

For office use only:
Land User ID Number:

WORKING FOR WATER PROGRAMME

A joint initiative of

Dept. of Water Affairs and Forestry, National Dept. Agriculture and Dept of Environment Affairs and Tourism



APPLICATION FOR CLEARING ASSISTANCE

Part 1 - LAND OWNER/USER INFORMATION

STATUS OF LANDOWNER: PRIVATE STATE MUNICIPAL
CONSERVATION COMMUNAL

ARE YOU A MEMBER OF A: CONSERVANCY FPA FARMERS ASSOC.

TYPE OF PLANT TERRESTRIAL AQUATIC

Are you a registered water user with the Department of Water Affairs and Forestry? Yes No

If yes, state your water user registration Number and then complete Section 2 of this form.

WATER USER REGISTRATION NUMBER:

If no, application must immediately be made to the Department to register as a water user.

Have you, or any legal entity in which you have an interest, previously received State assistance with clearing invasive alien plants whether on this property or any other? Yes No

If yes, state the following:

Full name of assisted entity:	
Water user registration number	
Deed of Transfer Number/ Surveyor General Ref No.:	
Name and Address of property/farm:	
Date of assistance:	

This application is subject to the land user accepting a Directive from the National Department of Agriculture in terms of the regulations governing the control of declared invasive alien plants upon completion of the clearing operations as agreed upon by the parties.

Section 1: Details of Land User.

FIRST NAME:	<input type="text"/>
SURNAME:	<input type="text"/>
RSA IDENTITY NUMBER (If foreign, give foreign passport number & indicate country of origin):	<input type="text"/>
DEED OF TRANSFER NUMBER:	<input type="text"/>
SIZE OF PROPERTY (In hectares)	<input type="text"/>
SURVEYOR GENERAL REFERENCE NUMBER:	<input type="text"/>
FARM NAME AND FARM ADDRESS/ STREET ADDRESS OF PROPERTY:	<input type="text"/>
	Code <input type="text"/>
POSTAL ADDRESS: (If different from above)	<input type="text"/>
	Code <input type="text"/>
CONTACT TELEPHONE NUMBERS:	
Work: Code: <input type="text"/> No: <input type="text"/>	Home: Code: <input type="text"/> No: <input type="text"/>
Cell: <input type="text"/>	
Email: <input type="text"/>	
Are you the Land Owner? Yes <input type="checkbox"/> No <input type="checkbox"/>	If no, please fill in the Land Owner Details in section 2:

WORKING FOR WATER PROGRAMME

A joint initiative of

Dept. of Water Affairs and Forestry, National Dept. Agriculture and Dept of Environment Affairs and Tourism

Section 2: Details of Land Owner

FULL NAME OF REGISTERED OWNER <i>(If the Republic of South Africa is the registered owner, indicate the National or Provincial Department that controls the property)</i>	
<input type="text"/>	
RSA IDENTITY NUMBER/BUSINESS OR TRUST REGISTRATION NUMBER:	
<input type="text"/>	
STREET ADDRESS:	
<input type="text"/>	
Code <input type="text"/>	
POSTAL ADDRESS: <i>(If different from above)</i>	
<input type="text"/>	
Code <input type="text"/>	
FULL NAMES OF CONTACT PERSON	
<input type="text"/>	
TELEPHONE NUMBERS OF CONTACT PERSON:	
Work:	Home:
Code: <input type="text"/> No: <input type="text"/>	Code: <input type="text"/> No: <input type="text"/>
Cell: <input type="text"/>	
Email: <input type="text"/>	

Part 2 – CONTRIBUTIONS AND RESTRICTIONS

Section 3:

PROPOSED LAND USER CONTRIBUTIONS: Management: R Transport: R Equipment: R Labour: R Other: R
RESTRICTIONS REGARDING HERBICIDE USAGE ON PROPERTY:
RESTRICTIONS REGARDING ACCESS TO PROPERTY <i>(Indicate restricted access areas and access routes on map of property):</i>
OTHER RESTRICTIONS/SPECIAL ARRANGEMENTS:
OWNERSHIP OF CLEARED MATERIAL:

WORKING FOR WATER PROGRAMME

A joint initiative of

Dept. of Water Affairs and Forestry, National Dept. Agriculture and Dept of Environment Affairs and Tourism

Part 3 – INVASIVE ALIEN PLANT INFORMATION

Section 4:

- Provide a Map of the Property Boundaries (this should be based on Title Deed Diagram, not necessarily to scale).
- Indicate on the map the location of ALL the invasive alien plants.
- Divide the plants into vegetation blocks according to their geographical location (e.g. those around house, those near a dam or river, those forming windbreaks etc.). There may be more than one species of plants in a vegetation block.
- Clearly indicate the vegetation blocks that include invasive alien plants and whether the invasive alien plants are to be left standing (e.g. windbreaks, woodlots & shade trees).
- Allocate each vegetation block a number and indicate the number clearly on the map.
- For each vegetation block you must provide the information requested in the attached "Field Verification Form".
- It is essential that this information is as accurate as possible as it will determine the clearing methods and the clearing costs involved if the vegetation block is to be cleared.

Part 4 - WFW STANDARD CONDITIONS FOR ASSISTANCE IN CLEARING INVADING ALIEN PLANTS ON PRIVATE LAND

In these conditions the terms "land user" carries the same meaning as in the Conservation of Agricultural Resource, Act No. 43 of 1983 and means the land owner or any person with a real or personal right to the land or a person who has the right to cut or remove trees or wood from the land.

Upon receipt of this application for Clearing Assistance the *Working for Water* Programme will assess the Application and decide whether or not it is prepared to give assistance and, if so, to what extent.

If the Working for Water Programme is prepared to assist directly with the clearing work then the landowner/user will be assisted as follows after the Regional Programme Leader has approved the application:

1. The land user will be notified that the application has been approved and a binding contract will be deemed to exist between the land user and the Working for Water Programme. The programme has a general policy of assisting with one (1) initial treatment and two (2) follow up treatments.
2. A representative of the Working for Water Programme will prepare a Plan for Clearing for each area of the Property.

PLEASE NOTE: Where the Working for Water Programme is to assist with the clearing, the Working for Water Programme will not itself undertake the clearing work. It will engage independent contractors to do the work on behalf of the land user.

3. A representative of the Working for Water Programme will determine the costs of the clearing work in accordance with the standard tendering procedures of the Working for Water Programme as well as the dates upon which any contributions by the land user are to be made.

Please note that the amended regulations 15 and 16 relating to weeds and invader plants of the Conservation of Agricultural Resources Act, Act No 43 of 1983 were promulgated in March 2001:

All plants listed as Category 1 in terms of those revised regulations must be removed.

If plants that are listed as Category 2 in terms of those revised regulations are to be left, the land user must apply in accordance with the revised regulations to have the area in which they are grown demarcated for this purpose.

WORKING FOR WATER PROGRAMME

A joint initiative of

Dept. of Water Affairs and Forestry, National Dept. Agriculture and Dept of Environment Affairs and Tourism

In addition, if the area is 1 ha (hectare) or more, the land owner must apply for registration as a water user (in terms of the National Water Act, 36 of 1998) for a stream flow reduction activity. Application forms are obtainable from any Water Affairs & Forestry office or from the website <http://www-dwaf.gov.za/Projects/WARMS>

4. The Working for Water Programme representative will conduct an inspection of the land with the land user to determine the general condition of the land with regard to fencing, litter, erosion, quality of roads and any other aspects that may be affected by the clearing work.
5. The Working for Water Programme will then, in its absolute discretion but in good faith, determine the terms and conditions under which the clearing work is to be undertaken by Independent Contractors and payment is to be made to them. The Working for Water Programme will negotiate and, in accordance with its standard procurement procedures, conclude agreements with Independent Contractors to undertake the clearing works on these terms and conditions.
6. Should the clearing work on the land not commence within 6 (six) months of the land user being notified that the Working for Water Programme is prepared to assist with the clearing, the contract between the Working for Water Programme and the land user will be deemed to be null and void.

In the course of the clearing works,

7. The Working for Water Programme will be responsible for all negotiations and dealings with the Independent Contractors and workers employed by the Independent Contractor, to the extent that this may be necessary.
8. The land user must take all reasonable precautions to prevent injury to persons doing clearing work on the land other than injuries that would normally be associated with the carrying out of clearing work.
9. The Working for Water Programme and its employees or agents will not be liable for any acts or omissions done in good faith in the execution of the assistance.
10. The land user indemnifies the Working for Water Programme from all claims from whatsoever cause arising from the execution of the assistance except where those claims arise from the fraudulent actions of the Working for Water Programme, its employees or agents.
11. The representative of the Working for Water Programme will advise (notify) the land user of any burning activity that the Working for Water Programme views to be desirable as part of the clearing work. The land user must supervise and take responsibility for any burning that may be undertaken as part of clearing work and will be responsible for any damage sustained as a result of such burning.
12. Once a substantial part of the area has been cleared, the representative of the Working for Water Programme will notify the land user of a date on which a joint inspection with the land user will take place to determine the adequacy of clearing work undertaken prior to the inspection.
13. The land user must attend all joint inspections of which the land user is notified. In the event of the land user failing to attend any inspection despite having prior notice thereof, the land user shall abide by any conclusions reached by the Working for Water Programme pursuant to such an inspection.
14. If, after any inspection, the parties agree that the clearing work in an area is incomplete and that further work is required to complete the task, the representative of the Working for Water Programme will notify the Independent Contractor accordingly.

WORKING FOR WATER PROGRAMME

A joint initiative of

Dept. of Water Affairs and Forestry, National Dept. Agriculture and Dept of Environment Affairs and Tourism

15. The land user must co-operate with the representative of the Working for Water Programme and must ensure that all contributions to be made by the land user are made timeously.
16. If the assistance by the Working for Water Programme is terminated as a result of the land user failing to perform properly or timeously the land user will refund to the Working for Water Programme the costs incurred by the Working for Water Programme in providing assistance to the land user.

When the clearing work has been completed,

17. The Working for Water Programme will notify the land user of completion
18. The representative of the Working for Water Programme will also notify the land user of a date for a joint inspection to determine the effectiveness of the work undertaken.
19. The work will be deemed to be satisfactorily completed if all parties agree thereto. Upon agreement, the land user will be issued with a Directive by the National Department of Agriculture in terms of the Conservation of Agricultural Resources Act (Act No. 43 of 1983) wherein the terms of further maintenance by the land user will be set out.
20. The representative of the Working for Water Programme will then advise the land user of the dates by which the land user must do further work to clear the land of any recurrence of invading alien plants.
21. If the land user is dissatisfied with the work, the land user shall notify the Working for Water Programme within 14 days of completion of the cause of dissatisfaction. If the land user fails to give such a notification to the Working for Water Programme the work will be deemed to have been done in accordance with these conditions of clearing and to the full satisfaction of the land user.
22. The land user must ensure that further clearing work is done by the dates determined by the representative of the Working for Water Programme and that thereafter the land is maintained in a condition where invading alien plants are effectively controlled.
- 23. Should the land user thereafter fail to maintain the property in a state where invading alien plants are controlled the Working for Water Programme shall be entitled to recover from the land user ALL costs incurred in rendering this assistance and carrying out clearing work in terms of it.**
24. Unless otherwise agreed with the Working for Water Programme, should the land user cultivate or otherwise develop the cleared land within three years of the completion of the clearing work in terms of these conditions the land user must compensate the Working for Water Programme for all costs incurred by the Working for Water Programme in rendering this assistance.
25. The land user must notify the Working for Water Programme in writing of any claims that the land user may have arising from the implementation of this agreement, within 30 (thirty) days of completion of the clearing work.
26. Any disputes between the Working for Water Programme and the land user relating to the implementation of these Conditions for Clearing which they are not able to resolve amongst themselves must be referred for mediation with seven days. If the dispute is still unresolved after fourteen days either party may refer it for arbitration by an arbitrator either agreed to by the parties or appointed by the Arbitration Forum, in accordance with procedures to be determined by the Arbitrator. These procedures must have as their objective the expedited resolution of the dispute. The findings of the Arbitrator will be final and binding.

WORKING FOR WATER PROGRAMME

A joint initiative of

Dept. of Water Affairs and Forestry, National Dept. Agriculture and Dept of Environment Affairs and Tourism
