

# *Water Use Authorisation Application Process*

## *External Guideline:*

Generic Water Use Authorisation Application Process



**water & forestry**

Department:  
Water Affairs & Forestry  
REPUBLIC OF SOUTH AFRICA

**Published by:**

Department of Water Affairs and Forestry  
Private Bag X313  
PRETORIA  
0001  
Republic of South Africa  
  
Tel: (012) 336-7500

**Copyright reserved**

This publication may be reproduced only for non-commercial purposes, and only after appropriate authorisation by the Department of Water Affairs and Forestry has been provided. Additional copies can be requested from the above address.

No part of this publication may be reproduced in any manner without full acknowledgement of the source.

**This report should be cited as:**

Department of Water Affairs and Forestry (2007)  
External Guideline: Generic Water Use Authorisation Application Process

**Disclaimer**

This document does not replace the National Water Act (NWA) (Act No 36 of 1998) or regulations or notices published in terms of the Act. It does not contain all requirements for water uses. If there are any differences or omissions in this document, the NWA and its regulations and notices apply.

Although the information contained in this document is presented in good faith and believed to be correct, the Department of Water Affairs and Forestry makes no representations or warranties as to the completeness or accuracy of the information, which is only based on actual information received.

**Prepared by:**

Water Resources Functional Management Committee

**Document version:**

1.0

## **APPROVAL**

**TITLE:** External Guideline: Generic Water Use Authorisation  
Application Process

**DATE:** November 2007

**WEB ADDRESS:** [www.dwaf.gov.za](http://www.dwaf.gov.za)

**Approved for the Department of Water Affairs and Forestry by:**

---

Ms Deborah Mochotlhi

**Chief Director: Water Use**

Date:

## **CONTRIBUTORS**

The following persons contributed to the development of this document:

### **Department of Water Affairs and Forestry**

#### **Project management committee**

Mr Flip Nöthling	Deputy Chief Engineer: Abstraction and Storage
Mrs Riana Munnik	Deputy Director: Mines
Dr Magda Ligthelm	Deputy Director: Agriculture
Mr Francois Van Der Merwe	Chief Engineer: Abstraction and Storage
Mr Letladi Maisela	Assistant Director: Chief Directorate Water Use

#### **Technical task team**

Mr Jabulani Maluleka	Deputy Director: Industries
Ms Shane Naidoo	Deputy Director: Source Co-Ordination
Mrs Valerie Du Plessis	Deputy Director: Environment and Recreation
Mr Johan Daffue	Assistant Director: Source Co-Ordination
Mrs Anet Muir	Assistant Director: Environment and Recreation

#### **Consultative inputs**

Mr Gravelin Blondin	Deputy Regional Director: KwaZulu Natal
Mr Marius Keet	Deputy Regional Director: Gauteng
Mr Marcus Selepe	Deputy Regional Director: Mpumulanga
Dr Johan Van Der Merwe	Deputy Regional Director: Free State
Mr Petrus Venter	Deputy Regional Director: North West

#### **Other parties and advisors**

Mr J Maré	
Ms Danielle Strydom	Isifundi
Ms Laura Forster	Isifundi
Ms Cornelia Holl	Isifundi
Mr Frank Wimberley	Golder Associates

## TABLE OF CONTENTS

1.	INTRODUCTION .....	1
2.	PURPOSE OF THE GUIDELINE .....	1
3.	WATER USE REGISTRATION.....	2
4.	WATER USE AUTHORISATION .....	3
4.1.	Schedule 1 of the NWA.....	3
4.2.	Existing lawful use .....	4
4.3.	General Authorisations.....	4
4.4.	Licensed use.....	4
4.4.1.	Stream flow reduction activity.....	4
4.4.2.	Transfer of water use entitlements .....	5
4.5.	Dispensing with the requirement for a licence .....	7
4.6.	Abandonment of an application .....	7
5.	SECTION 21 WATER USE OVERVIEW.....	7
5.1.	Taking water from a water resource .....	7
5.2.	Storing water.....	8
5.3.	Impeding or diverting the flow of water in a watercourse .....	8
5.4.	Engaging in a stream flow reduction activity.....	8
5.5.	Engaging in a controlled activity .....	8
5.6.	Discharging waste or water containing waste into a water resource through a pipe, canal, sewer or other conduit.....	8
5.7.	Disposing of waste in a manner which may detrimentally impact on a water resource .....	9
5.8.	Disposing in any manner of water which contains waste from, or which has been heated in, any industrial or power generation process.....	9
5.9.	Altering the bed, banks, course or characteristics of a watercourse .....	9
5.10.	Removing, discharging or disposing of water found underground for the continuation of an activity or for the safety of persons .....	9
5.11.	Using water for recreational purposes.....	10
6.	WATER MANAGEMENT AREAS .....	10
7.	WATER USE AUTHORISATION PROCESS.....	10
7.1.	Pre-application consultation .....	11
7.1.1.	Non-waste-discharge related water uses.....	12
7.1.2.	Waste-discharge related water uses .....	12
7.2.	Information gathering .....	14
7.2.1.	Level 1 Technical documentation .....	14
7.2.2.	Level 2 Technical documentation .....	15
7.2.3.	Brief application report .....	15
7.2.4.	Section 27 motivation .....	16
7.3.	Application .....	17
7.4.	Assessment and review .....	17
7.5.	Decision .....	18
7.6.	Appeal.....	18

## **LIST OF TABLES**

- Table 2.1: External specific guidelines
- Table 3.1: Forms for water use registration
- Table 4.1: Applicant, property and ownership information forms
- Table 4.2: Forms for specific water uses
- Table 4.3: Supplementary forms
- Table 7.1: Risk categorisation

## **LIST OF FIGURES**

- Figure 7.1: Water use authorisation process

## **LIST OF APPENDICES**

- Appendix A: Checklist
- Appendix B: DWAF Regional Office contact details and map of water management areas in South Africa

## **ACRONYMS AND ABBREVIATIONS**

BBBEE	Broad-based Black Economic Empowerment
CMA	Catchment Management Agency
DWAF	Department of Water Affairs and Forestry
EIA	Environmental Impact Assessment
EMPR	Environmental Management Programme Report
GA	General Authorisation
HDI	Historically Disadvantaged Individual
I&AP	Interested and Affected Party
IWMP	Integrated Water and Waste Management Plan
NGO	Non Government Organisation
NWA	National Water Act (Act No 36 of 1998)
LAAC	Licence Assessment Advisory Committee
RDM	Resource Directed Measures
RWU	Recreational Water Use
SFRA	Stream Flow Reduction activity
WMA	Water Management Area
WUAAAC	Water Use Authorisation Assessment Advisory Committee

## **ASSOCIATED LEGISLATION**

National Water Act (NWA) (Act No 36 of 1998)

Promotion of Administrative Justice Act (PAJA) (Act No 3 of 2000)

Promotion of Access to Information Act (PAIA) (Act No 2 of 2000)

Intergovernmental Relations Framework Act (IRFA) (Act No 13 of 2005)

National Environmental Management Act (NEMA) (Act No 107 of 1998) (including the various regulations and amendments to this Act)

Environment Conservation Act (ECA) (Act No 73 of 1989)

Minerals and Petroleum Resources Development Act (MPRDA) (Act No 28 of 2003)

## 1. INTRODUCTION

The National Water Act (NWA) (Act No 36 of 1998) fundamentally reforms the law relating to water resources, recognising that water is a scarce and unevenly distributed national asset that belongs to the people of South Africa.

The NWA provides the Department of Water Affairs and Forestry (DWAF) with the mandate to protect, use, develop, conserve, manage and control the country's water resources in an integrated manner.

The NWA therefore provides the legal basis upon which to develop tools and the means to effect this mandate. One of these tools is the authorisation of water use as defined in Chapter 4 of the NWA.

## 2. PURPOSE OF THE GUIDELINE

The purpose of this guideline is to provide direction and assistance to applicants/stakeholders and water users on the following:

- The various water uses that require authorisation
- Necessary consultative processes
- The departmental requirements for the specific water uses
- The evaluation and assessment process
- Information on the decision-making process
- The appeal process.

This guideline covers all water use authorisation mechanisms through all stages of the authorisation process, providing an overview of the water uses, contact details of relevant officials, details of the information required during the licence application process, and an overview of the process leading to the issuing of a water use authorisation.

This guideline aims to answer the questions of water users, for example, consultants, industrial users, farmers, and community members. As such it replaces all previous guidelines aimed at assisting applicants.

A series of guidelines (Table 2.1) is available from DWAF that describe in more detail the process to be followed when applying for specific water use authorisations (see section 5 of this document). The specific guidelines should be used in consultation with this document.

**Table 2.1: External specific guidelines**

Title
External Guideline: Section 21 (c) and (i) Water Use Authorisation Application Process (Impeding or Diverting the Flow of Water in a Watercourse, and/or Altering the Bed, Banks, Course or Characteristics of a Watercourse)
External Guideline: Section 21 (d) Water Use Authorisation Application Process (Stream Flow Reduction Activities)
External Guideline: Section 21 (a), (b), (c), (i), (f), (g), (h) Water Use Authorisation Application Process (Aquaculture)



### 3. WATER USE REGISTRATION

The water use **registration** process is different from the water use **authorisation** process.

Registration is the process of officially notifying the Department of a water use. One registers existing water use, General Authorisation (GA), and/or a licensed water use.

Registration is required in terms of a Notice issued under the Registration Regulations (section 26(10)(c) of the NWA), or under a GA published in the Government Gazette. Water use is registered by completing the official forms obtainable from the Department.

A registration certificate will be issued bearing the registration number as soon as the forms have been processed, after which a registration certificate will be issued. Registration and the issuing of registration certificates are free of charge.

A registration certificate is not an entitlement or an authorisation for a particular water use. DWAF will inform the applicant whether a particular water use should be licensed. A water use needs to be authorised by the Department via the authorisation process described in this guideline.

Registration could therefore be seen as the first step in establishing yourself as a water user with the Department.

Unauthorised water use is illegal and constitutes an offence in terms of section 151(1) of the NWA.

For any further clarification of the water use registration process, applicants are referred to the following guide, obtainable from the Department:

*Registration Guide: A guide to the registration of water use, 2<sup>nd</sup> Edition, dated March 2000.*

**NB:** The latest water use registration forms are detailed in Table 3.1 and can be obtained from DWAF National or Regional offices, or directly from the DWAF website at: <http://www.dwaf.gov.za>.

**Table 3.1: Forms for water use registration**

<b>Form number</b>	<b>Title</b>
DW760	Taking water from a water resource
DW761	Storing water
DW762	Storing water – dam safety registration
DW763	Impeding or diverting the flow of water in a watercourse
DW764	Engaging in a Stream Flow Reduction Activity
DW765	Engaging in a controlled activity: irrigation of any land with waste or water containing waste generated through any industrial activity or by a waterwork
DW766	Discharging waste or water containing waste into a water resource through a pipe, canal, sewer, sea outfall or other conduit
DW767	Disposing of waste in a manner which may detrimentally impact on a water resource
DW768	Altering the bed, banks, course or characteristics of a watercourse
DW805	Removing, discharging or disposing of water found underground if it is necessary for the efficient continuation of an activity or for the safety of people
DW806	Using water for recreational purposes
DW808	Waste site registration

#### **4. WATER USE AUTHORISATION**

Recognising that water is a natural resource that belongs to all, the Minister acts as the custodian of this scarce commodity. A person may only use water if authorised to do so.

A person may be authorised to use water:

- If the water use is permissible in terms of Schedule 1 of the NWA, or
- As a continuation of an existing lawful use, or
- If authorised by a GA, or
- If licensed to do so in terms of the NWA.

There are also procedures to be followed when the need for a water use licence is dispensed with, as well as when an applicant decides to abandon their water use licence application.

##### **4.1. Schedule 1 of the NWA**

Schedule 1 entitles a person to take water for reasonable domestic use in the person's household, for small gardening not for commercial purposes, for watering of animals grazing on the land, or for fire fighting. It also entitles a person to use water for recreational purposes.

The schedule permits the storing and using of run-off from a roof. It also permits agreed discharge of waste or water containing waste into a conduit controlled by another person who is authorised to accept it and dispose of it.

## **4.2. Existing lawful use**

A person may continue an existing lawful water use – a water use that was lawfully exercised in the two years before the commencement of the NWA on 1 October 1998 – subject to the conditions under which it was exercised.

The Minister may declare a water use that was not exercised in the qualifying two-year period to be an existing lawful water use.

Scheduled irrigation under Irrigation Boards and from Government Water Schemes, which was not exercised in the qualifying period, but for which the rates have been fully paid, has been declared to be existing lawful use.

## **4.3. General Authorisations**

Two GAs have been issued for water uses, which describe the limits, conditions, and areas to which the GA applies.

The GA in Government Gazette Notice 399 of 26 March 2004 is for:

- Taking and storing of water
- Irrigating with waste or water containing waste
- Discharging waste or water containing waste into a water resource through a conduit
- Disposing of water containing waste or water which has been heated in an industrial process
- Disposing of waste in a manner which may detrimentally impact on a water resource.

The GA in Government Gazette Notice 398 of 26 March 2004 is for:

- Impeding or diverting the flow of water in a watercourse
- Altering the bed, banks or characteristics of a watercourse
- Removing water found underground for continuation of an activity or for the safety of people.

Certain water uses in terms of the GA require the user to register the water use on the prescribed water use registration forms.

## **4.4. Licensed use**

If no other entitlement applies, then a person requires a licence in terms of section 40 of the NWA to use water as defined in section 21 of the NWA. Licences may be issued by DWAF on application after due consideration of the impact of such water use.

### **4.4.1. Stream flow reduction activity**

SFRA applications follow the same basic process as all other water use licence applications. They are, however, evaluated in a combined licensing and authorisation process which addresses the requirements of three groups of government organisations with processes running concurrently; namely DWAF, various Provincial and National Environmental Authorities, and various Provincial and National Agricultural Authorities. A co-operative government decision between these parties, with inputs from NGOs and the forestry industry, is made through the combined process by means of the SFRA Licence Assessment Advisory Committee (LAAC).

The *External Guideline: Section 21 (d) Water Use Authorisation Application Process (Stream Flow Reduction Activities)* is available from the Directorate: Water Abstraction and Instream Use, or from the website, <http://www.dwaf.gov.za>.

#### 4.4.2. Transfer of water use entitlements

A person may surrender all or part of a water use entitlement, to enable an application to be made for the use of the water on another property or by another person.

The volume of water that will be licensed to the applicant will be adjusted by the Department to account for different assurances of supply, conveyance losses, and reduction of water available to the Reserve<sup>1</sup> due to the transfer. The surrendering person must provide proof that the surrendered entitlement is an existing lawful use. Other government departments whose responsibilities are affected will be consulted when the impact of the transfer is assessed. The surrendering person must change their water use registration on successful transfer to reflect the remaining water use entitlement. The Department will inform the applicant of the information required and the actions to be taken to obtain authorisation for the transfer.

The licensing process is described in more detail later in this guideline.

Tables 4.1 - 4.3 below provide a description of the forms required to register and/or apply for a water use licence.

**NB:** The latest water use licence application forms can be obtained from DWAF National or Regional offices, or directly from the website at: <http://www.dwaf.gov.za>.

Applicant, property and ownership information must be provided on the forms detailed in Table 4.1. Certified copies of ID documents, title deeds, power of attorney statements, and other documents indicated in the forms must also accompany the submission.

**Table 4.1: Applicant, property and ownership information forms**

Form number	Title
DW756/769	Licensing Part 1: Individual
DW757/770	Licensing Part 1: Water Services Provider (including Water Boards)
DW758/771	Licensing Part 1: Company, Business or Partnership; National or Provincial Government
DW759/772	LICENSING PART 1: WATER USER ASSOCIATION, INCLUDING: <ul style="list-style-type: none"> <li>• Irrigation Boards</li> <li>• Subterranean Water Control Boards</li> <li>• Water Boards For Stock Watering</li> <li>• Settlement Boards</li> <li>• Water Conservation Boards</li> </ul>

The NWA defines the Reserve:

Section 1(1)(xviii) "Reserve" means the quantity and quality of water required

(a) to satisfy basic human needs by securing a basic water supply, as prescribed under the Water Services Act, 1997 (Act No 108 of 1997), for people who are now or who will, in the reasonably near future, be -

- (i) relying upon;
  - (ii) taking water from; or
  - (iii) being supplied from,
- the relevant water resource; and

(b) to protect aquatic ecosystems in order to secure ecologically sustainable development and use of the relevant water resource.

Information required for specific water uses must be provided on the forms detailed in Table 4.2.

**Table 4.2: Forms for specific water uses**

<b>Form number</b>	<b>Title</b>
DW773	Licensing Part 2A: Taking Water from a Water Resource
DW774	Licensing Part 2B: Storing Water
DW775	Licensing Part 2C: Impeding or Diverting the Flow of Water in a Watercourse
DW776	Licensing Part 2D: Engaging in a Stream Flow Reduction Activity
DW777	Licensing Part 2E: Engaging in a Controlled Activity: Irrigation of Any Land with Waste or Water Containing Waste
DW778	Licensing Part 2F: Discharging Waste or Water Containing Waste Into a Water Resource through a Pipe, Canal, Sewer, Sea Outfall or Other Conduit
DW779	Licensing Part 2G: Disposing of Waste in a Manner which may Detrimentially Impact on a Water Resource
DW780	Licensing Part 2H: Disposing of Water which Contains Waste from, or which has been Heated in, any Industrial or Power Generation Process
DW781	Licensing Part 2I: Altering the Bed, Banks, Course or Characteristics of a Watercourse
DW782	Licensing Part 2J: Removing, Discharging or Disposing of Water Found Underground if it is Necessary for the Efficient Continuation of an Activity or for the Safety of People
DW783	Licensing Part 2K: Using Water for Recreational Purposes (not currently licensed)

The forms in Table 4.3 are supplementary to those detailed above.

**Table 4.3: Supplementary forms**

<b>Form number</b>	<b>Title</b>
DW784	Taking Water from a Water Resource: Pump Technical Data
DW787	Taking Water from a Water Resource: Irrigated Field and Crop Information
DW788	Taking Water from a Water Resource: Power Generation, Industrial or Mining Use
DW790	Storing Water: Dam and Basin Technical Data
DW799	Discharging or Disposing of Waste Water: Quality of Water, Waste or Water Containing Waste

#### 4.5. Dispensing with the requirement for a licence

Section 22(3) of the NWA stipulates that the requirement for a licence for water use may be dispensed by the responsible authority<sup>2</sup> if it is satisfied that the purpose of the NWA will be met by the granting of a licence, permit, or other authorisation under any other law.

#### 4.6. Abandonment of an application

If an applicant decides to abandon their application for a water use licence, they must notify the relevant official at the office where the application was lodged as soon as possible.

### 5. SECTION 21 WATER USE OVERVIEW

Any person wishing to exercise a water use other than those defined in Schedule 1 of the NWA, or an existing lawful use, or a use promulgated by a GA, requires a water use licence. The only exception to this is where the need for a licence in terms of the NWA can be dispensed with, because the water use is authorised to the satisfaction of the responsible DWAF authority under other legislation (See section 4.5).

A water use licence may be issued to a person (natural or legal) and attaches to the properties on which the water is used. It includes descriptions of the licence holder, the properties on which the water may be used, the water uses, the period for which the licence will be valid, and licence conditions.

The activities described below are water uses defined in terms of section 21 of the NWA and need authorisation, which may include licensing. DWAF must be consulted if there is any uncertainty as to whether an activity is a water use.

#### 5.1. Taking water from a water resource

Taking water from a water resource is a water use in terms of **section 21(a)** of the NWA. A water resource includes a river, stream, dam, spring, aquifer, wetland, lake, and pan.

Please note that the water use occurs at the point where the water is *taken* from the resource and not at the point where it is *applied* (e.g. an irrigation or mining operation, chemical process or any other purpose.)

Abstracting water from an off-channel dam having no catchment (for example a balancing dam), a canal, or a pipeline is not taking of water from a resource. The Minister may, however, require a person to have a licence to take water from a government water work.

Monthly volumes of water to be taken must be specified in a schedule, by the applicant.

---

<sup>2</sup> "Responsible authority", in relation to a specific power or duty in respect of water uses, means

- if that power or duty has been assigned by the Minister to a catchment management agency, or
- if that power or duty has not been so assigned, the Minister.

## 5.2. Storing water

Storing of water is a water use which may require a licence in terms of **section 21(b)** of the NWA.

Every dam with a wall more than 5 metres high, or which is capable of storing more than 50 000 m<sup>3</sup>, may pose a dam safety risk, needs to be classified, and may need Dam Safety licences to construct and to impound, in addition to the water use licence. Officials will assist the applicant on the process to follow, which may include liaison with the Dam Safety Office.

## 5.3. Impeding or diverting the flow of water in a watercourse

Causing an obstruction to the flow of water in a watercourse or diverting some or all of the flow from a watercourse are water uses which may require a licence in terms of **section 21(c)** of the NWA. The diverted water must eventually be returned to the natural watercourse.

This may be done to facilitate water flow monitoring through measuring weirs in order to attenuate floods or to move a stream from its current location to facilitate activities that would deteriorate the resource quality of the stream should it remain in its current position. It could also be temporary in nature, for example, the safe construction of a bridge through the construction of cofferdams.

## 5.4. Engaging in a stream flow reduction activity

The use of land for afforestation is currently the only declared SFRA which may require a **section 21(d)** water use licence.

## 5.5. Engaging in a controlled activity

The following are controlled activities as specified in terms of **section 21(e)** of the NWA:

- Irrigation of any land with waste or water containing waste generated through any industrial activity or by a waterwork
- An activity aimed at the modification of atmospheric precipitation
- A power generation activity which alters the flow regime of a water resource
- Intentional recharging of an aquifer with any waste or water containing waste.

## 5.6. Discharging waste or water containing waste into a water resource through a pipe, canal, sewer or other conduit

This water use is defined in terms of **section 21(f)** of the NWA and entails the discharge of waste or wastewater directly into a water resource.

Common examples of this water use are waste released into a river or dam at a discharge point, such as wastewater from factories, or partially treated wastewater from treatment plants.

Waste discharged into a municipal sewer is not included in this water use, because it is permissible in terms of Schedule 1 provided that there is agreement between the two parties.

Discharge through a sea outfall pipeline is not a **section 21(f)** water use since the discharge is beyond the tidal zone.

### **5.7. Disposing of waste in a manner which may detrimentally impact on a water resource**

Typically this disposal, which is a water use in terms of **section 21(g)** of the NWA, takes place in on-site facilities, such as slurry dams, tailings facilities, return water dams, slimes dams, or slag dumps, which may cause pollution of water resources. It may however also occur off-site.

Other examples of this water use are disposal into wastewater treatment systems such as oxidation ponds that do not have outlets into water resources and disposal into evaporation dams.

This water use includes disposal of contaminated stormwater in dams.

### **5.8. Disposing in any manner of water which contains waste from, or which has been heated in, any industrial or power generation process**

This water use refers specifically to the increased temperature of the wastewater that may have a significant effect on the environment, and is specified in terms of **section 21(h)** of the NWA.

Discharges of water containing waste into the marine environment (sea outfall pipelines) are also considered to be a **section 21(h)** water use.

### **5.9. Altering the bed, banks, course or characteristics of a watercourse**

This water use refers to physical changes that are made to a watercourse, for instance, to widen or straighten the channel of a river. A licence in terms of **section 21(i)** of the NWA will be a requirement to authorise such an activity.

Alteration of the bed and banks is usually needed for construction and infrastructure development near or across a river.

This usually entails the infill of land within the demarcated flood-line area for construction purposes. Sand and peat mining are other examples of this water use.

Alteration of the course of a watercourse refers to the diversion of the watercourse. The river channel is usually constructed or replaced with a canal that may extend for several kilometres from the original course.

Transfer schemes from one catchment to another also change the characteristics of the receiving watercourse. Whilst the abstraction is viewed as taking of water, the discharge is considered to be a section 21 (i) water use.

Any activity closer than 500 metres upstream or downstream from the boundary of any wetland or estuary is a **section 21 (i)** water use, and may also require a licence.

### **5.10. Removing, discharging or disposing of water found underground for the continuation of an activity or for the safety of persons**

This is usually done to ensure continued production and safety in underground or opencast mining. Many construction sites also require groundwater to be removed. A licence in terms of **section 21(j)** may be required to authorise this particular water use.



If part of the water removed for this reason is not disposed of or discharged into a water resource, but used for some purpose, this water use will be considered to be the taking of water in terms of **section 21(a)**.

#### **5.11. Using water for recreational purposes**

This water use is restricted to activities using water bodies for recreational activities such as swimming and boating, and will in future be regulated by means of a **section 21(k)** authorisation.

***This water use does not currently require a water use licence.***

The establishment of recreation facilities such as dams, jetties, and golf courses are not considered to be using water for recreation as they may involve other water uses, such as taking and storing of water and altering the bed and banks of watercourses, and would need to be licensed in terms of the appropriate section.

### **6. WATER MANAGEMENT AREAS**

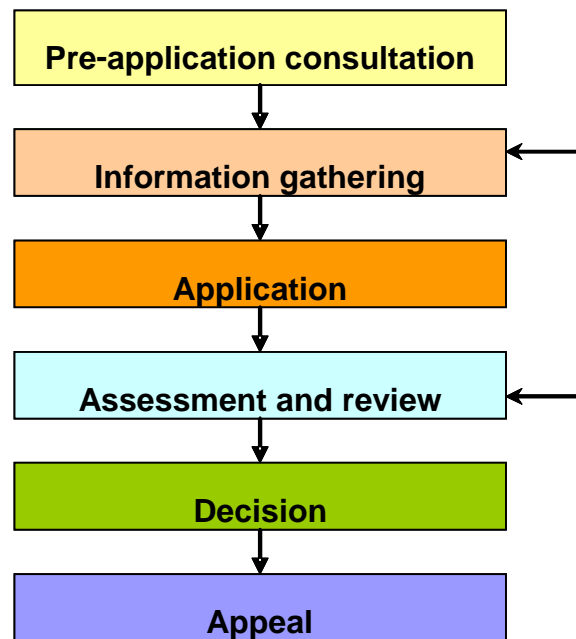
The Department manages water resources in 19 different Water Management Areas (WMAs). A Catchment Management Agency (CMA) will eventually be established in each WMA to protect, use, develop, conserve, manage, and control all water resources in the WMA.

Until the Minister has transferred these functions for each area to the CMA, the relevant DWAF Regional Office will perform these functions and will be the first point of contact for assistance. The contact details of all Regional offices together with a map demarcating the various WMAs are listed in Appendix B.

### **7. WATER USE AUTHORISATION PROCESS**

Figure 7.1 indicates the stages involved in the water use authorisation process. The stages are described in more detail in the sections below.

A water use licence application is made to a Regional Office of DWAF and proceeds through the following sequence of steps:



**Figure 7.1: Water use authorisation process**

### **7.1. Pre-application consultation**

The application process is initiated by a person or entity planning to embark on an activity which will require the use of water as defined in section 21 of the NWA. DWAF Regional Office officials should be consulted as soon as possible to arrange a pre-application consultation.

During the pre-application consultation, the applicant must provide information to enable the DWAF officials to:

- Align with environmental authorisation processes (EIA/EMPR processes) as part of co-operative governance
- Define the water use and which type of authorisation will be applicable, which will in turn dictate the approach that must be followed for the processing of the water use authorisation application
- Inform the Chief Directorate: Resource Directed Measures (RDM) to initiate a Reserve determination for the licence assessment where required
- Advise the applicant on the availability of water, if necessary
- Advise the applicant on investigation, consultation and information requirements
- Advise the applicant on other legal requirements to be met, for example environmental and agricultural authorisations
- Determine and confirm the risk classification of the activity

The pre-application consultation is an important preparatory step to the authorisation process, as some of the investigations may require significant periods of time.

The water use authorisation application process follows one of two distinct approaches:

- Non-waste-discharge related water uses
- Waste-discharge related water uses

The regulation of water use is based on the likely risk, nature, and extent of potential impact of the proposed activity on a water resource. The level of potential risk of impact determines the choice of regulatory means, from schedule 1 water uses where minimal risk or no risk exists, increasing through GAs for common uses with low risk impacts, to licensing for medium to high risk impacts.

#### 7.1.1. Non-waste-discharge related water uses

Licence applications for the following water uses, as defined in section 21 of the NWA, are approached as non-waste-discharge related water uses:

- Section 21(a) Taking water from a water resource
- Section 21(b) Storing water
- Section 21(c) Impeding or diverting the flow of water in a watercourse
- Section 21(i) Altering the bed, banks, course or characteristics of a watercourse
- Section 21(k) Using water for recreational purposes

**NB: A risk assessment does NOT need to be undertaken when applying for a non-waste-discharge related water use authorisation.**

The DWAF official will provide the procedures and checklists prescribed in the following documents to the applicant:

- Internal Guideline: Generic Water Use Authorisation Application Process (DWAF 2007)
- Internal Guideline: Section 21 (a) and (b) Water Use Authorisation Application Process (Taking and/or Storing Water) (DWAF 2007)
- External Guideline: Section 21 (c) and (i) Water Use Authorisation Application Process (Impeding or Diverting the Flow of Water in a Watercourse, and/or Altering the Bed, Banks, Course or Characteristics of a Watercourse) (DWAF 2007)
- The overarching RWU Manual (RWUM), which is the directory to all the relevant documentation pertaining to recreational water use and access and use of government waterworks for recreational purposes (Section 113 of the NWA).

#### 7.1.2. Waste-discharge related water uses

Licence applications for the following water uses, as defined in section 21 of the NWA, are approached as waste-discharge type water uses:

Section 21(e)	Engaging in a controlled activity: irrigation of any land with waste or water containing waste generated through any industrial activity or by a waterwork
Section 21(f)	Discharging waste or water containing waste into a water resource through a pipe, canal, sewer, sea outfall or other conduit
Section 21(g)	Disposing of waste in a manner which may detrimentally impact on a water resource
Section 21(h)	Disposing in any manner of water which contains waste from, or which has been heated in, any industrial or power generation process

The waste-discharge related water uses in terms of section 21(e), (f), (g), and (h) will be subject to a risk-based approach.

**NB: If the proposed water uses comprise an integrated water use licence application, which combines both non-waste-discharge (section 21 (a), (b), (c), (i) and (k) water uses) and waste-discharge related water uses in a single application, then a risk assessment must be undertaken for all the uses.**

If a section 21(j) water use is considered to be waste related, it will be dealt with as either a section 21(f) or (g) water use.

The confirmation of the risk classification dictates the extent of the investigations that will be required to provide sufficient information on which decisions during the water use application process can be made. The risk of the activity is defined by determining the hazard class of the activity, in combination with the sensitivity of the water resource where the water use activity will take place.

The risk-based approach recognises the need for a link between the risk posed by the proposed activity and the level of control required to manage sources of pollution. A lower level of control can be motivated if it can be demonstrated that the risks posed by the proposed activity are within acceptable limits. The risk-based approach allows for the identification of areas of risk and impact mitigation in these areas, and achieves focused and effective pollution-source management actions.

The DWAF official must classify and confirm the risk of the proposed activity on behalf of the applicant. The applicant should ensure that they receive written confirmation of the classification before they continue with the authorisation process.

As a preliminary stage in the risk classification, the activity sector for which the water use is required must be correctly identified.

There are five main activity sectors:

- Mining
- Industry
- Agriculture
- Settlements (urban and rural/dense)
- National infrastructure

The next stage entails activity risk categorisation. In order to determine the potential for pollution, the proposed activities and processes are categorised based on a qualitative assessment of the level of threat to the water resource. Three levels of threat are used, as described in Table 7.1:

**Table 7.1: Risk categorisation**

Threat Level	Description
<b>High</b>	High probability of the occurrence of the impact and severe consequences
<b>Medium</b>	An intermediate probability of occurrence with manageable consequences
<b>Low</b>	Low probability of occurrence with negligible consequences

The final stage of risk classification is the integration of the management measures to be employed in the catchment with the associated activity risk category and threat level.

## 7.2. Information gathering

During this stage of the process the applicant must gather and collate detailed information in support of the application. This allows the DWAF officials to take informed decisions. The level of detail required in the technical and baseline documentation will have been determined by the results of the risk classification.

Public participation should form an integral part of the process as it improves decision-making, contributes towards sustainable development and normalises the attitudes of stakeholders.

There is a wide variety of methods and tools available for public participation. Guidance in this regard may be obtained from the *Generic Public Participation Guidelines* dated September 2001 published by the Department.

**NB: The following 2 paragraphs apply only to waste-discharge related water uses and not to non waste-discharge related water uses.**

Once confirmation of the outcome of the risk classification process required for waste-discharge related water uses has been obtained from the Regional Office, the information should be submitted in support of the licence application.

For low to medium risk waste-discharge related water uses, the technical documentation should meet the criteria for a level 1 scoping report. For high risk, the documentation should meet the criteria for a level 2 scoping report. The applicant also needs to gather all of the information required to adequately motivate the application in terms of section 27(1) of the NWA.

### 7.2.1. Level 1 Technical documentation

The Level 1 technical documentation must be in the form of an Integrated Water and Waste Management Plan (IWMP), which must be prepared by the applicant. The IWMP will provide details not only of the impact assessment but also on the short and long-term management strategy, including details of a monitoring plan, measurement whether management objectives are achieved, and reporting.

The typical content of a Level 1 IWMP must provide background to the water use application by:

- Providing details of the water user
- Describing the motivation for the water use
- Outlining the legal requirements
- Providing an overall description of the catchment
- Giving baseline details of the environment
- Detailing the proposed water management strategy

The objectives of the IWMP must then be clearly stated, covering aspects such as the:

- Scope of the IWMP
- Short- and long-term goals
- Guiding principles

and relating any issues of concern to the guiding principles.

The methodology to be used to meet the objectives must be described, in order to outline the tasks required to do so. Details may be required about historical review, current practice and performance review, management systems, establishing the solution and the associated implementation plan, amongst other things.

#### 7.2.2. Level 2 Technical documentation

On obtaining signed-off confirmation from the Department that the proposed water use activity is regarded as a high potential risk, the applicant will be required to conduct a Level 2 technical assessment to provide the supporting IWMP for the water use application. In general, this process will be similar to that described for Level 1, but will include more detailed quantitative modelling, as well as several detailed specialist investigations.

#### 7.2.3. Brief application report

A licence application that has multiple supporting documents or one extensive supplementary report must include a separate brief report that summarises the licence application and water use information.

The purpose of the brief application report is to speed up the processing of the licence application, by providing a guide to the supporting documents. It must give a brief but concise overview of all aspects of the application, referring to the appropriate sections in the supporting documents for the further required detail.

The following is a suggested outline and content of the brief report.

- Table of contents
- Background
- Development
- Water uses
- Impacts
- Information on assessment factors
- Public consultation
- List of documents

#### **Table of contents**

If the report is longer than 10 pages it should have a table of contents.

#### **Background**

This section should include a brief description of the applicant, the business, the location of the property/ies in terms of province, local authority, water management institutions, and water resources.

#### **Development**

This section of the brief report should provide a short description of the:

- Proposed development for which the water use is required
- Nature of the business, production volumes, turnover, development cost and development schedule
- Regional and national importance of the development.

It should also provide a brief business plan, setting out activities and implementation schedule of the proposed development.

It should furthermore describe the alternative ways, including ways which do not require water, of meeting the need for which water is to be taken and stored. Indicate the alternative sources of water and explain why the proposed alternative is preferred.

### **Water uses**

This section should briefly describe the:

- Water uses that need to be licensed
- Affected water resources
- Volumes in terms of taking water, dewatering, discharging and storage volumes
- Water quality requirements.

There should also be a short description of existing lawful water uses on the properties on which the proposed water use will take place, together with a list of authorisation documents, and references to the supporting documents that contain copies of them.

### **Impacts**

In this section, the applicant should briefly describe the water resources and other water users that will be affected by the proposed water use, and the extent of the impact on them. References to supporting documents containing more information should be provided.

### **Information on assessment factors**

An overview of the information on the assessment factors in section 7.4 should be given. If necessary, references to sections in supporting documents providing more detail should also be given.

### **Public consultation**

This section should contain a brief description of the notification and public consultation process that was followed, and the comments and objections received, as well as a description of how each objection or class of objection was dealt with.

### **List of documents**

A list of all documents accompanying the application should be provided in this section.

#### **7.2.4. Section 27 motivation**

The applicant must provide the following assessment information in addition to the application forms and technical information, in order for the DWAF official to be able to assess the application in terms of Departmental policies regarding equity, redress, and the economic empowerment of historically disadvantaged individuals (HDIs):

- The applicant's current water use entitlements
- A description of the race and gender ownership and control of the water use licence applied for
- An explanation of the efficient and beneficial use of water in the public interest
- A description of the socio-economic impact of the issuing or refusal of the licence
- The strategic importance of the water use to be authorised
- A description of the investments related to the water use already made or to be made
- An explanation of the duration of the undertaking for which the licence is required.
- Adherence to the Broad-based Black Economic Empowerment (BBBEE) Guideline for section 27 evaluation.

The following factors will also be considered, and the Department may request additional information:

- Any catchment management strategy applicable to the water resource
- Other water users from the resource
- The class and the resource quality objectives of the water resource
- The quality of the water in the resource required for the Reserve and international obligations.

### **7.3. Application**

The application must be made on the prescribed forms referred to in section 4 of this Guideline. The application forms must be accompanied by a brief application report, a map, the appropriate supporting documents, and the licence application fee.

Once all of the required information has been gathered and all the public, external and internal consultation has been done, the water use authorisation application can be submitted at the appropriate Regional Office of DWAF. Appendix B of this Guideline provides a list of DWAF Regional offices, their contact details, and descriptions of the areas that they serve.

A DWAF official will assess the completeness of the application as soon as possible after the application has been received and load the application onto the DWAF electronic tracking system. If the submission is not complete, it will be returned to the applicant with guidance as to what further information is required. Appendix A contains a checklist against which to verify the completeness of the application.

### **7.4. Assessment and review**

The DWAF official will study the licence application to determine if any additional information, investigations, or further consultation of interested and affected parties (I&APs) is required. The applicant will be requested to meet any additional requirements.

Officials will at this time internally request a Reserve determination to be undertaken for the area affected by the licence application.

When all the necessary information has been received, DWAF will undertake a technical evaluation and assessment of the application. The technical assessment comprises a peer and specialist review of the technical supporting documents to verify whether all findings and recommendations are scientifically sound, and whether they adhere to DWAF operational policies and strategies.

If issuing a licence is recommended, a draft licence containing the required conditions will be compiled. The Regional Office official will then submit the application, together with their recommendation, the draft licence, and the supporting documentation, to the relevant delegated authority.

Following on the outcome of the technical assessment, and if recommended for issuing, a record of recommendation will be compiled and submitted to the responsible delegated authority, who will decide on the application after the Water Use Authorisation Assessment Advisory Committee (WUAAAC) has adjudicated on the application.



### **7.5. Decision**

The decision and the licence, if granted, will be returned by the relevant delegated authority to the Regional official, who will inform the applicant as well as other affected persons of the decision.

### **7.6. Appeal**

The applicant, and any other person who has objected to the licence application, has a right of appeal to the Water Tribunal against the decision.

An appeal must be made as prescribed in the NWA and must be commenced within 30 days after notice of the decision is sent to the applicant.

## APPENDIX A

### CHECKLIST

The following checklist will help the applicant to ensure that all of the required information has been supplied.

The checklist is an aid only, and should not be considered to be a complete list of requirements.

Additional checklists are available for licence applications for specific water uses and specific water use sectors.

Description	Guideline section	Check
Are applicant, property, ownership, and occupancy forms for all applicants and properties correctly filled in, signed, and included in the application?	Section 3: Water Use Registration	
Are the appropriate water use forms correctly filled in, signed, and included in the application?	Section 4: Water Use Authorisation	
Are all required supplementary forms indicated in the water use forms marked off in the water use forms, correctly filled in, signed, and included in the application?	Tables 4.1 – 4.3	
Is a brief report describing the proposed water use, the development that requires the water use, and the expected impacts of the water use signed and included in the application?	Section 7.2.3: Application Report	
Is a map showing the properties, water resources, water works, development requiring the water use, and the affected users included in the application?	Section 7.2.3	
Is all the information identified in the pre-application consultation included in the report?	Section 7.1	
Have all the consultations identified in the pre-application consultation been done and the information included in the application?	Section 7.1	
Is the licence application fee or proof of payment included in the application?	Section 7.3	

## APPENDIX B

### DWAF REGIONAL OFFICE CONTACT DETAILS AND MAP OF WATER MANAGEMENT AREAS IN SOUTH AFRICA

#### Whom to approach

Each province however, has a Regional Office which could be contacted for assistance. The following tables will provide guidance to the applicant as to which Regional Office to approach.

The Department is currently in the process of implementing an approach to manage water resources according to 19 water management areas (WMAs). WMAs have been established as a management unit within which a Catchment Management Agency (CMA) will manage the protection, use, development, conservation, management and control of all surface and subterranean water resources. Some CMAs have yet to be established. The Regional Offices will remain the first point of contact for the applicant where this is the case.

#### LIMPOPO REGION

Contact information	Water Management Areas served
Regional Chief Director: Limpopo Region Department of Water Affairs and Forestry Private Bag X9506 POLOKWANE 0700  Tel: (015) 295 9410 Fax: (015) 295 3217	<b>WMA 1: Limpopo</b> Major rivers include the Limpopo, Matlabas, Mokolo, Lephalala, Mogalakwena, Sand and Nzhelele Tertiary drainage regions A41, A42, A50, A61 to A63, A71, A72 and A80.  <b>WMA 2: Luvuvhu and Letaba</b> Major rivers include the Mutale, Luvuvhu and Letaba Tertiary drainage regions A91, A92, B81 to B83 and B90.

#### NORTH WEST REGION

Contact information	Water Management Areas served
Regional Chief Director: North West Region Department of Water Affairs and Forestry Private Bag X5 MMABATHO 2735  Tel: (018) 384 3270 Fax: (018) 384 0913	<b>WMA 3: Crocodile (West) and Marico</b> Major rivers include the Crocodile (West) and Marico Tertiary drainage regions A10, A21 to A24, A31, A32 and quaternary drainage region D41A.

### **MPUMALANGA REGION**

<b>Contact information</b>	<b>Water Management Areas served</b>
<p>Regional Chief Director: Mpumalanga Department of Water Affairs and Forestry Private Bag X11259 NELSPRUIT 1200</p> <p>Tel: (013) 755 1674-7 Fax: (013) 755 1678</p>	<p><b>WMA 4: Olifants</b> Major rivers include the Elands, Wilge, Steelpoort and Olifants Tertiary drainage regions B11, B12, B20, B31, B32, B41, B42, B51, B52, B60 and B71 to B73.</p> <p><b>WMA 5: Inkomati</b> Major rivers include the Nwanedzi, Sabie, Crocodile (East) and Komati Primary drainage region X.</p>

### **GAUTENG REGION**

<b>Contact information</b>	<b>Water Management Areas served</b>
<p>Regional Chief Director: Gauteng Department of Water Affairs and Forestry Private Bag X995 PRETORIA 0001</p> <p>Tel: (012) 392 1301 Fax: (012) 392 1304</p>	<p><b>WMA 8: Upper Vaal</b> Major rivers include the Wilge, Liebenbergsvlei, Mooi and Vaal Tertiary drainage regions C11 to C13, C21 to C23, and C81 to C83.</p>

### **KWAZULU-NATAL REGION**

<b>Contact information</b>	<b>Water Management Areas served</b>
<p>Regional Chief Director: Water Resource Management (Kwazulu-Natal) Department of Water Affairs and Forestry Tel: (031) 336-2700 Fax: (031) 307-7279</p>	<p><b>WMA 6: Usutu to Mhlatuze</b> Major rivers include the Usutu, Pongola, Mhlatuze, Mfolozi and Mkuze Primary drainage region W.</p> <p><b>WMA 7: Thukela</b> Major river is the Thukela Primary drainage region V.</p> <p><b>WMA 11: Mvoti to Umzimkulu</b> Major rivers include the Mvoti, Umgeni, Umkomazi and Umzimkulu Primary drainage region U and tertiary drainage regions T40, T51 and T52.</p>

**NORTHERN CAPE REGION**

Contact information	Water Management Areas served
<p>Regional Chief Director: Northern Cape Department of Water Affairs and Forestry Private Bag X6101 KIMBERLEY 8300</p> <p>Tel: (053) 831 4125 Fax: (053) 831 568</p>	<p><b>WMA 10: Lower Vaal</b> Major rivers include the Harts, Molopo and Vaal Tertiary drainage regions C31 to C33, C91, C92 (excluding quaternary catchment C92C), D41 (excluding quaternary catchment D41A), and quaternary catchments D73A and portions of D42C, D42D, D73B, D73C, D73D and D73E. The western boundary of this area runs from the confluence of the Kuruman River with the Molopo River along the watershed between quaternary catchments D42C and D42D until it meets the boundary of the Kalahari East Water Board. The Water Management Area boundary then follows this Water Board boundary to a point, west of the Langberge, 19 kilometres west of Beeshoek, near Postmasburg. The Water Management Area boundary then runs South East to meet the watershed between quaternary catchments D73A and D73B. The boundary then follows this watershed, and that between D73A and D71B, until it meets the watershed of tertiary catchment C92.</p> <p><b>WMA 14: Lower Orange</b> Major rivers include the Ongers, Hartbees and Orange Primary drainage region F (excluding tertiary drainage region F60), tertiary drainage regions D33, D42 (excluding portions of quaternary catchments D42C and D42D), D51 to D58, D61, D62, D71 to D73 (excluding quaternary catchment D73A and portions of D73B, D73C, D73D and D73E), D81, D82, and quaternary catchment C92C.</p>

## EASTERN CAPE REGION

Contact information	Water Management Areas served
<p>Regional Chief Director: Water Resource Management (Eastern Cape) Department of Water Affairs and Forestry Private Bag X68 CRADOCK 5880</p> <p>Tel: (043) 604 5403 Fax: (043) 604 5595</p>	<p><b>WMA 12: Mzimvubu to Keiskamma</b> Major rivers include the Mzimvubu, Mtata, Mbashe, Buffalo, Nahoon, Groot Kei and Keiskamma Primary drainage regions R and S, and also tertiary drainage regions T11 to T13, T20, T31 to T36, T60, T70, T80 and T90.</p> <p><b>WMA 15: Fish to Tsitsikamma</b> Major rivers include the Fish, Kowie, Boesmans, Sundays, Gamtoos, Kromme, Tsitsikamma and Groot Primary drainage regions L, M, N, P, Q and tertiary drainage regions K80 and K90.</p>

## WESTERN CAPE REGION

Contact information	Water Management Areas served
<p>Regional Chief Director: Western Cape Department of Water Affairs and Forestry Private Bag X16 SANLAMHOF 7532</p> <p>Tel: (021) 950 7100 Fax: (021) 946 366</p>	<p><b>WMA 16: Gouritz</b> Major rivers include the Gouritz, Olifants, Kamanassie, Gamka, Buffels, Touws, Goukou and Duiwenhoks Primary drainage region J and tertiary drainage regions H80, H90, K10 to K70.</p> <p><b>WMA 17: Olifants/Doorn</b> Major rivers include the Olifants, Doorn, Krom, Sand, and Sout Primary drainage region E and tertiary drainage regions G30 and F60.</p> <p><b>WMA 18: Breede</b> Major rivers include the Breede, Sonderend, Sout, Bot and Palmiet Tertiary drainage regions G40 (excluding quaternary catchment G40A), G50, and H10 to H70.</p> <p><b>WMA 19: Berg</b> Major rivers include the Berg, Diep and Steenbras Tertiary drainage regions G10, G21, and G22 and quaternary catchment G40A with the northern boundary following the watershed between tertiary drainage regions G10 and G30 up to the town of Aurora. From Aurora the boundary runs directly to the coast in a westerly direction.</p>

**FREE STATE REGION**

<b>Contact information</b>	<b>Water Management Areas served</b>
<p>Regional Chief Director: Free State Department of Water Affairs and Forestry PO Box 528 BLOEMFONTEIN 9300</p> <p>Tel: (051) 405 9000 Fax: (051) 430 8146</p>	<p><b>WMA 9: Middle Vaal</b> Major rivers include the Vet and Vaal Tertiary drainage regions C24, C25, C41 to C43, C60 and C70.</p> <p><b>WMA 13: Upper Orange</b> Major rivers include the Modder, Riet, Caledon and Orange Tertiary drainage regions C51, C52, D11 to D18, D21 to D24, D31, D32, D34 and D35.</p>

## WATER MANAGEMENT AREAS

