.

PRE-APPLICATION MEETING

- 8) This Department requires that a pre-application meeting be held with the relevant district office prior to lodging an application for the Adoption of a Maintenance Management Plan. Kindly liaise with the relevant district office to schedule a pre-application meeting. The Head Office Registry may be contacted on **033 - 264 2898 / 2572** for details of the relevant district office for this application.
 - Provide details of the Pre-Application Meeting below:

Date of Pre-Application Meeting	Time and Venue of Pre-Application Meeting

- The minutes of the Pre-Application Meeting **MUST BE ATTACHED** to this application (refer to the List of Appendices).

HEAD OFFICE REGISTRY DETAILS

- 9) Three copies of this applications with original signatures must be hand delivered or posted to the Head Office Registry of this Department at the address provided below:

Postal address:

Head Office

**KwaZulu-Natal Department of Economic Development, Tourism &
Environmental Affairs**

Private Bag X9152

PIETERMARITZBURG

3200

Physical address:

270 Jabu Ndlovu Street

PIETERMARITZBURG

3201

Contact Person: Ms Zama Mbanjwa / Ms. Fikelephi Mthembu

Telephone No: 033 - 264 2898 / 2616

Cellular No.: 081 - 271 9541 / 082 – 796 3470

Email: Zama.Mbanjwa@kznedtea.gov.za
Fikelephi.Mthembu@kznedtea.gov.za

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- 10) All documentation delivered to Head Office must be delivered during the official Departmental Office Hours visible on the Departmental premises.
- 11) All documents (includes application forms, reports or any other related submissions) that are faxed; emailed; delivered to Security or placed in the Departmental Tender Box or Job Application Box will NOT be accepted, only hardcopy submissions are accepted.
- 12) Should a specialist report or report on a specialised process be submitted at any stage for any part of this application, the declaration of interest of the specialist must also be submitted.
- 13) Unless protected by law, all information filled in on this application may become public information on receipt by this Department. Any interested and affected party must be provided with the information contained in this application on request, or during any stage of the application process.
- 14) If an Environmental Assessment Practitioner (EAP) has not been appointed at the time of the submission of this application form, the declaration from the EAP must be included in the Maintenance Management Plan.
- 15) The Maintenance Management Plan must include the public and authority consultation processes and minimum information requirements defined within the ***KZN Policy Guideline: Maintenance Management Plans***; and, any information specifically requested by the Department in the Pre-Application meeting or subsequent requests or requirements.
- 16) **This application and the *KZN Policy Guideline: Maintenance Management Plans* provides a guide to the minimum information required. Any additional information that may be relevant and necessary for the Department to make an informed decision in respect of the application must also be submitted.**

IMPORTANT INFORMATION ABOUT MAINTENANCE MANAGEMENT PLANS

With regards to a Maintenance Management Plan, note that:

- 1) Adopting or defining a Maintenance Management Plan does not absolve a proponent from complying with any other applicable legislation (e.g. any obligations under the National Water Act, 1998 (Act 36 of 1998) or the Conservation of Agricultural Resources Act, 1983 (Act 43 of 1983)).
- 2) The development of a Maintenance Management Plan for a watercourse must be undertaken through consultation with the Department of Water and Sanitation to ensure compliance in terms of the National Water Act, 1998 (Act No. 36 of 1998). The process required for authorisation in terms of the National Water Act must be clarified prior to the drafting and submission of an MMP to the Department for consideration and adoption.
- 3) The Adoption a Maintenance Management Plan does not absolve a proponent from the general “duty of care” set out in Section 28(1) of the NEMA that states, “*Every person who causes, has*

caused or may cause significant pollution or degradation of the environment must take reasonable measures to prevent such pollution or degradation from occurring, continuing or recurring, or, in so far as such harm to the environment is authorised by law or cannot reasonably be avoided or stopped, to minimise and rectify such pollution or degradation of the environment".

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1. APPLICANT DETAILS

Name of applicant who will undertake the activity:			
Contact person (if other):			
Postal address:			
		Postal code:	
Telephone:		Cell:	
Email:		Fax:	()
Name of person who has prepared the Maintenance Management Plan:			
Contact Person (if other):			
Postal address:			
		Postal code:	
Telephone:		Cell:	
E-mail:		Fax:	()

If the applicant is not the owner or the person in control of the land or Regulation 39(2) in the EIA Regulations 2014 does not apply):

Name of landowner:			
Contact person:			
Postal address:			
		Postal code:	
Telephone:	()	Cell:	
E-mail:		Fax:	()
In instances where there is more than one landowner, please attach a list of landowners with their contact details.			

Please provide the following information for each site:

Municipality for proposed project:	
Farm name, erf and portion number etc.:	
Magisterial District or Town:	
Name(s) of water course(s) in question:	
GPS Coordinates for the site:	

2. DESCRIPTION OF THE SITE

- a) Please provide details of the geographical, physical, biological, social, economic, heritage and cultural sensitivity of the site/s.

3. DETAILS OF CURRENT ACTIVITIES ON THE SITE

- a) Have any other activities listed in the EIA Regulations commenced on the site/s?
b) If yes, describe these activities and when and how they commenced.

4. ARRANGEMENTS FOR INTERACTION WITH THE PUBLIC

Describe the measures taken to inform the public about this maintenance management plan. What measures are in place to deal with interactions with the public, if it becomes necessary during implementation of the project.

5. COMMENT/APPROVALS BY OTHER AUTHORITIES

Your proposed maintenance activities will require comments with any of the following authorities:

- Department of Water and Sanitation
- Ezemvelo KZN Wildlife
- KZN Department of Agriculture and Rural Development
- District Municipality
- Local Municipality
- Any applicable Irrigation Boards / Water Users Associations
- KZN Amafa and Research Institute (Amafa)
- Other authorities considered relevant in the circumstances

List: _____

Please include details of these interactions, and explain why these were necessary.

6. DESCRIPTION OF IMPACT AND RISK ASSESSMENT PROCESS AND PROPOSED REHABILITATION MEASURES TO BE UNDERTAKEN FOR EACH SITE

a) Environmental management objectives:

Indicate which of the following environmental management objectives apply to the proposed management actions:

- Prevent degradation of the natural environment
- Prevent degradation of agricultural resources
- Mitigate unavoidable environmental degradation
- Rehabilitate environmental damage

b) Activities to be undertaken

Please provide details of the proposed activity/ies to be undertaken in accordance with a maintenance management plan as specified in the Listing Notices in terms of the EIA Regulations 2014.

c) Description of environmental impacts

Details of the significance, consequence, extent, duration and probability of impacts must be provided.

d) Description of proposed management tasks

Details of the measures to manage or mitigate the identified environmental impacts must be provided (a schedule of tasks must be provided in the Tables 1 and 2 below).

NOTE: Please attach the following information as an appendix:

Locality and Site Map Requirements

A locality map with scale at least 1:50 000 printed at a minimum size of A3 must be provided with the application. In addition to the information required in the KZN Policy Guideline: Maintenance Management Plans, the following minimum information must be indicated:

- A unique Locality Plan reference number and date;
- The position of the project site(s);
- Road names or numbers of all the major roads as well as access roads to the site(s);
- A North arrow;
- Legend;
- The location of the maintenance site(s), with a unique reference name(s).

A Site Plan with scale at least 1:10 000 printed at a minimum size of A3 must be provided with the application. In addition to the information required in the KZN Policy Guideline: Maintenance Management Plans, the following minimum information must be indicated:

- A unique Site Plan reference number and date
- Roads that provide access to the site(s);
- A North arrow;
- Legend;
- The location of the maintenance site(s), with a unique reference name(s) and the GPS coordinates for the centre point of the maintenance site(s) in degrees, minutes and seconds. The projection must be the WGS-84 spheroid in a national or local projection.
- Locations for all activities, for example,
 - Site camps, ablutions, storage areas;
 - Where soil/sediment/debris will be stored/loaded, etc.
- Extent of indigenous vegetation and sensitive features, if present
- The 1:100 year flood line (if known) and the 32 m line from a watercourse

7. METHOD STATEMENTS

Please expand or contract the tables that follow for each task listed in 6(c), where necessary.

NOTE:

The Department is entitled to request further information if it believes it is necessary for consideration of this request.

Table 1: Method statement that describes immediate proposed tasks, and assessment of their impacts

Description of tasks and subordinate actions:				
<ul style="list-style-type: none"> • Pre-work required. • Description of work to be done: what, when, where and how. • Access to and from the site. • Disposal of sand, soil, pebbles, rock. 				
Actions	Potential impacts of these actions	Severity of impacts	Measures to mitigate the severity of these impacts	Corrective/remedial measures if mitigation measures are not properly implemented on site
		<p>High: Disturbance of area with important conservation value; destruction of rare or endangered species. No possible mitigation, or mitigation is difficult, expensive, time-consuming.</p> <p>Medium: Disturbance of area with potential conservation value or of use as a resource; complete change in species occurrence or variety.</p> <p>Low: Disturbance of degraded area with little conservation value; minor change in species occurrence or variety. Mitigation easily achieved or little required.</p>		

Table 2: Method statement that describes future proposed tasks, and assessment of their impacts

Description of tasks and subordinate actions:				
<ul style="list-style-type: none"> • Pre-work required. • Description of work to be done: what, when, where and how. • Access to and from the site. • Disposal of sand, soil, pebbles, rock. 				
Actions	Potential impacts of these actions	Severity of impacts	Measures to mitigate the severity of these impacts	Corrective/remedial measures if mitigation measures are not properly implemented on site
		<p>High: Disturbance of area with important conservation value; destruction of rare or endangered species. No possible mitigation, or mitigation is difficult, expensive, time-consuming.</p> <p>Medium: Disturbance of area with potential conservation value or of use as a resource; complete change in species occurrence or variety.</p> <p>Low: Disturbance of degraded area with little conservation value; minor change in species occurrence or variety. Mitigation easily achieved or little required.</p>		

8. ENVIRONMENTAL MONITORING PROGRAMME

The monitoring programme must detect changes that will inform intervention or remedial measures for good environmental performance. The data collection, management and reporting must be documented and be made available for inspection.

Table 3: Table for monitoring of actions

Part of the site that is monitored	Frequency of monitoring	Monitoring Procedure	How results are analysed and presented	Comments

9. DECLARATION

THE PERSON THAT WILL BE UNDERTAKING THE MAINTENANCE

I, in my **personal capacity** or **duly authorised** (please circle the applicable option) by (name of legal entity) thereto hereby declare that I/we:

- Regard the information contained in this application to be true and correct,
- Am fully aware of my responsibilities in terms of the National Environmental Management Act of 1998 (“NEMA”) (Act No. 107 of 1998) and that, notwithstanding an Adoption of this Maintenance Management Plan, I/we shall comply with any other statutory requirement applicable in terms of the Conservation of Agricultural Resources Act, 1983 (Act 43 of 1983), Water Act, 1956 (Act 54 of 1956), the National Water Act, 1998 (Act 36 of 1998), and the Environmental Impact Assessment Regulations (“EIA Regulations”) in terms of NEMA;
- Am fully aware that the proposed maintenance constitutes a listed activity in terms of the NEMA EIA Regulations, 2014, and that an environmental assessment for environmental authorisation may be required for any other listed activities;
- Shall undertake only those tasks described in the Maintenance Management Plan, failing which environmental authorisation will be required, where applicable;
- Shall provide the competent authority with access to all information at my disposal that is relevant to this request;
- Shall be responsible for any costs incurred in complying with environmental legislation;
- Hereby indemnify the government of the Republic, the competent authority and all its officers, agents and employees, from any liability arising out of, inter alia, any loss or damage to property or person as a consequence of undertaking this maintenance management plan; and
- Am aware that a false declaration is an offence in terms of regulation 48 GN. No. R326, 07 April 2017.

Signature of the applicant:

Date:

Name of institution/company:

