Department of Water Affairs and Forestry

Chief Directorate
Water Use and Conservation

WATER USE AUTHORISATION PROCESS

FOR INDIVIDUAL APPLICATIONS

EDITION 1: FINAL DRAFT FOR IMPLEMENTATION AND USE

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Note: This document is intended for assistance with water use licence applications only. It should not be perceived as a substitute for the provisions relating to water use licensing provided for in the National Water Act, no 36 of 1998, or any other legislation referred to in the document. In the event of any inconsistency between this document and such statutes, the latter would prevail.

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WATER USE AUTHORISATION PROCESS (INDIVIDUAL APPLICATIONS)

EDITION 1

FOREWORD

Through the past decade, under the previous fragmented statutes that were in place before the promulgation of the National Water Act (NWA), 1998 (Act 36 of 1998), and the National Environmental Management Act (NEMA), 1998 (Act 107 of 1998), several Directorates in the Department of Water Affairs and Forestry (DWAF) employed different authorisation procedures. These procedures were used for the evaluation of applications for authorisations under various sections of the Water Act, 1956 (Act 54 of 1956) as well as under s20 of the Environment Conservation Act (ECA), 1989 (Act 73 of 1989). The new approach for water resource management contained in the NWA entails a licensing system for 11 water uses, described in s21 of the NWA.

A Technical Task Team (TTT) was commissioned by the Chief Director: Water Use and Conservation (CD: WUC) of DWAF to develop a generic authorisation process for the licensing of any combination of a single or multiple water uses which would be harmonised with other authorisation procedures. Following consultation with various relevant stakeholders, and making use of processes followed by the various components in the Department under the 1956 Water Act, the TTT developed and adopted such an authorisation process. The process is generic for all water uses, makes provision for the integration of source and resource directed measures, and is harmonised with other applicable provisions in the NWA and legislation administered by other authorities, such as the procedure used by the Provincial Departments for Environmental Affairs (PDEA) for authorisations under the EIA-Regulations.

This document contains the legal framework, some international principles for environmental decision-making, a conceptual assessment and decision-making framework and the generic and harmonised authorisation process as adopted for implementation. This authorisation process is to be used for the management of individual licence applications for single and multiple water uses by the Regional Offices, those Directorates involved with licensing and other relevant components in the Department until such time it is reviewed and replaced by a second edition. A process of capacity building and training will facilitate the use of this process by relevant officials.

Comments from those using this document will lead towards revision and improvement of the process. The document will also be used for capacity building and training regarding the use of this generic and harmonised authorisation process, which should aid in the effective implementation there-of by the responsible sections in the Department of Water Affairs and Forestry.

Approved on 26 September 2000 for the Department of Water Affairs and Forestry

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WATER USE AUTHORISATION PROCESS (INDIVIDUAL APPLICATIONS)

EDITION 1

TABLE OF CONTENTS

LIST OF FIGURES

LIST OF TABLES

LIST OF APPENDICES

ABBREVIATIONS AND ACRONYMS

BPEO	Best Practical Environmental Option
CBO	Community Based Organisation
CD:WUC	Chief Director: Water Use and Conservation
CMA	Catchment Management Agency
CNS	Council for Nuclear Safety
DA	Delegated Authority (currently CD:WUC)
D:CD	DWAF Directorate Civil Design
D:GH	DWAF Directorate Geohydrology
D:H	DWAF Directorate Hydrology
D:IP(DSO)	DWAF Directorate International Projects (Dam Safety Office)
D:LS	DWAF Directorate Legal Services
D:SES	DWAF Directorate Social And Ecological Services
D:WQM	DWAF Directorate Water Quality Management
D:WRP	DWAF Directorate Water Resource Planning
D:WU	DWAF Directorate Water Utilisation
DME	Department of Minerals and Energy Affairs
DSR	Dam Safety Regulations
DWAF	Department of Water Affairs and Forestry
ECA	Environment Conservation Act, 1989 (Act 73 of 1989)
EIA	Environmental Impact Assessment
ELU	Existing Lawful Use
GA	General Authorisation
I&AP's	Interested and Affected Parties
LWUD	DWAF Lead Water Use Directorate
NEMA	National Environmental Management Act, 1998 (Act 107 of 1998)
NGO's	Non-Governmental Organisations
NWA	National Water Act, 1998 (Act 36 of 1998)
PAEDI	Procedures to Assess Effluent Discharge Impacts document (DWAF, 1995)
PDA	Provincial Department of Agriculture
PDEA	Provincial Department for Environmental Affairs
PES	Present Ecological Status
PRO	DWAF Primary Responsible Officer
RDM	Resource Directed Measures
SDM	Source Directed Measures
SEA	Strategic Environmental Assessment
SFRA	Stream Flow Reduction Activities
TTT	DWAF Technical Task Team
WAP	Water Allocation Plan
WARMS	Water Use Authorisation Management System

1. INTRODUCTION AND BACKGROUND

The advent of a democratic South Africa has brought about the promulgation of new legislation, which provides the country with a unique opportunity to develop harmonised decision-making mechanisms. The Constitution of the Republic of South Africa, Act 108 of 1996 compels all to ensure the fundamental rights of the citizens of South Africa. Section 24 of the Constitution has caused a paradigm shift towards a new environmental policy for South Africa.

On this basis, new statutory requirements, which are based on the internationally accepted principles of sustainability (see Appendix A), have been promulgated to give effect to this change. The National Environmental Management Act, No 107 of 1998 (NEMA), was promulgated to give legal effect to these principles of sustainability, and furthermore requires the harmonisation of decision-making mechanisms aimed at managing the environment. With regard to the water resource component of the environment, the National Water Act, No 36 of 1998 (NWA) was promulgated to give effect to s24 of the Constitution.

1.1 WATER USE AUTHORISATION

One of the basic concepts on which the NWA is founded, is the fact that the "*water resource*" is defined in terms of the **indivisibility** of the hydrological cycle (Stein, 1999:8). This means that the water resource includes watercourses, surface water, estuaries, and aquifers, which must be managed in an integrated manner. Furthermore, the NWA identifies 11 consumptive and non-consumptive water uses, which must be authorised under a tiered authorisation system, which include Scheduled uses, General Authorisations, or Licences.

Where a water use is not authorised under Schedule 1 of the NWA or a General Authorisation promulgated in terms of the NWA, it will have to be **evaluated** to determine whether it can be authorised under a licence issued by the Delegated Authority (DA), currently the CD:WUC. Such a water use **may therefore not be implemented** unless it had been licensed.

South Africa's water resource management policy seeks to find the right **balance** between using the water resource for the public benefit, and protecting the water resource against the potential harmful impact of such use. The NWA makes provision for **resource-directed measures** as well as **source-directed controls** in order to achieve this balance between protection and use of the resource. These aspects are both taken into consideration in the evaluation of an application for a licence to use water.

1.2 GUIDING PRINCIPLES

This document sets out the procedures to be followed in dealing with individual applications for water use licences in a manner which will:

- address the procedural licensing requirements of all DWAF-parties responsible for the evaluation of licence applications for single or multiple water use(s) from a **generic** perspective, irrespective the type or combination of water use(s);
- formalise a process for the **staged evaluation** of water use licence applications;
- ensure **proper administration** of an application for a licence through integration with the computerised Water Use Authorisation Management System (WARMS);
- ensure proper consideration of both **source and resource directed measures**;
- indicate the applicable **roles and responsibilities** of those involved in the authorisation process;
- establish the **levels of consultation** required within DWAF for each water use; and providing for the appropriate associated **routing** of licence applications before decision-making;
- identify the components in DWAF who are responsible for parts of the licence application investigation;
- ensure **harmonisation** with authorisation procedures required in terms of applicable legislation administered by other regulatory components, both within and outside DWAF; and
- propose a methodology for determining appropriate **levels of delegation** for decisions relating to the issuing of water use licences, which could be promulgated at a later stage.

2. LEGAL FRAMEWORK, CONCEPTS, AND PRINCIPLES FOR AUTHORISATION

In the evaluation of applications made for water use licences, cognisance must be taken of all legislation that could have an impact on such decision, or that could affect the manner in which the decision is taken. The following legal provisions are considered relevant in this context:

2.1 CONSTITUTION OF THE REPUBLIC OF SOUTH AFRICA ACT, no 108 of 1996

The Constitution, which is the cornerstone of the democracy in South Africa, lays the foundation of a more just and equitable society. S24(a) guarantees everyone the right to an environment that is **not harmful** to their health or wellbeing, S24(b) guarantees the right to have the environment **protected**, for the benefit of present and future generations, through **reasonable legislative and other measures.** Section 27, which deals with access to water, s32, which guarantee access to information, s33, which ensures just administrative action and ss38, 39 and 41 are also of note in this regard. Appendix B contains a short description of each of these applicable sections.

2.2 NATIONAL ENVIRONMENTAL MANAGEMENT ACT, No 107 of 1998

NEMA was promulgated on 27 November 1998, came into operation in January 1999, applies throughout the country, and must be complied with in all actions of all organs of state. The aim of the NEMA is "to provide for co-operative environmental governance by establishing principles for decision-making on matters affecting the environment, institutions that will promote co-operative governance and procedures for co-ordinating environmental functions exercised by organs of state; and to provide for matters connected therewith". It can be described as South Africa's "primary" or "parent" environmental statute and guides decision-making in all South African legislation concerned with the environment (Stein, 1999:2).

NEMA reiterates the provisions of s24 of the Constitution, and contains the internationally accepted principles of **sustainability**, in this context the most important of which are listed in Appendix A. It is therefore a legal requirement that these principles must be taken into consideration in all decisions that may affect the environment. Furthermore, the need for intergovernmental co-ordination and **harmonisation** of policies, legislation, and actions relating to the environment, is emphasised. NEMA also emphasises the need for an mechanism that promotes sustainable use, and states that a **risk-averse and cautious approach**, which takes into account the limits of current knowledge about the consequences of decisions and actions, must be used in decision-making. It is also important to note that the **Best Practical Environmental Option** (BPEO) is defined in NEMA as "the option that provides the most benefit or causes the least damage to the environment as a whole, at **a cost acceptable** to society, in the long term as well as the short term".

2.3 NATIONAL WATER ACT, No 36 of 1998

The National Water Act was promulgated on 1 October 1998, with certain sections being effective upon promulgation. The Act became fully operational on 1 October 1999. The NWA introduces several new concepts, and regulates all water-related aspects in South Africa based on the above-mentioned Constitutional rights. The Fundamental Principles (DWAF, 1997) support the objectives of sustainability and equity which underpin the entire NWA as central guiding principles in the protection, use, development, conservation, management and control of our water resources (Stein, 1999:7).

2.3.1 Important concepts in the NWA

The NWA introduces several new concepts, the following which are relevant when considering an application for a water use licence in a generic and harmonised authorisation protocol that will lead to a decision regarding the impact of such use on the water resource:

1. The scientific indivisibility of water as part of the hydrological cycle is recognised and the ***water resource*** is defined in s1 to be all water found in the various phases of this hydrological cycle, including that portion of the water found underground. This ensures that the water resource is treated in an integrated fashion and is a resource common to all.
2. National Government, through the Minister of Water Affairs and Forestry, as the ***public trustee*** of this resource, must establish a *national water resource strategy* for the protection, use, development, conservation, management, and control of water resources (s3). DWAF will therefore be accountable for ensuring that decisions do not adversely affect the integrity of the resource, but are made in a **just and equitable** manner that promotes sustainability.
3. To achieve effective **resource protection**, two distinct but integrated sets of measures are introduced, namely ***resource-directed*** and ***source-directed*** measures. Resource-directed measures set clear objectives for the desired level of protection for each component of the resource through, *inter alia,* a resource classification system. Source-directed measures aim to control the source of potential impacts on the water resource.
4. In the NWA, use of water is no longer limited to consumptive use such as abstraction of water, but includes non-consumptive use, such as recreation. The NWA provides for tiered regulatory control over 11 water uses as identified in s21 of the NWA. Since resource quality includes the quality of all the aspects of a water resource, such as hydrological characteristics, flow, physical, chemical and biological characteristics,

riparian habitat and aquatic biota, all 11 water uses have an impact on the resource quality, as listed in Table 1 below. The NWA furthermore recognises water as a valuable commodity (an "economic good"), since all authorised use of water will be charged for through a pricing strategy for water use charges under s56(1).

5. Source directed measures, such as the conservation of water is strongly emphasised in the NWA, for example the requirement contained in s22(2)(d) which stipulates that that persons using water may not waste such water. Water users should therefore implement the BPEO for the use of the water.
6. The concept of "***the Reserve***", which comprises that quantity and quality of water required to satisfy basic human needs and to protect aquatic ecosystems, in order to ensure ecologically-sustainable water development and use, is introduced. This concept is based on ss24 & 27 of the Constitution as formulated in Fundamental Principle 9: "The quantity, quality and reliability of water required to maintain the ecological functions on which humans depend shall be **Reserved** so that the human use of water does not individually or cumulatively compromise the long-term sustainability of aquatic and associated ecosystems". See for example ss6, 9, 12, 13, and 16 – 18.
7. After providing for the Reserve and international obligations, the basis for granting authorisation to use the available water quantity and/or quality in an area will be for the achievement of beneficial use in the public interest. This is also known as "**optimum use**", i.e. use which achieves the most desirable combination of social, economic and environmental objectives, irrespective of whether such use is consumptive or non-consumptive. According to Fundamental Principle # 7, as incorporated in s2, all water uses will be authorised only if they are a **beneficial use in the public interest,** and will be subject to a system of allocation that promotes use that is optimal for the achievement of equitable and sustainable economic and social development.
8. On the basis of the constitutional obligation to **protect** the environment, stringent **pollution prevention** measures and the "**polluter pays**" principle are incorporated into the NWA. According to Fundamental Principle 16: "Water quality management options shall include the use of economic incentives and penalties to reduce pollution; and the possibility of irretrievable environmental degradation as a result of **pollution shall be prevented**". In fulfilment of this principle "waste discharge charges", as intended under s56(5) of the NWA can be set for uses that may impact on the resource quality.
9. The NWA recognises that management of water must take place at the ***catchment*** level, which is the basic management unit for the water resource. It therefore provides for the progressive establishment of *catchment management agencies* (CMA's) by the Minister within the framework of the national water resource strategy referred to above. This will have the purpose of delegating the management of the water resource to the appropriate level (water management area) and facilitating the involvement of local stakeholders in the management of water resources. Until such time as CMA's have been established, the Minister of Water Affairs and Forestry will exercise the power and duties of CMA's in all water management areas in South Africa. See NWA ss8, 9, 10, 11 and 72.
10. The NWA provides for ***public consultation*** processes in the establishment of strategies and the making of decisions, and guarantees the right to appeal against such decisions (See for example s145-150).

Based on these concepts, it is clear that an assessment and decision-making framework for the evaluation of licence applications under the NWA will be markedly different from the approaches employed under the 1956 Water Act.

Table 1: Water uses requiring authorisation (Existing Lawful Use, General Authorisation, Licence)

s21(a):	taking water from a water resource;
s21(b):	storing water;
s21(c):	impeding or diverting the flow of water in a watercourse;
s21(d):	engaging in a stream flow reduction activity (currently only commercial afforestation);
s21(e):	engaging in a controlled activity – activities which impact detrimentally on a water resource (activities identified in s37(1) or declared as such under s38(1)) namely: ▪ irrigation of any land with waste or water containing waste which is generated through an industrial activity or a waterwork; ▪ an activity aimed at the modification of atmospheric precipitation; ▪ a power generation activity which alters the flow regime of a water resource; or ▪ intentional recharge of an aquifer with any waste or water containing waste
s21(f):	discharging waste or water containing waste into a water resource through a pipe, canal, sewer, sea outfall or other conduit;
s21(g):	disposing of waste or water containing waste in a manner which may detrimentally impact on a water resource;
s21(h):	disposing in any manner of water which contains waste from, or has been heated in, any industrial or power generation process;
s21(i):	altering the bed, banks, course or characteristics of a watercourse;
s21(j):	removing, discharging or disposing of water found underground if it is necessary for the efficient continuation if an activity or for the safety of people; and
S21(k):	using water for recreational purposes

2.3.2 Types of Water Use Authorisations

In terms of s4 of the NWA, water may only be used if it is a Schedule 1 use, a continuance of an existing lawful use (ELU), or authorised in terms of a general authorisation (GA) or licence. A water use may therefore not be implemented unless it is properly authorised under one of these types of authorisations. The circumstances that will determine the type of authorisation to be issued for a specific water use that is not a Schedule 1 use, and the different possibilities for regulating particular water uses are briefly discussed below.

2.3.2.1 General Authorisations (Section 39)

The aim of General Authorisations (GA's) is to set a cut-off point below which strict regulatory control is not necessary. Water uses below levels specified in the GA's constitute use at or below the threshold (*de minimis*) action level. If a water use is not described under Schedule 1, but authorised under a GA as published in the *Government Gazette*, such water use does not require a licence, unless the GA is repealed or lapses, in which case licensing will be necessary.

2.3.2.2 Existing Lawful Water Uses (ss32 – 35)

S32 identifies water uses that were authorised under legislation, which was in force immediately before the date of commencement of the NWA (such as the 1956 Water Act), as **existing lawful water uses (ELU's)**. This is subject to the requirement that such water use took place at any time during the two years prior to the date of commencement of the NWA. (See Proclamation 95 of 1998).

Should a person have had such authorisation to use water but not have exercised this authorisation in the two years prior to this date, that person may apply to have the water use declared as an ELU in terms of s33 of the Act.

The section on existing lawful use is designed to enable existing economic activities based on the use of water to continue until such time as compulsory licensing is called for in a particular area.

2.3.2.3 Licences (Sections 40 to 52)

A person who wishes to use, or who uses water in a manner that is not a Schedule 1 use, not covered under a GA, or in a manner that is not regarded or declared as, an existing lawful use, may only use that water under the authority of a licence (s4). The NWA makes provision for two types of applications for water use licences, namely individual applications and compulsory applications.

The provisions applicable to an **individual application** for a water use licence are described in Part 7 (ss40 to 42) of Chapter 4 of the NWA. These sections also provide that a responsible authority may require an **assessment by the applicant** of the likely effect of the proposed licence on the resource quality, and that such assessment be subject to the Environmental Impact Assessment (EIA) regulations promulgated under s26 of the Environment Conservation Act (ECA) (see paragraph 2.6.1). The authorisation process established in this document is applicable to individual licence applications (s41), and applications to have a water use not contemplated to be an ELU under s32(1)(b)(i) declared to be an ELU under s33.

In terms of ss43 to 48 of the NWA, **compulsory applications** for licences will be required under certain circumstances (e.g. in areas which are under **water stress**), from **all** water users using a particular water resource or in a specific geographical area, irrespective of whether or not their water use has been authorised by a GA or an ELU. Compulsory applications for the authorisation of these water uses are subject to the development of a Water Allocation Plan, prepared by the responsible authority.

2.3.3 Determining the type of authorisation for a water use

In many cases, water use could be a Schedule 1 water use or could be authorised under a GA. Furthermore, due to the transitional provisions contained in the NWA, it is extremely important to distinguish between the different legal provisions that are applicable to new vs. existing water uses. There could also be enquiries regarding water uses that are potentially prohibited by the NWA, and potential applicants must be alerted to this, preferably before they apply. The following scenarios must be considered when determining whether or not a person should apply for a licence:

1. If the enquiry is about either a **new or existing** water use that is governed under Schedule 1 of the NWA, the use does not need to be authorised by means of a licence. For example, a concern that intends to dispose or discharge waste to a facility operated by another person who is authorised to accept such waste, does not need any further authorisation for the disposal or discharge of such waste. Such water use also does not need to be registered on the WARMS information management system.
2. If the enquiry is about an intended **new** or **existing** water use that meets the conditions provided for in a GA promulgated in terms of the NWA, the use does not need to be licensed. The water use associated with a new activity can therefore be implemented, and an existing activity can continue without application for a licence, and the only action that is required is the registration of the water use in terms of the GA on WARMS. However, if there is any doubt regarding whether a new water use that had not yet been implemented will meet the conditions of the GA's, an application for a licence must be made, and the authorisation process must be followed until such time that it is clear that the use will indeed meet the conditions of the GA's.
3. If the enquiry is about an **existing** water use that is not governed by Schedule 1 of the NWA, and/or does not meet the conditions provided for in a GA, it must be established whether the water use is an Existing Lawful Use (ELU). The relevant components in DWAF who dealt with exemptions or permits under the 1956

Water Act should be consulted with regard to whether the use is an ELU. For example, from a water quality perspective, a water use will only be regarded as an ELU if it complied with s21(a) and (b) of the 1956 Water Act, or if it was governed by an exemption issued in terms of this section. If it had been confirmed by DWAF that the water use is an ELU, the water use can continue without application for a licence, until it lapses if it was subject to a time period. The only action that is required is the registration of the water use in terms of the GA on WARMS.

4. An application for a licence must be made if the enquiry is about –
   - a **new** water use that is not governed by Schedule 1 of the NWA, and that does not meet the conditions provided for in a GA promulgated in terms of the NWA;
   - an **existing** water use that is not governed by Schedule 1 of the NWA, that does not meet the conditions provided for in a GA promulgated in terms of the NWA, and –
     - that is not an ELU, or
     - for which authorisation under legislation that was in force prior to 1 October 1999 lapsed, or
     - for which the water use changed, or the conditions governing the ELU have to change, or
     - where a request to apply for a licence (individual - s40, compulsory - s43) has been issued.
5. If the enquiry is about a **new** water use that is prohibited by the NWA, or regulations promulgated in terms of the NWA, or regulatory criteria that were in place under the 1956 Water Act, the water use will **not be allowed**.
6. If the enquiry is about activities that was discontinued before the promulgation of the NWA, and which will remain discontinued, but which are causing adverse impacts on the water resource, it cannot be governed in terms of one of the above authorisations. In such cases, the provisions contained in s19 of the NWA can be used to manage the improvement of the situation.

The determination of the legal necessity to apply for a licence must be conducted as early as possible in the authorisation process, preferably before an application for a licence is made, or before an applicant has embarked of expensive investigations as part of his or her application.

2.3.4 Other provisions relating to water use licence applications

The most important factor that must be considered with regard to licence applications is that the most appropriate applicable water use is applied for, since a specific use of water could be regarded as being governed by more than one of the water uses listed. An example in this regard is a water use such as the construction of a dam in a water course, which could be interpreted as being a s21(b) (storing of water), a s21(c) (impeding or diverting the flow of water in a watercourse), and/or a s21(i) (altering the bed, banks, course or characteristics of a watercourse) water use. In this case, the **most appropriate applicable water use** must be determined based on the specific situation. Another example is the construction of an evaporation dam. In this case, although either s21(b) (storing of water), or s21(g) (disposing of waste or water containing waste in a manner which may detrimentally impact on a water resource) could be applicable, the most appropriate applicable water use would be s21(g). This is because water containing waste is disposed on land, which would detrimentally impact on the groundwater component of the water resource, for evaporation to the atmosphere, and a s21(b) water use does not make provision for the storage of water containing waste.

S22 of the NWA contains certain provisions relating to permissible water use. In the event that the purpose of the NWA will be met by the granting of a licence, permit or other authorisation under any other law, the licensing authority may either dispense with the requirement for a licence in terms of s22(3), or may combine the various licence requirements of other organs of state into a single licence (s22(4)). These provisions are of particular importance with regard to certain multiple water uses (s22(4)), such as a concern which has both a s21(a) and s21(f) water use, or the disposal of certain types of waste on land (s22(3)), since the provisions for permitting a waste disposal facility in terms of s20 of the ECA are still in force (see paragraph 2.6.2). For this reason, the water use authorisation process as contained in this document is generic for all types of water uses, so that it can be applicable to any number of water uses contained in a specific application for a licence, and that a single licence can be issued.

S27 of the NWA specifies some factors that must be taken into consideration when considering a water use authorisation such as:

- the efficient and beneficial use of water in the public interest;
- the socio-economic impact of the decision whether or not to issue a licence;
- alignment with the catchment management strategy;
- the impact of the water use, resource directed measures;
- investments made by the applicant in respect of the water use in question;
- etc.

These decision-making considerations become especially important when contemplating the prioritisation of a particular application, and when establishing preferences when evaluating competing applications for specific water uses.

S28 contains provisions relating to the essential requirements of licences, and specifies that the period for which a licence can be issued may not exceed forty years, and that a licence must be subject to review in intervals which may not exceed five years. S29 further specify what conditions a licence could be made subject to.

Sections 40 to 42 contain specifications relating to applications for licences, information to be submitted in support of licence applications and procedures for licence applications, and these specifications had been incorporated into the process outlined in this document. S41 is of specific relevance in relation to the submission of information, as is s141.

S148(1)(f) of the NWA makes provision for an appeal to the Water Tribunal against a decision on a licence application under s41 by the applicant or any other person who has lodged a written objection against the application. If applicable, appeals against decisions on licence applications may also be taken to the High Court.

S151 of the NWA state *inter alia* that the use of water otherwise than as authorised under the NWA, failure to comply with conditions attached to such authorisation, failure to provide information, or the provision of false or misleading information, constitutes an offence, which is punishable with a fine and/or imprisonment.

2.3.5 Authorisations for Dam Safety

Chapter 12 of the NWA contains measures aimed at improving the safety of new and existing dams with a safety risk so as to reduce the potential for harm to the public, damage to property or to resource quality. A dam with a safety risk means any dam which can contain more than 50 000 m^3 of water (irrespective whether such water contains substances or not) and which has a wall of a vertical height of more than 5 metres, or which has been declared as a dam with a safety risk. Dam Safety Regulations (DSR) published in GN R 1560 of 25 July 1986, which are still in force under the NWA, require that dams with a safety risk must be classified into categories, and that licences must be issued before any task relating to a specific category of dams may commence. These regulations also prescribe the conditions, requirements, and procedures to classify, register, obtain a licence to construct a new dam, impound a dam, or alter an existing dam (see Appendix F).

Such a dam safety licence is entirely different from the water use licence discussed above, and this difference can be compared to the difference between a drivers licence and a fire arm licence. Under no circumstances may a dam safety licence be issued unless the associated water use licence had been issued. The authority delegated to issue dam safety licences is not the same as the delegated authority issuing water use licences. The authorisation process described in this document is therefore not generic for dam safety licence application procedures, but must be harmonised with the dam safety licence procedure where applicable, since such dams could be a key structure for implementing some water uses, such as s21(b) and s21(g). This harmonisation is indicated in Appendix F.

2.4 WATER SERVICES ACT, No 108 of 1997

The Water Services Act (WSA), no 108 of 1997, provides the framework for the provision of water services. Developments for the provision of such water services, will usually result in a water use that requires authorisation, irrespective the source of funding for such developments. This implies that the authorisation process should be followed in harmony with the funding mechanisms that are in place, as well as with the EIA-Regulations, if applicable. Chapter VII of the WSA is also noteworthy, since it provides a link between water services development plans and Catchment Management strategies. It must furthermore be noted that according to s22 of the NWA, when waste or water containing waste or runoff water is discharged into a waterwork controlled by another person authorised to provide or undertake the purification of such waste or water containing waste, such as a water service institution under the WSA, the water use of that industry does not require a licence under the NWA, but is controlled under the Water Services Act, and is regarded as a Schedule 1 water use.

2.5 MINERALS ACT, No 50 of 1991

The Department of Mineral and Energy Affairs (DME) administers this Act, but due to the major impact that mining can have on the environment, especially the water environment, DME is obliged to consult with DWAF with regard to certain decisions made in terms of this Act. No person may prospect for a mineral without a permit issued by the Regional Director of the DME. Before such a permit can be issued, the applicant must submit proof of the manner in which s/he intends to prospect and rehabilitate, as well as his/her ability to make provision for the rehabilitation of the area in which s/he wants to prospect. In some instances, an Environmental Management Plan (EMP) in terms of s39 of the Minerals Act may be required before a **prospecting permit** will be issued. A prospecting permit is issued for a minimum period of 12 months.

The Regional Director of DME can also issue a **mining authorisation** in terms of s9, which only means that the applicant is competent and capable to mine (S39: The holder of a prospecting permit or mining authorisation must submit an EMP to the Regional Director of DME for approval. Prospecting or mining operations **may not start** unless the EMP has been approved.). The DME must consult with all authorities responsible for environmental management, including DWAF, before granting a temporary mining authorisation or prospecting permit (s39(3)(b) and 39(4)). In accordance with s39(5), pending the approval of the EMP, the Regional Director of DME may require that an EIA be carried out in respect of the intended operation, and the cost of the EIA must be borne by the holder of the prospecting permit or mining authorisation (polluter pays principle).

No such authorisation may be issued unless the Regional Director of DME is satisfied with the manner in which the applicant intents to mine and rehabilitate, as well as his/her

ability to make financial provision for the rehabilitation of the area in which s/he wants to mine.

On the basis of the content of the EMP, DWAF will consider the issuing of the relevant licences for water uses as defined in the NWA. It is therefore important that the water use authorisation process be harmonised with the requirements of the Minerals Act to avoid duplication, and to ensure that an EMP is not approved when the application for a water use licence will be unsuccessful.

2.6 ENVIRONMENT CONSERVATION ACT, No 73 OF 1989

Of importance in the ECA are the regulations made in terms of s26, which relate to EIA's provided for in ss21 and 22 of the ECA, and the provisions dealing with waste management under s20. Policies promulgated in terms of the ECA are also relevant. The General Policy on Environmental Conservation (January 1994), states that measures should be employed to support economic growth and social welfare without affecting, overstraining or irreversibly damaging the natural environment and natural resources in the process. The principle that the polluter should pay for the negative environmental consequences of disposal or discharge actions is incorporated in the Policy on Hazardous Waste Management (September 1994).

2.6.1 Environment Impact Assessment (EIA) Regulations

Regulations promulgated in terms of s26 of the ECA aim to control activities that may have a detrimental effect on the environment, as prescribed under ss21 and 22. These regulations identify certain activities, which are regarded as "controlled activities". In terms of the regulations, any new development that may entail one of these controlled activities, must be subjected to an EIA Process, and an EIA Report must be submitted in order to obtain authorisation for the continuation of the development. The administration of these regulations, including the granting or refusal of authorisations, has been delegated to the Provincial Departments of Environmental Affairs (PDEA).

In terms of s21(1) of the ECA, the Minister of Environmental Affairs may identify activities that may have a detrimental effect on the environment as "controlled activities". Government Notice Regulation 1182 (GG 5999) lists activities with the potential to detrimentally affect the environment. With respect to water uses, the activities as indicated in Table 2 below are listed in Schedule 1 of the Notice, and must be authorised under the EIA regulations before an authorisation under the NWA can be issued to allow such use. According to s22(1), no person may undertake an identified activity unless s/he has obtained a written authorisation issued by the Minister of Environmental Affairs and Tourism or his/her designated officer. Regulation 1183 describes the process to be followed regarding the authorisation of activities described above (see Appendix C).

In terms of s22(2), the authorisation referred to in s22(1) shall only be issued after consideration of reports concerning the impact of the proposed activity and of alternative proposed activities on the environment. These reports shall be compiled and submitted by such persons and in such manner as may be prescribed. Regulation 1184 delegates the responsibility to grant, or to refuse, the authorisation required in terms of this section to the PDEA's.

It must be kept in mind that the granting of an authorisation by the PDEA does not mean that the activity will necessarily qualify for an authorisation to be issued by DWAF (e.g. water use licence under the NWA or waste disposal permit under s20 of the ECA). However, since the authorisations required by an applicant from DWAF and the different PDEA's often entail similar investigations, they should be conducted concurrently in the spirit of co-operative governance and harmonised decision-making. Therefore, since the EIA-regulations do not necessarily address the NWA requirements for a water use licence, the process should be harmonised with these regulations.

Table 2: Activities subject to the EIA-Regulations that could be associated with a Water Use

1. The construction or upgrading of – (b) nuclear reactors and installations for the production …… and **disposal of nuclear fuels and wastes**; (c) …. structures , and …. storage … facilities for any substance which is dangerous or hazardous and is controlled by national legislation; (i) canals and channels, including **diversions of the normal flow of water in a river bed** and water transfer schemes between water catchments and impoundments; (j) dams, levees or weirs **affecting the flow of a river**; (k) reservoirs for **public water supply**; (l) schemes for the **abstraction or utilisation of ground or surface water** for bulk supply purposes; (m) public and private **resorts** and associated infrastructure; (n) **sewerage treatment plants** and associated infrastructure.
2. The **change of land use** from (c) agricultural or undetermined use, or (e) nature conservation or zoned open space to any other land use.
8. The **disposal of waste** in terms of section 20 of the Environment Conservation Act, 1989.

2.6.2 Waste Management

In terms of s20(1) of the ECA, no person may establish, provide or operate a disposal site without a **permit** issued by the Minister of Water Affairs and Forestry. This choice of department is appropriate, since the most severe and longer-term impact resulting from the disposal of waste on land is on the water environment, particularly the ground water environment. Furthermore, the improper disposal of waste on land could have a substantially more detrimental effect on ground water quality than on any other component of the environment.

It is important to note that s20 of the ECA extends beyond the disposal of waste on land in a conventional disposal site, since s20(6) of the ECA states that nobody may dispose of waste except on a disposal site for which a permit has been issued in terms of s20(1), and also only in such a manner, or by means of a method, or subject to any condition, prescribed by the Minister. The definition of "disposal site" as contained in s1 of the ECA is relevant in this respect: "a site used for the accumulation of waste with the purpose of disposing, **or treatment,** of such waste". This implies that a person treating waste for re-use or any other purpose may only do so after approval has been obtained from the Minister. It must also be noted that the EIA-regulations promulgated under ss21, 22 and 26 of the ECA must be complied with when applying for a permit under s20(1).

Waste is defined in s1 of the ECA as: "any matter, (whether gaseous, liquid or solid, or any combination there-of) which from time to time may be proclaimed by the Minister (of Environmental Affairs and Tourism) by notice in the Gazette as an undesirable or superfluous by-product, emission, discharge, excretion, or residue of any process or treatment". Government Notice 1986 in Government Gazette 12703 of 24 August 1990 describes what is meant by "waste" in this context. This definition specifically **excludes** water used for industrial purposes as governed under the 1956 Water Act; any matter discharged into a septic tank or french drain sewerage system; building rubble used for filling or levelling purposes; any radio-active substances; any minerals, tailings, waste rock or slimes produced at a mine; or ash produced by or resulting from the generation of electricity.

A substantial volume of potentially hazardous waste escaped regulation due to this definition, and this presented a considerable potential for environmental harm. Furthermore, due to the fact that the Notice containing the definition of waste under the ECA was promulgated in 1990, only proposed landfill sites, operating landfill sites and sites closed after 1990 must be permitted under the ECA.

This definition implies that s20 of the ECA will not be valid in all instances or circumstances where waste is or was disposed of on land in a manner that may detrimentally impact on the water resource. Such circumstances would necessitate the governing of the activity under the NWA, either through a licence, a GA, or by means of a directive under s19 of the NWA, e.g.:

- In cases where a waste disposal site was closed, or a contaminated area was abandoned prior to 1990, but is still causing deterioration of water resource quality, a directive in terms of s19 of the NWA may be issued to control the effects of such a site on the water resource, and to ensure remediation of the source of the contamination and maintenance of remediation measures;
- Disposal of waste on land which cannot be regulated in terms of s20 of the ECA, for example a site for the disposal of builders' rubble contaminated with mercury, for the disposal of sediment resulting from the purification of water or the cleaning of a dam which has silted up, for the irrigation of water containing waste (also a controlled activity in terms of s21(e)), for the disposal of sewerage sludge, or for mining waste, ash waste from power stations, some contaminated areas, evaporation ponds, slimes dams, radio-active waste, etc.) can be regulated under s21(g) of the NWA;
- In some instances, where water stress is experienced or where the resource quality must be protected, holders of permits under the ECA could be compelled to apply also for licences under the NWA when a Notice to this effect is published in the Government Gazette (compulsory licences). In some of these cases, the requirement for a licence may be dispensed with in accordance with NWAs22(3).

Appendix E provides guidance with regard to when the NWA, or the ECA, is applicable to an activity that entails the disposal of waste on land.

In order to ensure that decisions are taken in a consistent manner, the authorisation process for water use licences employed in terms of the NWA must also be generic for the procedure used by DWAF for the evaluation of permit applications made under s20(1) of the ECA in order to be compatible. For example, the assessment and decision-making considerations for an ash disposal site situated at an industry (therefore subject to the ECA) should be similar to the considerations that apply to an ash disposal site situated at a power generation facility (water use under the NWA. The same applies for the determination of rehabilitation measures for sites that closed prior to 1990 vs. sites that closed after that date.

Therefore, since the provisions dealing with waste management under s20 are administered by DWAF, and are closely related to at least one of the 11 water uses defined under the NWA, the authorisation process for water use licences should address the requirements for s20 from a generic perspective.

2.7 OTHER LEGISLATION

The legal framework contained in this paragraph is only intended to direct the user of this document towards provisions that are, or could be applicable to a particular application for a water use licence, and with which such a person should familiarise him or herself. This is by no means an exhaustive list, since several other provisions, such as servitudes, regulations relating to geographical areas, the zoning of land, etc., could also influence an application for a water use licence. Water use activities that relate to land-use will also be strongly influenced by the development strategies and plans for a specific area.

Some statutes that could play a role in determining such strategies include the Development Facilitation Act, no 67 of 1985, the Local Government Transition Act, no 61 of 1995, the Conservation of Agricultural Resources Act, no 43 of 1983 and the National Forests Act, no 84 of 1998.

2.8 CONCEPTS AND PRINCIPLES FOR AUTHORISATION

The authorisation process contained in this document has been developed on the basis of the legal framework described above. The NWA contains various provisions that must be considered during the process of licensing. Before a licence may be issued under the procedures outlined in Chapter 4 of the NWA, resource directed measures (RDM) (resource management class, Reserve, and relevant resource quality objectives) must be determined for the resource in question, as set out in Chapter 3 of the NWA.

Also, in accordance with Chapter 4 of the NWA, source directed measures (SDM) implemented by the applicant (e.g. waste minimisation, infrastructure, etc) must be taken into consideration when evaluating licence applications and determining licence conditions. The interfaces between the assessment of the potential impact on the water use and the decision regarding the application for a water use licence, based on the assessment of the application in the context of the provisions of the NWA, is schematically illustrated in Figure 1 below. With this conceptual framework in mind, the relationships between the various legislative requirements are easier to interpret.

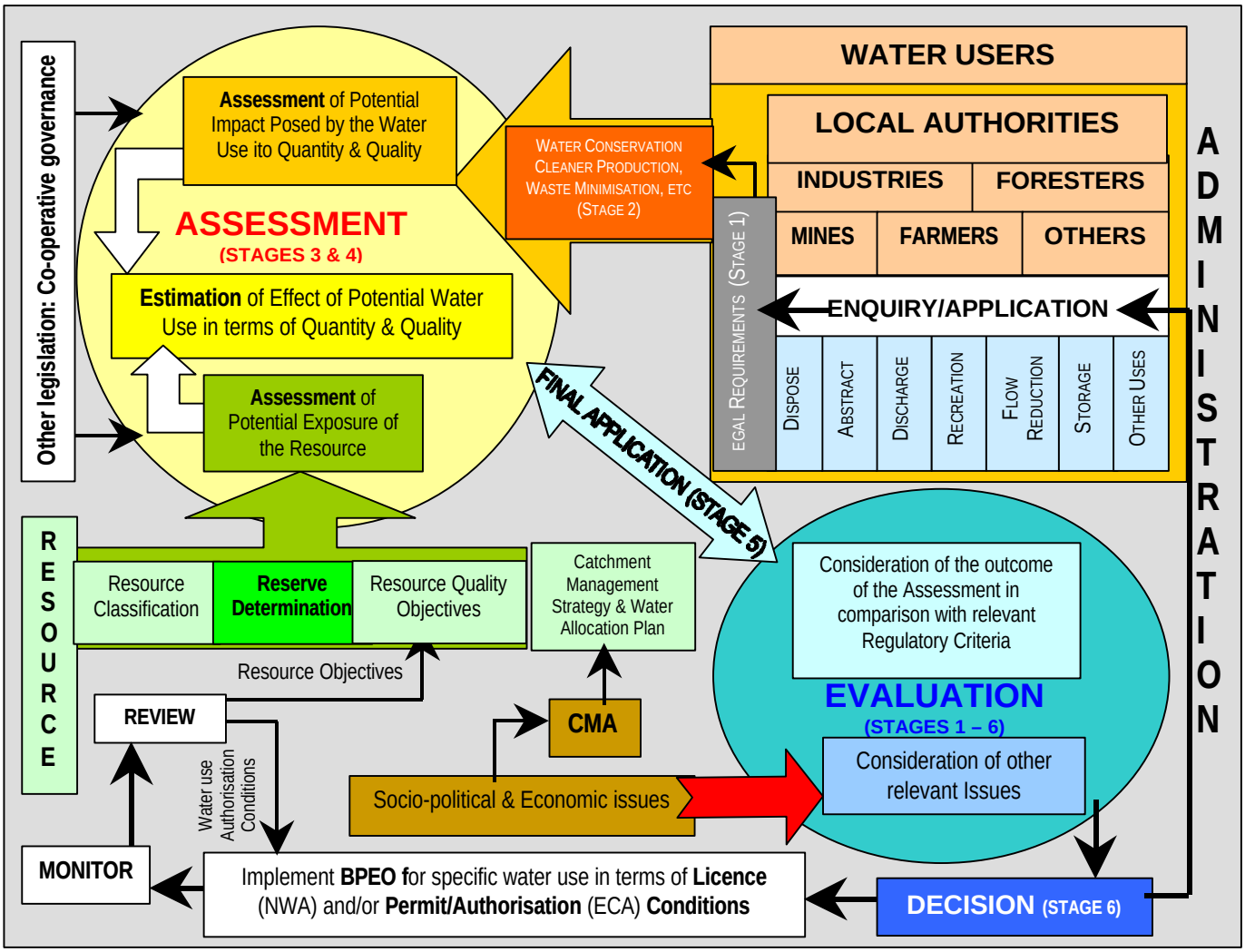


Figure 1: Conceptual Assessment and Decision-making Framework

2.8.1 CONCEPTUAL AUTHORISATION FRAMEWORK

The process to authorise the use of water under to s21 of the NWA consists of three **integrated** components, namely:

- a procedure to generate sufficient information regarding the **assessment** of potential impacts in terms of quantity and quality that would facilitate the **estimation** of potential impacts of the use against the resource requirements;
- a procedure for the **evaluation** of the application in order to reach a **decision** regarding whether to authorise a water use or not; and
- a procedure for the **administration** of the application for a licence to use water.

2.8.1.1 Administration

Through the **administration of the process**, the intention by a potential water user is recorded, and the progress of the application is monitored. If the licence is issued, the details of the conditions of the licence are documented, and the appropriate water use charges are implemented. The WARMS has been developed and is currently being optimised to facilitate the administration of applications for and the management of water use authorisations. In this regard, it must be noted that the **registration** of current water uses on WARMS does not authorise the water use, but is merely an administrative step to obtain information and build a database with regard to current water use, which will assist in facilitating the prioritisation of future authorisation of such use.

2.8.1.2 Assessment and Estimation

Irrespective of the type of water use, and whether the water use is consumptive or non-consumptive, the use of water can have an impact on the resource quality as defined in the NWA, and such impact must be assessed.

Assessments are conducted from a **technical** perspective and in accordance with relevant **legislation**, which aims to **estimate** the impact of the use (assessment done by applicant) on the water resource, particularly the Reserve. The decision on whether to issue a licence is influenced by various factors, but a key component is the outcome of the technical assessment conducted by the applicant on the potential effects of the water use on the resource quality.

The outcome of this **assessment** will determine whether such use will be sustainable or will pollute the water resource on the basis of the characteristics of the source and the environmental conditions (exposure of the resource). This implies that an intended water use such as abstraction must be assessed for its potential impacts on both the quantity and quality of water, since such abstraction could disrupt the quality balance in the water resource, which could cause pollution. The impact of any water use on all the different aspects of the resource quality must therefore be assessed.

Asante-Duah (1993:112) states that provision should be made for different **levels of assessments**, namely qualitative, semi-quantitative, or quantitative, depending on circumstances such as the urgency of the decision, the severity of the impact, and the amount and quality of information provided. The procedures for each tier of assessment should, however, be the same, in order to facilitate an integrated decision regarding the BPEO to be implemented. Each progressive tier should require a more detailed investigation aimed at the gathering of **information,** in order to prove that the nature of the impact is of a lesser extent than that presumed by the conservative assumption, and on which decisions can be based.

In terms of the NWA, in some instances the **initial information** provided will be sufficient to facilitate a decision. The first tier of assessment therefore entails a face-value comparison of the regulatory criteria with the actual impact posed by the source, and should make provision for the **quick qualitative determination** of actual or potential risks under **emergency conditions**. This relates to situations when there is not enough time to collect more information regarding the potential impacts, where priorities for intervention management must be established or when design alternatives has to be compared before initiating detailed studies. When a threat to the environment is suspected, the lack of scientific evidence should not be used as a reason to postpone cost-effective measures to prevent the potential damage (Lemons, 1996:84), but impacts must be **prioritised** according to their potential for realisation.

However, if the initial information is insufficient to facilitate a decision, the responsible authority can require additional information before making a decision. If the applicant is not satisfied with the initial decision, s/he can provide information based on a **more detailed investigation** for the **semi-quantitative determination** of an actual or potential impact. The third tier of assessment entails the **quantitative determination** of actual or potential risks, for which the applicant can make use of predictive models, simulations, fault trees etc, to provide an accurate estimation of the actual or potential estimated impact.

As each progressive tier of assessment reduces the level of uncertainty, **the level of judgement** required in the decision is also reduced, to ensure an administratively fair and just procedure. In instances where large sums of money will have to be spent in order to remedy the situation, it will be worthwhile to conduct a detailed quantitative investigation before deciding on the most cost-effective option for implementing a specific water use. The more quantitative the investigation, the less the level of uncertainty. From this, it is evident that the assessment of the potential impacts of the water use in order to reach a decision regarding the application, can be an iterative process.

Since these assessments can be costly, it is of utmost importance that the assessment be conducted at the appropriate level of detail. The authorisation process is therefore a staged process, with each stage having a particular purpose and objective, involves a specific type of **assessment**, and has an outcome that is the result of a **decision** regarding the application.

Reserve Determination

Decisions should be based on a prudent national policy that is in accordance with a political determination of optimum use (Fuggle & Rabie, 1994:617) in the interest of the human population. NEMA requires that the policy should prevent harm to humans and place **people and their needs** at the forefront of the decision-making process. The NWA provides for this "determination of optimum use" through the concept of the Reserve. In terms of the NWA, no licence may be issued without consideration of the Reserve (s27(1)(j)). The Reserve therefore constitutes an important component of the regulatory criteria against which the potential impact of the water use is estimated. In terms of s17(1)(b), the use of water may only be authorised after at least the preliminary determination of a Reserve.

For such preliminary determination, the Reserve is determined as the Present Ecological Status (PES) of a resource, or ecological category D, whichever represents the best situation. For some water uses, this need not be an extensive exercise, since the current methodology employed for the determination of the Reserve also makes provision for different levels of such determination, namely a rapid, intermediate and comprehensive determination of the Reserve.

The comparison between the assessment of the potential impacts posed by the water use in terms of quantity and quality with the assessment of the potential exposure of the resource as reflected in the Reserve determination result in an **estimation** of the effect of the water use, should it be authorised.

2.8.1.3 Decision

When the effect of the water use had been estimated, the application can be **evaluated** through comparison with relevant regulatory criteria. The outcome of this evaluation leads to a **decision**. It is important to note that such decision could be either to inform the applicant that the application progresses to the next stage, that further information is required, or that the water use would not be authorised based on the information generated during the assessment and estimation. It must be noted here that the responsible official dealing with the application can make decisions regarding the submission of additional information, or regarding progress to a next stage. However, decisions regarding whether or not to allow the water use by the issuing or refusal of a licence, may only be taken by officials delegated (Delegated Authority: DA) to do so by the Minister of Water Affairs and Forestry.

Where appropriate, members of the public must be able to request that the optimum exposure levels for a specific area or action be made less strict or stricter than national regulatory criteria. This involvement of I&AP's is done as part of the evaluation of the application during decision-making, and not as part of the technical assessment of the impact, but may lead to the re-assessment of the impact of a specific water use licence application.

When the application is **evaluated**, the technical estimation of the potential impact in terms of quantity and quality must be considered, as well as an evaluation of any relevant **socio-economic considerations**, before the DA makes a final decision.

2.8.2 PRINCIPLES & REQUIREMENTS FOR A HARMONISED WATER USE AUTHORISATION PROCESS

The conceptual framework illustrated in Figure 1, shows the iterative integration of these three components into a generic authorisation process. The administrative, assessment and evaluation functions to be performed as part of each stage are contained in the description of the authorisation process in chapter 3 below. The **requirements** for the **harmonised and generic authorisation process** contained in this document (as outlined in Table 3 (on page 16) and schematically represented in Figure 3 (on page 29)) that integrates these three components are based on the following **principles**:

- A **strong procedural** approach that is currently only to be used for **individual** applications, as compulsory applications are not yet provided for.
- Application can be made for **multiple** water uses through the execution of a single process, resulting in the issuing of a single licence for these water uses.
- The **same principles** apply for the assessment of impacts in an integrated manner, irrespective of where in the hydrological cycle the water use occurs since the water resource is regarded as **indivisible.**
- Decision-making must be based on **one set of rules** or criteria (Fuggle & Rabie, 1994:665). The framework also make provision for the integrated assessment of **all potential impacts** posed by **proposed, existing and historical** actions.
- An open and **participatory approach**, where the public are involved in decision-making. Information obtained during the assessment must be made available to the public in an understandable manner.
- Consistency and transparency that assure the applicant and interested and affected parties of fair and equitable treatment.
- **Terminology** used should not create confusion or **mislead** as a result of common usage (e.g. "contamination") or emotional connotations (e.g. "hazardous/toxic"). This implies that it must make use of language that accurately describes the real hazards posed, the protection offered by safeguards or environmental factors and, in terms of their acceptability the different resultant risks
- A clear indication of the **roles, responsibilities and accountability** of parties involved and decisions taken in the authorisation process.
- The **early identification** of all potentially applicable water uses associated with the proposed or existing activity. Early **consultation within DWAF** will ensure a smooth and efficient authorisation process.

- A **staged procedure** that increases in complexity as the process progresses, in order to ensure cost-effectiveness, with each stage involving some type of assessment by the applicant, and a decision by DWAF.
- **Harmonisation** of the authorisation process for water use licences with procedures followed by other government departments, for example the EIA-procedure. **Consultation** with relevant government structures, the public, and components within DWAF during all the stages of the process is important.
- This process is based on a hierarchy of options for decision-making for sustainable water resource management, addressing **water conservation and waste minimisation** options as a first priority. The consideration of appropriate alternatives is especially of importance in this regard.
- The assessment itself should follow a **multi-media and multi-disciplinary approach** (Fuggle & Rabie, 1994:618), integrating input from across conventional academic boundaries to evaluate the different components of the potential impact.
- The process must make provision for **different tiers of investigation**, in order to facilitate quick decisions in some instances, (e.g. emergency situations such as accidental spills), semi-quantitative assessments according to prescribed procedures, as well as for detailed quantitative assessments where use can be made of models to determine exposures, and protection factors.
- The assessment should take cognisance of the mitigatory effects of the implementation of **risk-reduction and environmental protection measures** (safeguards or **preventative measures** implemented at the cost of the applicant) in the determination of the exposure.
- It is the responsibility of the person who is, or will be, undertaking activities that might pose a risk, to demonstrate technically (and at the appropriate level of detail) that such activities will result in insignificant or negligible harm ("**burden of proof**" (Lemons, 1996:84)). The Reserve, once determined, is therefore provided to the applicant, to be combined by the applicant in the final detailed application for a licence.
- The process contains mechanisms for the **verification** of information provided by the applicant, since the applicant should be held accountable for information provided, and for impacts resulting from her or her water use. Such verification could entail peer review.
- Provision must be made for mechanisms to determine **priorities** for regulatory involvement in actions that cause unacceptable impacts, so that limited resources can be allocated in a focussed manner. Activities must be prioritised according to the significance of their negative and positive effects and the level of risk, to facilitate the optimal deployment of human and financial resources.
- The decision-making framework must be **reasonable and realistic**, and based on the **best available information** at the level that is necessary (depending on the severity of the estimated impact).
- The process itself must be improved continually by comparison of the regulatory criteria set with actual data, re-evaluated continually on the basis of this improved **technical knowledge base**; and amended when necessary.
- Where appropriate, once a licence has been issued, the impact of the water use must be **monitored**, and a regular **re-assessment** of the actual impact of the water use must be conducted on the basis of this data.

2.9 SUMMARY

The authorisation process described in this document is applicable to and **generic** for any one, or any combination of, the 11 water uses defined in the NWA (listed in Table 1), and for applications for permits to dispose of waste in terms of s20(1) of the ECA. The process incorporates both source directed measures and resource directed measures as well as other factors that must be considered in terms of the NWA during the process of licensing. It is to be executed in a **harmonised** manner with the procedures provided for in at least the following statutes:

- the EIA-regulations promulgated under the ECA;
- the mechanisms contained in the Minerals Act; and
- the provisions relating to Dam Safety in Chapter 12 of the NWA;

as well as any other legislation associated with an activity that may entail a water use, and which requires authorisation.

3. WATER USE AUTHORISATION PROCESS

This Chapter outlines the water use authorisation process, describes the various role-players and their involvement during the different stages, and gives a detailed description of the purpose and execution of the individual stages. The principles discussed in chapter 2, and the concepts illustrated in Figure 1 are integrated into the process, and this constitutes the generic authorisation process as illustrated in Figure 2 and expanded in Figure 3. (Note that an attempt has been made to relate the colours indicating specific concepts in Figure 1 to the stages of the process as illustrated in Figure 2 and Figure 3 where possible.)

The roles and responsibilities in the process are described in paragraph 3.1, and the process is described in paragraph 3.2 where the purpose and execution of each of the individual stages are addressed. A tabular description of the process is contained in Table 3, indicating the involvement of these role-players during the six stages of the process. The responsibilities of specific DWAF role-players is outlined in Table 4 and Table 5, and of the relevant authorities with which the process is harmonised, in Table 6. The execution of these steps in chronological order is summarised as a roadmap in Table 7 on page 31.

3.1 ROLE-PLAYERS AND THEIR RESPONSIBILITIES

An important aspect to consider in the authorisation process is the different role-players and their relationships towards each other and towards the steps in the process. The distinctly different roles and responsibilities of the following role-players, and their relationships towards each other and towards the steps in the process are of extreme importance in the successful execution there-of (The symbol in brackets behind the short description of some of these role-players is used in the tables containing the outline of the process to indicate their involvement during the different stages):

- Potential applicant or Applicant;
- DWAF official delegated to take a decision regarding the issuing or not of a water use licence (DA);
- DWAF-official discussing a licence with a potential applicant or applicant (DWAF-official);
- DWAF-official primarily responsible for the management of the application (PRO:🗣);
- DWAF-Directorates responsible for guidelines regarding specific water uses, as well as for the verification and administration of a particular licence application (DWAF Lead Water Use Directorate (LWUD):✓);
- DWAF-Directorates who should be consulted when considering a particular licence application (DWAF parties: 🗣)
- DWAF-Directorates conducting investigations associated with a particular application (DWAF-components:✍);
- Other Directorates in DWAF responsible for non-water use authorisation procedures, i.e. the Dam Safety Office (🖋);
- I&AP's (👥); and
- applicable government departments responsible for other legislative authorisation procedures (🚹).

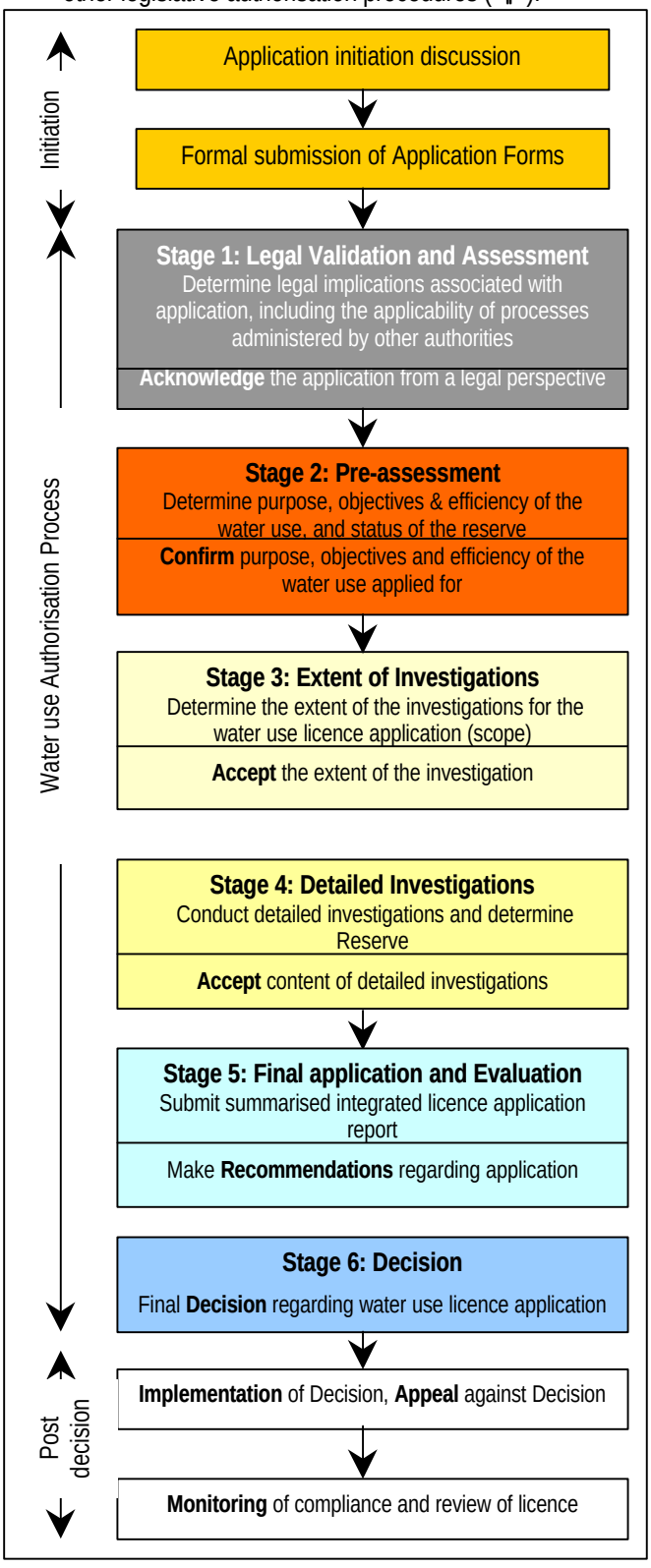


Figure 2: Linear Progression of Stages in the Water Use Authorisation Process

3.1.1 Potential applicant

A person who shows an interest in applying for a water use licence, but who has not yet formally applied by completing application forms, is a **potential applicant** who should initiate discussions with DWAF as early as possible to:

- determine whether the proposed or existing water use(s) needs to be licensed;
- establish the correct contact person;
- obtain the correct application forms;
- obtain any applicable guidelines for the authorisation process and the specific water use or uses that are involved; and
- determine if other authorities administrating other regulatory procedures are involved.

3.1.2 Applicant

The applicant is a person who has completed application forms for a water use licence, and is in the process of licence application. S/he must comply with all applicable legal provisions and requirements as indicated in the authorisation process, which include:

- To be responsible for all processes, information, reports and plans that are required in support of the licence application;
- To ensure that the responsible authorities have access to all the relevant information;
- To be responsible for all costs incurred in applying for a water use licence;
- To be responsible for any public participation that may be required;
- etc.

3.1.3 I&AP's

Members of public interested in or affected by the application for a water use licence, which could include neighbours, NGO's, Environmental Groups, CBO's, other water users, etc. These parties must:

- Provide input and comments during some of the stages of the process, where appropriate, i.e.:
  - In determining the extent of any investigations required, through raising issues of concern that would require detailed investigation.
  - In assessing whether the final application and supporting information have addressed such issues and concerns adequately.
  - In providing input into the recommendation, and where applicable, comment on the draft licence.
  - In monitoring impacts of the licensed water use and compliance with licence conditions.
- Provide their inputs within the context of the process and according to the required timeframes.

3.1.4 DWAF

Owing to DWAF's multiple functionality, several different officials and directorates may become involved with a water use licence application at different stages and for different reasons. DWAF responsibilities with regard to decision-making are outlined in Table 3, and this table is expanded upon in Table 4, indicating the DWAF-Directorates and officials responsible for the management and administration of applications for each of the different water uses. In Table 5, the DWAF components that may be involved in conducting parts of the pre-assessments or detailed investigations where applicable are indicated. The following roles and responsibilities need to be highlighted in this regard:

3.1.4.1 DWAF official

Any DWAF official who discusses a licence to use water with a (potential) applicant must direct the person to the correct DWAF-office if s/he is not responsible for the specific water use. A DWAF-official at the this office must ensure that all potential water uses associated with the existing or proposed activity are identified, and that the potential applicant is provided with the correct application forms and procedural and other guidelines.

3.1.4.2 DWAF Primary Responsible Officer (PRO)

The DWAF official **primarily** responsible (PRO) for managing the authorisation process for DWAF, who could be the same official mentioned above (See Table 4 for the appropriate PRO for each water use). The Regional Director should allocate this responsibility to a particular official. Such official should be experienced with the specific type of water use applied for, or be familiar with circumstances associated with the application. If expertise for a particular water use does not exist in the Region, the Regional Director must refer the responsibility to the appropriate directorate in DWAF Head Office responsible for that particular water use and an official in this directorate becomes the PRO. It is the specific responsibility of the PRO to:

- ensure compliance with the relevant regulatory requirements;
- ensure that those involved understand the process and their responsibilities towards the process;
- ensure intergovernmental co-operation and co-ordination in the harmonisation of procedures;
- require adequate information to make informed decisions in accordance with the appropriate guidelines;
- communicate continuously with the applicant, the DWAF LWUD (see paragraph 3.1.4.3), and with DWAF-components involved in the water use licence application investigation;
- monitor the progress of the licence application;
- ensure that the application is processed in accordance with agreed guidelines, procedures and timeframes;
- manage the processes of receiving comments on the application from those involved; and
- ensure that decisions in this regard are recorded, and that the applicant is informed in writing regarding the outcome of such decisions

The detailed functions and responsibilities of the PRO are further expanded upon in paragraph 3.2 and summarised in Table 7.

3.1.4.3 DWAF Lead Water Use Directorate (LWUD)

The Directorate in DWAF which is responsible for the particular water use and which formulates policies, strategies and guidelines regarding how to deal with a particular water use or water uses (see Table 4) is the Lead Water Use Directorate (LWUD). This Directorate will also be responsible for the verification of the licence application and the final preparation of the licence. If the application is for multiple water uses that involve different Directorates, the most appropriate LWUD must be determined during the legal validation stage. This could be the Directorate concerned with the most critical water use (i.e. the water use with potentially the biggest impact), but it could also be a Directorate concerned with a water use with a lesser impact, but which has more capacity to deal with the administration of the application.

The important aspect is that only one LWUD must be determined to be responsible for final preparation and verification of a specific licence application. Other relevant Directorates will be involved as **DWAF-parties**, and will be on the routing list when the application is finalised. It is, therefore, also the responsibility of the LWUD to communicate continuously with the DA (which for the interim is the CD:WUC), the PRO and with any other DWAF-parties involved in the water use licence application investigation.

3.1.4.4 DWAF consultative parties (DWAF-parties)

Relevant Directorates in the Department who need to be consulted during decision-making regarding a licence application. Such directorates (see Table 4) have a functional involvement in a specific water use, and need to be consulted in the evaluation of an application since they provide guidelines regarding the specific water uses where they are indicated as DWAF-parties. This may include Directorates that could be consulted regarding a specific aspect of an application, such as the Directorates Water Resources Planning, Legal Services, and Administration. DWAF-parties are responsible for ensuring that their required input and recommendations regarding a specific application are provided efficiently, and timeously to the PRO.

3.1.4.5 DWAF-investigative components

Components in DWAF that provide technical support and information input into licence applications to the DA are referred to as DWAF-components. Such support could entail

- the provision of existing information;
- the generation of new information by conducting investigations for DWAF that is to be used as part of the application; and
- the overseeing of investigations conducted for DWAF to generate any information that DWAF may require and which is not provided by the applicant.

These DWAF-components could include various sections in DWAF, such as the office responsible for Resource Directed Measures (RDM-office), and Directorates such as Geohydrology, Hydrology, Social and Ecological Services, etc (see Table 5). They are responsible for:

- determining the extent of their investigations to generate the right amount of adequate information as part of the authorisation process;
- ensuring that the investigations are conducted to the appropriate level of detail;
- providing the PRO with the required information as and when requested and where applicable;
- managing investigations when outside bodies are obtaining the information for DWAF; and.
- ensuring that their inputs are provided efficiently and timeously to the PRO

3.1.4.6 Delegated Authority (DA)

The Delegated Authority is the DWAF official(s) who has been delegated to take a final decision with regard to the application for a licence for the use of water. In terms of current delegations, this is the CD:WUC. The DA is responsible for ensuring that the licence is issued in accordance with legislation (NWA and other applicable laws), that the issuing of the licence will not lead to the contravention of other statutes or rights, and that the application has been properly considered in an administratively just manner, ensuring sustainable development and use of the water resource.

It must be noted that decisions to proceed to a next stage (acknowledge, confirm, accept and recommend) are made by the PRO in consultation with the LWUD and DWAF Parties, but the decision to allow (i.e. issue a licence) or not allow (i.e. not proceed with the authorisation process) the water use(s) can only be made by the DA.

3.1.5 Other relevant authorities

Some water uses require the authorisation of other national, provincial or local authorities. Such authorities could include authorities outside DWAF such as provincial departments for the environment, or the Department of Minerals and Energy, or inside DWAF, for example, the Dam Safety Office (see Table 6). Without harmonisation of application procedures, a situation may be created that causes unnecessary duplication, delays, confusion, and excessive costs for all involved. The PRO should inform the (potential) applicant of the need to consult with such departments regarding possible authorisations administered by them. Conversely so, these authorities are responsible to notify DWAF and the person they are dealing with in their procedures, regarding the possible need for a water use licence, and therefore the need for initiating the authorisation process. Together with DWAF, they are responsible to ensure that the different application procedures are conducted in a harmonised manner and in parallel with each other, in order to ensure the co-ordination of decision-making. Such co-ordination such occur within mutually agreed upon timeframes, and may involve the establishment of a joint 'Advisory Committee', and the determination of guidelines for the operation of such a co-operative governance body.

Table 3: Tabular outline of water use authorisation process with different role-player responsibilities

Application initiation	Stage 1: Legal Validation and Assessment	Stage 2: Pre-assessment	Stage 3: Extent of investigation	Stage 4: Detailed investigations	Stage 5: Final application	Recommendation	Stage 6: Decision
Enquiry: Discussing the possibility of a water use licence (DWAF-official & Applicant) Establish possible water uses, possible environmental, statutory and other constrains (DWAF-official, possible LWUD(s) indicated in Table 4, D:WRP, D:LS) Submission of appropriate application forms (Applicant) Administration of application (PRO)	Validation of application against statutory requirements, determine water uses & need for legal assessment (PRO, possible LWUD(s) indicated in Table 4, D:WRP, D:LS) Conduct legal assessment if required (Applicant) Evaluation of legal assessment (PRO, possible LWUD(s) & DWAF-parties indicated in Table 4, D:WRP, D:LS & other departments where applicable) **Acknowledge** legal need for a water use licence (PRO)	Determine need for pre-assessment to be conducted by applicant and Table 5 DWAF-component (PRO, LWUD & DWAF-parties indicated in Table 4) If required, determine parties for evaluation of pre-assessment & their information requirements (PRO, LWUD, DWAF-parties indicated in Table 4 & other departments where applicable) Conduct pre-assessment if required (Applicant & Table 5 DWAF-component) Submit plan of study for scoping when necessary (Applicant) Evaluation of pre-assessment conducted by applicant and DWAF-component where applicable (PRO, LWUD, DWAF-parties indicated in Table 4 & other departments where applicable) Evaluation of plan of study for scoping where applicable (PDEA) **Confirm** purpose, objectives & efficiency of BPEO for water use applied for (PRO)	Determine parties for evaluation of extent of investigations & their information requirements (PRO, LWUD, DWAF-parties indicated in Table 4 & other departments where applicable) Public participation (Applicant) Determine extent of investigation/scope (Applicant & Table 5 DWAF-component) Evaluation of Extent of application investigation/Scoping Report: (PRO, LWU , DWAF-parties indicated in Table 4, I&AP's & other departments where applicable) **Accept** extent of investigations and request initiation of detailed investigations according to prepared work-schedule (PRO)	Conduct detailed investigations according to work-schedule (Applicant) If applicable, conduct detailed investigations according to work-schedule (Table 5 DWAF-component) Monitor progress of detailed investigations according to work-schedule (PRO) Review outcome of detailed investigations where applicable (PRO, LWUD & DWAF-parties indicated in Table 4) **Accept** content of detailed investigations where applicable (PRO)	Provide applicant with results of DWAF-investigations (PRO) Submission of integrated final licence application details/EIA/EMPR-report where applicable (Applicant) Technical evaluation of final application (PRO, LWUD, DWAF-parties indicated in Table 4, I&AP's & other departments where applicable) Determine level of s27 evaluation (PRO) Socio-economic evaluation of final application (PRO, LWUD, DWAF-parties indicated in Table 4, I&AP's & other departments where applicable)	Formulate recommendation regarding application based on technical and socio-economic evaluation (PRO) Ensure that non-DWAF-legislation is being complied with & compile draft licence where applicable (PRO) Comment on draft licence where applicable (I&AP's & other departments where applicable) Prepares record of decision regarding application (PRO) **Recommendation** & final draft licence prepared (DWAF LWUD)	Submit final draft licence on routing via Table 4 DWAF-parties, D: Legal Services & D:Admin to DA (DWAF-LWUD) **Decision** on issuing of licence (DA) Decision on issuing of associated authorisations (Other departments where applicable) Informs all of outcome of decision (PRO) Manage objections and Appeals by applicant and/or objectors (PRO) Licence is issued (PRO) Licensed Water use is implemented (Applicant) Compliance to conditions is monitored & licence is reviewed (PRO)

Table 4: Primary Responsible Officers (PRO's), DWAF Lead Water Use Directorates (LWUD's) and other DWAF-Directorates with whom consultations are required for applicable water uses

Water Use	Description	Primary Responsible Officer (PRO: 🗣), DWAF LWUD (✓) & Directorates for Consultation (👥)									
		Regions			Head Office						
		SD:WQM	SD:GH	SD:WU	D:WU	D:WQM	D:SES	D:GH	D:CD	D:WRP	D:H
21(a)	Taking of water from a water resource (Surface water)	👥	👥	🗣	✓	👥	👥	👥		👥	
	Taking of water from a water resource (Groundwater)	👥	🗣	👥	👥	👥		✓		👥	
	Taking of water from a government water works: s112	👥		🗣	✓	👥				👥	
21(b)	Storing of water (not containing waste)			🗣	✓		👥		👥	👥	
21(c)	Impeding or diverting the flow of water in a water course (note: all river diversions are dealt with under s21(i) and structures capable of containing, storing or impounding water is dealt with under s21(b))				👥	👥	✓ & 🗣		👥		
21 (d)	Engaging in a stream flow reduction activity	👥	👥	🗣	✓			👥		👥	
21(e)	Engaging in a controlled activity: s37(1)(a) irrigation of any land with waste or water containing waste generated through any industrial activity or by a waterwork	🗣	👥	👥	👥	✓		👥		👥	
	Engaging in a controlled activity: s37(1)(b) an activity aimed at the modification of atmospheric precipitation						👥				✓ & 🗣
	Engaging in a controlled activity: s37(1)(c) a power generation activity which alters the flow regime of a water resource			🗣	✓		👥				
	Engaging in a controlled activity: s37(1)(d) intentional recharging of an aquifer with any waste or water containing waste	🗣	👥		👥	✓		👥			
21(f)	Discharging waste or water containing waste into a water resource	🗣		👥	👥	✓		👥			
21(g)	Disposing of waste in a manner which may impact on a water resource (includes "storing" of water that does contain waste = disposal to atmosphere)	🗣	👥			✓		👥	👥		
21(h)	Disposing of water which contains waste from, or which was heated in, any industrial or power generation process	🗣		👥	👥	✓					
21 (i)	Altering the bed banks, course, or characteristics of a watercourse. (This includes altering the course of a watercourse, previously referred to as river diversions.)	👥			👥	👥	✓ & 🗣		👥		
21(j)	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	🗣	👥		👥	✓		👥			
21((k)	Using water for recreational activities					👥	✓ & 🗣		👥		

Abbreviations:

WU = Water Utilisation; WQM = Water Quality Management; SES = Social & Ecological Services; GH = Geohydrology; CD = Civil Design; H = Hydrology; WRP = Water Resource Planning; D = Directorate; SD = Subdirectorate.

Table 5: Pre-assessments and detailed investigations that may be required from DWAF-components

Water Use	Description	DWAF-component (✍)				Reserve determinations?
		RDM	D:GH	D:SES	D:H	
21(a)	Taking of water from a water resource (Surface water)	✍	✍		✍	YES
	Taking of water from a water resource (Groundwater)		✍			YES
	Taking of water from a government water works: s112	✍				YES
21(b)	Storing of water (not containing waste)	✍			✍	YES
21(c)	Impeding or diverting the flow of water in a water course (note: all river diversions are dealt with under s21(i) and structures capable of containing, storing or impounding water is dealt with under s21(b))	✍				YES
21 (d)	Engaging in a stream flow reduction activity	✍			✍	YES
21(e)	Engaging in a controlled activity: s37(1)(a) irrigation of any land with waste or water containing waste generated through any industrial activity or by a waterwork	✍	✍			YES
	Engaging in a controlled activity: s37(1)(b) an activity aimed at the modification of atmospheric precipitation				✍	No impact on Reserve therefore no Reserve Determination
	Engaging in a controlled activity: s37(1)(c) a power generation activity which alters the flow regime of a water resource	✍		✍		YES
	Engaging in a controlled activity: s37(1)(d) intentional recharging of an aquifer with any waste or water containing waste	✍	✍			YES
21(f)	Discharging waste or water containing waste into a water resource	✍	✍			YES
21(g)	Disposing of waste in a manner which may impact on a water resource (includes "storing" of water that does contain waste = disposal to atmosphere)	✍	✍			YES
21(h)	Disposing of water which contains waste from, or which was heated in, any industrial or power generation process	✍				YES
21 (i)	Altering the bed banks, course, or characteristics of a watercourse. (This includes altering the course of a watercourse, previously referred to as river diversions.)	✍				No impact on Reserve therefore no Reserve Determination
21(j)	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	✍	✍			YES
21((k)	Using water for recreational activities	✍		✍		No impact on Reserve therefore no Reserve Determination

Abbreviations:
RDM = Resource Directed Measures Office; GH = Geohydrology; SES = Social & Ecological Services; D:H = Hydrology.

With regard to the investigations to be conducted by the DWAF-components listed in Table 5 above, please note that these investigations could include, but is not limited to, the determination of the Reserve. Other investigations could also be involved.

Table 6: Consultations that may be required with other applicable regulatory authorities

Water Use	Description	Consultation required with other applicable government sectors (authority within DWAF: ✍, outside DWAF: 🧍)				
		D: IL (DSO)	PDEA	DME	CNS	PDA
21(a)	Taking of water from a water resource (Surface water)		🧍			
	Taking of water from a water resource (Groundwater)		🧍			
	Taking of water from a government water works: s112		🧍			
21(b)	Storing of water (not containing waste)	✍	🧍			
21(c)	Impeding or diverting the flow of water in a water course (note: all river diversions are dealt with under s21(i) and structures capable of containing, storing or impounding water is dealt with under s21(b))	✍	🧍			
21 (d)	Engaging in a stream flow reduction activity		🧍			🧍
21(e)	Engaging in a controlled activity: s37(1)(a) irrigation of any land with waste or water containing waste generated through any industrial activity or by a waterwork		🧍	🧍	🧍	
	Engaging in a controlled activity: s37(1)(b) an activity aimed at the modification of atmospheric precipitation					
	Engaging in a controlled activity: s37(1)(c) a power generation activity which alters the flow regime of a water resource					
	Engaging in a controlled activity: s37(1)(d) intentional recharging of an aquifer with any waste or water containing waste			🧍		
21(f)	Discharging waste or water containing waste into a water resource		🧍	🧍	🧍	
21(g)	Disposing of waste in a manner which may impact on a water resource	✍	🧍	🧍	🧍	
21(h)	Disposing of water which contains waste from, or which was heated in, any industrial or power generation process		🧍		🧍	
21 (i)	Altering the bed banks, course, or characteristics of a watercourse. (This includes altering the course of a watercourse, previously referred to as river diversions.)	✍	🧍	🧍		
21(j)	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			🧍		
21((k)	Using water for recreational activities		🧍			

Abbreviations:
D:IL (DSO) = Directorate International Liaison Dam Safety Office of DWAF; PDEA = Provincial Department of Environmental Affairs, DME = Department of Minerals & Energy; CNS = Council for Nuclear Safety; PDA = Provincial Department for Agriculture.

3.2 DESCRIPTION OF THE WATER USE AUTHORISATION PROCESS

The water use authorisation process, as illustrated schematically in Figure 2 and Figure 3 (on page 29), as summarised in Table 3, is described in more detail in this paragraph. Some guidelines with regard to the purpose of each stage are provided, and the execution of each stage with regard to the administration, assessment and evaluation are briefly discussed.

It may not be necessary for each stage of the authorisation process to be followed, depending on the specific situation and/or water use(s). Each stage has a particular purpose and objective, involves a specific type of **assessment**, and has an outcome that is the result of a **decision** regarding the application. It is important to note that such **decision** could be either to inform the applicant that further information is required or that the application progresses to the next stage. These decisions take the form of **"*acknowledge*", "*confirm*", "*accept*"** and **"*recommend*",** and are made by the PRO in consultation with the LWUD. The decision to allow or not allow a water use is made by the DA. All decisions, and reasons for such decisions, must be recorded in writing, since an appeal against a decision made during any stage can be lodged with the Water Tribunal.

During each stage, certain **administrative** actions also need to be taken to ensure the smooth execution of the process. The administrative processes as required for WARMS have

been integrated into the assessment and evaluation processes. It is also important that decisions taken are communicated timeously to the applicant, in order to ensure the efficient progression of the application.

Currently, guidelines are under development by the relevant components in DWAF, which would indicate the type of information required during the pre-assessment (stage 2), the determination of extent of the investigation (stage 3), and the detailed investigation (stage 4). In the interim, where new guidelines do not exist, guidelines and requirements that were developed for comparative permits and exemptions under the 1956 Water Act, should be used. An indication of the applicability of existing guidelines during the various stages where no guidelines have been developed yet, and the utilisation of new guidelines are included in Appendix D. Each stage ends by informing the applicant in writing regarding the status of his or her application. Appendix H contains an example of a standard letter of reply for this purpose. The importance of this administrative reply should not be underestimated, since it can provide proof against claims of delayed licence applications.

3.2.1 Initiation of the application

The authorisation process is usually initialised through an enquiry about the possible need for the authorisation of a water use that results from an intended or existing activity or action, and a response to the enquiry, indicating whether or not a licence is required. An **enquiry** can be made either by the prospective or current water user to a DWAF-official or by a DWAF-official to a (usually existing) water user. The DWAF-official with whom the discussion takes place, or the DWAF Office at which the application forms arrive, may or may not be the correct office or person who will actually be managing the authorisation process. In such cases, the (potential) applicant therefore determine the **correct Regional Office** (and the specific DWAF-official if applicable), for this discussion. Application forms arriving at the Department through the post without preceding discussions can also initiate this stage.

It must again be emphasised that there is a difference in the legal status of an **applicant**, who has completed application forms, as opposed to a **potential applicant**, who is merely discussing the possibility of licensing with a DWAF-official. When no forms have been submitted, this stage is not a formal part of the authorisation process. Irrespective of whether it is an informal discussion, or a formal application, the importance of this stage cannot be underestimated. It is however preferred, if not essential, that an initial consultation take place between the potential applicant and the correct DWAF official before application forms are submitted.

3.2.1.1 Purpose of this stage

The purpose of this stage is to ensure that:

- an application for a licence is made only where **legally necessary;**
- discussions takes place with the **correct official;**
- application is made for the most appropriate applicable water use(s); and
- the correct documentation to guide the (potential) applicant is provided to him or her.

This step entails the submission of the correct application forms, and the initiation of the administrative process. The most important purpose of this stage is however to inform a (potential) applicant of the **NWA provisions** that are, or could be, applicable to the intended water use, specifically the need for the licensing of any water use or combination of uses.

3.2.1.2 Execution of the initiation of the application

During this stage, it is essential that the potential applicant consult with the correct DWAF-official to determine:

- the probable need for a water use licence in terms of the NWA (as opposed to an ELU or GA);
- **all the possible water uses** that could be involved, and which of these are regarded as the most appropriate applicable water use;
- the **legal provisions** that are, or could be, applicable to this intention or activity; which include the applicability of other types of authorisations that may be necessary for this intention, such as the Dam Safety Regulations, the EIA-Regulations, etc. and
- determine whether other authorities are involved.

In cases where possible **multiple water uses** involve more than one probable **DWAF LWUD** as reflected on Table 4, the DWAF-official must **establish the specific LWUD** for the particular application. Once this has been determined, the DWAF-official must consult with the other relevant Directorates as indicated in Table 4 to determine the probable legal need for a licence for each individual water use. The DWAF-official and these Directorates must also establish if an application for a licence is really necessary (i.e. it is not a Schedule 1 use, an ELU, a GA, or a prohibited use, see paragraph 2.3.3), and that the most appropriate applicable water use is applied for. Should there be any doubt regarding these aspects, the Directorate Legal Services must be consulted for clarification.

A **decision** is then taken between these parties regarding whether or not a licence is probably required from a NWA perspective and the decision is recorded in writing by the DWAF official, irrespective of whether the enquiry was made telephonically or in writing. In cases where an application for a water use licence will not be necessary, or instances where licensing will not be allowed, a written response must be made to the enquiry, which can be signed by the Regional Director when no forms had been submitted, but where forms had been submitted it must be signed by the Delegated Authority (DA), which at this stage is the CD:WUC.

If no application has been made yet, and it has been established that an application for a licence should probably

be made, the (possible multiple) water uses that could require licensing should be verified since the information requirements may differ for different water uses, and needs to be integrated. The **procedural and information requirements and process guidelines** must be obtained from all potentially applicable DWAF LWUD's for the possible water use(s) involved, irrespective of whether forms had been submitted or not. In some cases, DWAF LWUD's have already compiled licence application guidelines or brochures, which could be made available to potential applicants before they apply, or provided to applicants who have submitted forms (see Appendix D).

Once this had been obtained, the DWAF-official must:

- **inform** the (potential) applicant **in writing** regarding the probable need to apply for a licence from a legal perspective;
- provide the potential applicant with the **procedural and information requirements** and the relevant authorisation process guidelines applicable to the water use(s) arising from the intention for each of the applicable water uses;
- request the person to apply for a licence on the correct and most recent forms that are applicable to the specific water use (obtainable from the DWAF-web-site (http://www-dwaf.pwv.gov.za/),
- request the person to initiate discussions with other departments responsible for associated authorisations; and
- request the person to give an indication of his/her desired **timeframes** for the processing of the application in order to establish the prioritisation of the application. These timeframes must be realistic.

The indication of the applicant's **time requirements** for the finalisation of the authorisation process is of utmost important. This should include the envisaged time required for the compilation of any detailed investigations that may be required, for compliance with the regulatory requirements administrated by other organs of state (for example the EIA-procedure, where applicable) and the applicant's own time limitations.

This initial consultation between the potential applicant and DWAF at an early stage could avoid delays caused by requests for additional information, and will also provide an opportunity to harmonise application procedures.

Formal application

The formal authorisation process is initiated by the submission of completed **licence application form(s)** and required time frames by an applicant. If the submission of forms initiated the initial consultation, the administration of the formal application is conducted in concurrence with the steps described above. If the discussions were informal, this administration follows on the discussion, after the forms have been submitted. These forms should be submitted, together with the appropriate fee, and an indication of the applicable time requirements to the Registry of the appropriate Regional Office.

If the forms are submitted to a DWAF-official, it is the responsibility of that official to ensure that the forms are handed to the correct Regional DWAF Registry. This Registry ensures that the application forms are date-stamped, that a numbered sticker is placed on the forms, and that the sticker number is recorded on each page of the application forms and on the receipt given to the applicant for the application fee. In cases where the same person applies for different water uses, the same number should be recorded on all forms. This number is of utmost importance, since it will be used in all correspondence with the applicant regarding the application, and possible future licensed water uses.

Once the forms have been date-stamped by Registry, they are forwarded to the Regional Director for signature. The Regional Director then allocates responsibility to an appropriate DWAF-official in his/her Region according to Table 4, and this official becomes the Officer primarily responsible for the application (PRO). The PRO will typically be the DWAF-official who is already dealing with a specific concern or catchment as a result of his/her line function duties. If the water use is such that no official in the Region can act as PRO, the Regional Director forward the application to the DWAF LWUD for that specific water use, and the Director of the DWAF LWUD then assigns PRO duties to one of his/her officials.

The PRO ensures that the application are **completed correctly from an administrative** perspective (names, addresses, etc) and that the submission indicates the **desired timeframes**. If the application initiation stage had involved informal discussions, the applicant should have had access to the appropriate guidelines, and the verification should be uncomplicated. If the application is incomplete or timeframes had been omitted, it must be returned to the applicant for revision under cover of a letter indicating these shortcomings (See Appendix H). If the forms are administratively correct, the PRO ensures that application details are recorded. For the interim, while WARMS is not fully operational, hand-written records must be placed on file.

Once the forms have been checked, are considered administratively complete, and the application details have been recorded, the PRO **acknowledges receipt** of the application forms in writing, giving an indication of the acceptability of the envisaged timeframes. If this has not already been done, the PRO also provides the applicant with the appropriate guidelines and information requirements from the applicable LWUDs and DWAF-parties as summarised in Appendix D.

In cases where the application is associated with the trading of an existing lawful or licensed water use, the PRO must initiate a process whereby the existing licensed water use can be traded. The procedure to be followed for trading is

the same as any water use authorisation process, except that it requires the added administrative step, if the new licence is approved, of surrendering the previous licensed use.

3.2.2 Stage 1: Legal validation and assessment

This stage entails validating the application against statutory and policy requirements by the PRO together with the applicable DWAF parties listed in Table 4. If the application initiation stage involved informal discussions, which preceded the submission of an application, this validation would not be extensive, as the legal need for a licence had already been provisionally verified from a DWAF-perspective. In such cases, this stage entails the validation of the actual application against DWAF legal requirements, and obtaining information with regard to other legislation that may be applicable to activities associated with the applied for water use, to ensure co-operative governance.

3.2.2.1 Purpose of the legal validation

Although it may have been established during the application initiation stage that a licence for a water use is probably required, it only entailed the establishment of probable water uses and NWA requirements for licensing. It may also happen that although an applicant has been informed that s/he need not apply for a licence, application forms were nevertheless submitted, and/or the application is now made for a different water use(s). The purpose of this stage is therefore to formally validate the application against legal requirements, and also to establish if legislation administered by another government department are, or could be, applicable. This is important to ensure co-operative governance, and the execution of a harmonised authorisation process.

Various statutes could be applicable to an activity involving a water use, the most important of these probably being the EIA Regulations promulgated under s26 of the ECA (see paragraph 2.6.1). The EIA procedures should be executed simultaneously and in conjunction with the requirements of the NWA licensing procedures. This statutory requirement, as well as other legal requirements relating to land-use, mining, atmospheric pollution, existing servitudes, etc, implies that the applicant could be requested to submit a report or letter indicating the **relevant legal provisions** applicable to his/her specific activity or intended activity. If it is clear that no legal provisions other than the NWA is applicable to the activity, a legal assessment would obviously not be required from the applicant.

The PRO must, at the end of this stage, **acknowledge in writing to the applicant,** whether there is a need for a licence application or not from a legal perspective. If not, the process ends here. If required, the process moves on to the next stage.

3.2.2.2 Execution of this stage

The first step of this stage entails that the PRO verifies the water uses applied for and determines the DWAF LWUD (see Table 4) who will be responsible for the administration and preparation of the final submission for decision-making regarding the licence by the DA.

In order to facilitate the execution of the legal validation, and the initiation of the next stage, namely pre-assessment, it is necessary to establish whether the appropriate level of **Reserve** determination has been done. For this purpose, the PRO writes (faxes) a letter to the RDM-office, to which a copy of the licence application forms and a copy of the receipt issued and number allocated to the applicant, are attached. In this letter, the RDM-office is informed of the application that has been received and its time limitations, and is requested to provide information regarding the **status of the Reserve**, i.e. whether or not a Reserve has already been determined for this type of use in the specific catchment. (In future, once a reserve has been determined this information should be readily available, either on intranet or in hard copy to all relevant directorates and to the Regional Offices – such a step should, therefore, not be necessary.) If the Reserve has been determined, it will greatly expedite the stages in the authorisation process that follow. (Also refer to paragraph 2.8.1.2 in this regard.)

However, if the Reserve has not yet been determined, a Reserve determination is not requested at this stage, since the outcome of the legal assessment conducted by the applicant could indicate that the application will not be successful due to legal constraints, or the pre-assessment to be conducted by the applicant could change the potential water use. The purpose of this letter to the RDM-office is therefore only to alert them to the application, to establish the status of the Reserve and to identify the **potential need** to initiate a Reserve determination process. If such need exists, the RDM-office is responsible to incorporate this into their prioritisation for reserve determinations depending on the specific circumstances associated with the application.

Once the possible water uses have been determined and an indication of the status of the Reserve had been received, the PRO must discuss the application with the parties listed in Table 3, which includes the DWAF LWUD, consultative parties and the D:WRP in order to verify the application against DWAF statutory and policy requirements and guidelines (for example – is it an application for the abstraction of water from a stressed catchment where a policy decision has been taken that no new abstractions will be authorised?). In cases of doubt, the D: Legal Services must also be consulted.

If the potential water use(s) has been verified against DWAF requirements, it must also be established whether the application is not an ELU or GA, or whether legislation administered by another government department is, or may be applicable, as indicated above. If deemed necessary, the applicant should be requested in writing to conduct a legal

assessment to determine the different legislation applicable to the intention and to establish if there is no legal provision that prohibits the implementation of the proposed water use. This is especially important since DWAF-officials may not be aware of the activities associated with the application, or of the legal provisions that could be applicable to, or prohibiting, such activities. Since the information requirements for the legal assessment will be different for each type of water use, consultation with the different DWAF-parties should give an indication of the appropriate information requirements (see Appendix D).

Where a legal assessment has been conducted and submitted, the PRO and DWAF parties listed in Table 3 evaluate the legal assessment to verify need for a licence against DWAF policy and other statutory requirements. If applicable, other government departments could also be requested in writing to comment on the legal assessment.

Once the legal validation of the application has been completed, a **decision** is made regarding the status of the application (terminate/on hold/proceed), and this decision is recorded. If a licence cannot be issued due to statutory constraints, the PRO forwards the application, with the recorded reasons for this recommendation through the DWAF LWUD to the DA (for interim: CD:WUC) for a decision. If the application is put on hold due to inadequate information, the applicant is requested in writing to revise the application, supply the required information and/or revise the legal assessment, which is resubmitted and re-evaluated. If the application can proceed from a legal perspective, the applicant is informed, and the possible water uses applied for are **acknowledged in writing** from a legal perspective.

3.2.3 Stage 2: Pre-assessment

If the legal validation stage indicated that a licence would be necessary for the proposed water use, the application progresses to the pre-assessment stage. Different pre-assessments could be involved, some could be conducted by the applicant, while some could be conducted by DWAF.

3.2.3.1 Purpose of this stage

The purpose the pre-assessment stage is to establish the **purpose, objectives, efficiency, and actual need** for the proposed water use from a water conservation and demand management perspective, and to obtain other information that would be relevant to the rest of the authorisation process. This could involve the investigation of alternatives to the proposed water use, and motivating the need for the water use in terms of its purpose, objectives for use and efficiency of use. If the water is required for an acceptable purpose, and the best alternative water use is being applied for, the PRO **confirms** that the purpose and objectives for the water use applied for are acceptable.

Pre-assessments to be conducted by the applicant

In terms of the NWA (also see NEMA ss2(4)(a)(iv) and (b)), a prospective water user must demonstrate the actual physical need for a water use licence. This implies that in, some instances a **pre-assessment** needs to be conducted **by the applicant** to illustrate the actual physical need for a water use that could require licensing through providing motivation that **alternatives** to the required water use licence have been properly considered. The overriding purpose of the pre-assessment to be conducted by the applicant is therefore to establish the **BPEO** for the proposed water use(s). Pre-assessments conducted by the applicant could include investigations into source directed measures (SDM) such as water conservation measures, pollution prevention and waste minimisation, cleaner production alternatives, generic technology assessment, different treatment technologies, alternatives for remediation, etc., depending on the water use. It could also involve the drafting of a water balance, and in some instances, a water management plan.

Pre-assessments to be conducted by DWAF

For some water uses, it may be necessary that a **component in DWAF** (see Table 5) conduct a pre-assessment in order to determine if the application should be allowed to proceed, for example to establish whether water is available to allocate for use. If there is no water left in a catchment it would be fruitless to allow an applicant applying for abstraction to continue with detailed investigations in support of the application. Pre-assessments could also be conducted by a Table 5-DWAF-component to provide information that would assist the PRO and LWUD to verify that the proposed water use applied for by the applicant is indeed the BPEO. Where the Reserve had not yet been determined for a specific use in a particular catchment, it may be prudent to request that an indication of the Reserve be provided. This could therefore involve hydrological assessments, the desktop determination of the Reserve, the drafting of a Water Allocation Plan (WAP), or executing a Strategic Environmental Assessment (SEA).

These pre-assessments would therefore be of particular importance in stressed catchments, and the information requirements for the pre-assessments will differ for each water use, and also between new and existing water uses.

3.2.3.2 Execution of this stage

This stage firstly entails that the PRO and Table 4-DWAF-directorates (LWUD and other relevant directorates that are to be consulted regarding a specific water use) determine together if a pre-assessment is required **from the applicant** to confirm the purpose, objectives & efficiency of the water use(s) applied for and **alternatives** to the applied for water use(s). This discussion between the PRO and Table 4-DWAF parties also involves the determination of whether a pre-assessment is required from any Table 5-DWAF-component to establish the efficiency of the water use(s) applied for.

If it is decided that pre-assessment is not required from either the applicant or a Table 5-DWAF-component, the

PRO records the decision, and informs the applicant that the that the water use(s) s/he has applied for is **confirmed** from a physical need perspective, and requests the applicant to initiate stage 3, namely to determine the extent of the investigations.

If a pre-assessment is required from the **applicant**, the PRO establishes the parties (Table 4-DWAF parties & other government departments if applicable - see Table 3) to be involved in the **evaluation** of a **pre-assessment,** and obtains their information requirements. In most cases, the DWAF-parties would be the same as those who decided upon the need for a pre-assessment, but this stage could also require that other government departments are to be consulted regarding aspects of the pre-assessment, for example where alternative technologies involve atmospheric disposal of waste. The PRO then informs the applicant in writing of the Table 4-DWAF parties information requirements for a pre-assessment and requests the applicant to conduct the pre-assessment.

If a pre-assessment (e.g. a WAP, SEA, hydrological pre-assessment, or for waste water (effluent) treatment designs: a desktop Reserve determination) is required from a Table 5-**DWAF-component,** the PRO requests this DWAF-component in writing to conduct the required pre-assessment, and the Table 5-DWAF-component acknowledge receipt of the request.

The applicant and where necessary the Table 5-DWAF-component conduct the respective pre-assessment(s) according to the guidelines provided, and submit the completed pre-assessment(s) accordingly.

The PRO ensures, by requesting comment in writing from all Table 4-DWAF parties and other applicable departments that the applicable parties established above **evaluate** the pre-assessment to determine the following:

- the need for a water use that could require a licence;
- the applicable water uses;
- if such use or uses are deemed efficient; and
- the purpose and objectives of each (proposed) use.

Based on this evaluation, a decision is made regarding the status of the application (terminate/on hold/proceed), and the PRO records this decision (in writing on file until WARMS is operational). The execution of the pre-assessment **may change the application**, for example an applicant may realise while conducting the pre-assessment that an applied for water use such as s21(c) irrigation of water containing waste will be less effective than treating the waste-water and discharging it to a resource, which is a s21(f) water use. In such cases, the evaluating parties must confirm this, request the applicant to **revise the application details,** and must re-execute the legal validation of the revised application.

If a licence **cannot be issued** due to physical limitations (e.g. no available water), the PRO forwards the application, with the recorded reasons for this recommendation through the DWAF LWUD to the DA (for interim: CD:WUC) for a decision.

If the application is put **on hold** due to inadequate information in the pre-assessment, the PRO requests the applicant in writing to revise the application and/or pre-assessment, which is resubmitted and re-evaluated.

If the application can **proceed** due to the fact that the pre-assessment indicated an acceptable water use, the PRO informs the applicant in writing, **confirming:**

- **the water uses** that are applied for,
- that there appears to be an actual physical need for an application for a water use licence, and
- that DWAF is satisfied with the **purpose and objectives of** each intended water use applied for as contained in the pre-assessment.

3.2.4 Stage 3: Extent of the investigations

During stage 1, the assessment of the different legal provisions would have indicated whether the licence application is for a single water use, or for a number of water uses. Stage 1 would have also indicated the need for compliance with other relevant legislation. Stage 2 indicated the BPEO for the potential water use(s) as part of the pre-assessment from a water conservation and demand management perspective, and whether DWAF is satisfied with the objectives of the use(s).

During stages 3 and 4, the potential impacts of the proposed or existing water use or uses arising from the implementation of this BPEO are assessed (see Figure 1). Therefore, in stage 3, the **extent of the detailed licence application investigation** is determined from a co-operative governance perspective. Since different water uses potentially have different impacts on different components of the water resource, this assessment will be different for each application (see Appendix D).

3.2.4.1 Purpose of determining the extent of the investigations

The purpose of this stage is firstly to determine whether detailed investigations are necessary, and if required, to determine what such detailed investigations should entail, who will conduct them, and within what timeframes. Similar to the pre-assessment stage, both the applicant and Table 5-DWAF-components could be required to determine the extent of their investigations. The extent of the licence application investigation may be extensive in some cases, or superficial in other cases, and is determined in **consultation** with **I&AP's,** whom now become involved in the application.

The **applicant** must determine the **extent of the detailed investigations** based on the:

- information requirements of DWAF;
- information requirements of other appropriate legislative authorities; and
- issues and concerns raised by any relevant **I&AP's.**

These various information requirements are combined by the applicant in **a single report** constructed in such a manner that it may serve the purpose of all the relevant legislative authorities and I&AP's. The content of the report will indicate the respective information requirements of the various authorities, the issues raised by the I&AP's, and how these information requirements and issues are to be addressed through detailed investigations. If the application is subject to the EIA regulations, this report submitted to DWAF is the same as the report submitted as a "Scoping Report" to the PDEA. The report must also give an indication of the timeframes required to finalise these detailed investigations.

The **Table 5-components in DWAF** must also prepare a report outlining the extent of their detailed investigations, and the timeframes that they require to conduct their investigations.

The submission of these reports regarding the extent of the investigations and associated timeframes allows the PRO to develop a **work-schedule** for the execution of the detailed investigations. This work-schedule will combine the timeframes of the investigations conducted by the applicant and the Table 5-components in DWAF, which will allow the PRO to monitor the progress of the application. This work-schedule is provided to both the applicant and applicable DWAF-components, and the PRO hereby **accepts** the extent of the investigations.

3.2.4.2 Execution of this stage

As soon as it has been decided, based on the legal assessment and pre-assessment, that the application for a licence can proceed, the PRO establishes the Table 4-DWAF-parties to be involved in the **evaluation** of the licence application. The PRO and these parties establish the need for determining the extent of the application investigation by the applicant and by Table 5-DWAF-components. Since these parties will most probably be the same as those who were involved in the evaluation of the pre-assessment, the only further action required would be to **record** them for **routing purposes** (see Appendix M for an example of a routing form), and to obtain their information requirements and guidelines for the detailed investigations. Currently this will either be existing information requirements developed for water uses under the 1956 Water Act, or where they exist, guidelines under the NWA outlining such information requirements (See Appendix D).

The PRO then provides these information requirements to the applicant. If applicable, the applicant is also requested in writing to obtain the information requirements of any other government departments that could be involved with aspects relating to the application, and to publish the application details, if necessary. If published, the applicant must record the responses and information requirements from I&AP's regarding any issues or concerns that they may have regarding the application. The PRO then requests the applicant to determine the **extent of the licence application investigation** based on the DWAF and other department's information requirements and in accordance with issues and concerns raised by all identified I&AP's.

Simultaneously with the above, and subject to the reply of the RDM-office regarding the status of the Reserve, the PRO determines if the RDM-office or another body is responsible for the Reserve determination part of the licence application investigation. If applicable, the PRO requests the RDM office in writing to establish the extent of their investigations for the preliminary determination of the Reserve of the water resource in question (e.g. rapid Reserve determination). If any other Table 5-DWAF-component should investigate aspects of the licence application, the PRO also requests such DWAF component in writing to determine the extent of their investigations. The PRO should also ensure that the present ecological status of this water resource is determined. If applicable, these DWAF-components then determine the extent of their investigations according to information requirements and **submit a report** outlining the extent of, and proposed **time frames** for, the investigation.

The applicant determines the extent of the application investigations according to the information requirements of all Table 3-parties, and **submits a report** outlining the extent of and proposed **time frames** for the investigation, which contains concept designs if applicable. This report is submitted to all involved in the authorisation process.

All appropriate Table 3-parties, namely legislative authorities (the PRO, Table 3-DWAF parties and if applicable other departments) and I&AP's **evaluate** the extent of investigation report(s) against their information requirements to determine if detailed investigations will be necessary, and if information requirements will be met during such investigations. The DWAF components evaluate the report against their respective information requirements, as well as in a preliminary manner against ss26 and 27(1) requirements in order to determine if the detailed investigation will facilitate the final evaluation of the application against these requirements.

All appropriate legislative authorities must confirm that the extent of the investigation will be acceptable for their purposes of evaluation, in order to prevent a situation where a decision has to be made based on insufficient information, or where an applicant is requested to submit additional information at a later stage, which could lead to unreasonable delays. It must also be confirmed that the issues and concerns raised by the I&AP's will be addressed in these detailed investigations.

Based on this evaluation, a decision is made by the appropriate Table 3-parties regarding the status of the application (terminate/on hold/proceed), and this decision is recorded by the PRO (in writing on file until WARMS is operational).

If the information contained in the report shows that a licence **should not be issued** for the proposed water use, the PRO forwards the application, with the recorded reasons for this recommendation through the DWAF LWUD to the DA (for interim: CD:WUC) for a decision.

If the application is **on hold** due to inadequate information in the report regarding the extent, proposed timeframes and concept designs (if applicable), the PRO requests the applicant in writing to revise those aspects in the report which are inadequate. If required, the applicant revises the content of report, which is then resubmitted and re-evaluated by all parties.

If the status of the licence application is **proceeding** and detailed investigations will **not be** necessary, the PRO informs the applicant in writing and request him or her to prepare a final licence application according to stage 5.

If detailed investigations **are necessary** to reach a final decision, and the application can **proceed** due to the fact that the extent of detailed investigations to be conducted seem to be adequate to address the relevant information requirements, the PRO develops & records the **overall work schedule** for the detailed investigation. This work-schedule is based on the proposed time frames submitted by the applicant, the RDM Office, and other Table 5-DWAF-components where applicable. In these cases, the PRO informs the applicant in writing that DWAF **accepts** the proposed extent of the investigation as contained in the report. The PRO also informs both the applicant and applicable Table 5-DWAF-components of the work-schedule for the investigation, and request them to conduct their investigations according to this work-schedule.

3.2.5 Stage 4: Detailed investigations

Since the information needs of the relevant sections in DWAF and other government departments would have been determined during Stage 3, and the extent of the investigation has been accepted, the detailed investigations can now be conducted.

3.2.5.1 Purpose of this stage

The aim of this stage is to investigate the potential impacts of the proposed or existing water use on the water resource by means of the following investigations:

- ☞ one conducted by the applicant in order to assess the potential impacts posed by the proposed or existing water use, and
- ☞ the completion of the investigation conducted by the RDM-office to determine the Reserve, if applicable.

Due to the fact that a number of investigations are conducted simultaneously by various bodies, the PRO needs to monitor the progress of these investigations, and to request updated timeframes if it appears that the proposed time-schedules will not be met. The investigations must be reviewed to determine whether they adequately address the relevant information requirements of the respective parties involved in decision-making regarding the application.

Once all investigations have been completed so as to meet information requirements, the approved reserve is provided to the applicant, and the final application stage is entered into.

3.2.5.2 Execution of detailed investigations

During this stage, both the applicant and the RDM-office, and if required, other Table 5-DWAF-components conduct their respective detailed investigations based on the work schedule provided to them, and keep the PRO informed of their progress. The PRO reviews the progress of the detailed investigations according to the work schedule, and if required, s/he initiates remedial action and requests revised timeframes from the applicant, the RDM-office and other DWAF components where applicable in writing. When required, the PRO updates the work schedule based on any revised time frames provided, record the updated work-schedule and informs the applicant, the RDM-office and other Table 5-DWAF components of the new work schedule in writing. If required, the PRO also requests the applicant in writing to inform other departments & I&AP's of the updated work schedule.

The applicant, the RDM-office and other Table 5-DWAF-components finalise their investigations and **submit their respective report**(s) to the PRO. If required, the PRO requests the applicant to submit his or her report(s) containing the outcome of the detailed investigations (e.g. the detailed studies of the EIA-process) to other departments for evaluation.

The PRO and the Table 3-DWAF parties **evaluate** the content of the detailed investigation reports against DWAF information requirements, and a decision is made regarding the status of the application (terminate/on hold/proceed), which is recorded by the PRO (in writing on file until WARMS is operational).

If the information contained in the detailed investigations shows that a licence **should not be issued**, the PRO forwards the application, with the recorded reasons for this recommendation through the DWAF LWUD to the DA (for interim: CD:WUC) for a decision.

If the application is **on hold** due to inadequate information in the detailed investigation reports, the PRO requests the applicant and/or Table 5-DWAF component(s) in writing to revise those aspects in the report(s) which are inadequate. If required, the applicant and/or Table 5-DWAF component(s) revise the content of their report(s), which is then resubmitted and re-evaluated. If the status of the licence application is **proceeding** the PRO **accepts,** in writing, the content of the detailed investigations done by the applicant and the RDM Office, and other Table 5-DWAF-components where applicable.

The final step of this stage is for the PRO to request the appropriate authority in writing to approve the Reserve.

3.2.6 Stage 5: Final licence application & Recommendation

Since the relevant information requirements of all regulatory authorities involved, as well as the issues and concerns of the public as identified during stage 3, should have been addressed during the preceding stages, the application for a licence can now be finalised.
In this stage, the applicant assembles a summary of the findings of all the relevant investigations in a final licence application report. Where the EIA-regulations are applicable, this report will serve the same purpose as the EIA-report, and where the Minerals Act is applicable, this report should also address the specifications of an EMPR.

3.2.6.1 Purpose of this stage

The purpose of this stage is to compile a final licence application report, and to make a recommendation regarding the application for a water use in consultation with I&AP's. The licence application is evaluated from a technical perspective against s26 and, where applicable, Chapter 12 requirements. The application is also evaluated from against socio-economic criteria, and all concerned parties make a recommendation regarding the issuing of a licence. In all instances, the recommendation must take cognisance of the provisions of ss22 and 27(1) of the NWA. The PRO must prepare a Record of Decision, which must reflect the considerations taken into account during this evaluation.

3.2.6.2 Execution of final application stage

The PRO provides the information obtained from detailed investigations conducted by other parties, if applicable, to the applicant, including the Reserve. The PRO requests the applicant in writing to prepare a **summary integrated licence application report** based on accepted detailed investigation information and, if applicable, to revise the original licence application forms.

The applicant compiles the summary integrated licence application report, revises the licence application forms, and updates these forms where necessary with the information obtained during the detailed investigations. The applicant submits the summarised licence application report, updated forms and any detailed plans to the PRO.

The PRO checks the revised licence application forms, the content of the summary integrated application report and the detailed plans against the specified information requirements. If the forms, report or plans does not meet the specified information requirements, the PRO requests the applicant in writing to revise those aspects which are inadequate. If required, the applicant revises the content of the forms, report, or plans, which are then resubmitted and re-checked. The PRO must ensure that the final and revised application details are recorded.

Once the final application is complete, the PRO, the DWAF-parties recorded on routing, and other Table 3 departments where applicable) **evaluate** the application and the content of the report against **technical** criteria in accordance with ss26 and Chapter 12 (where applicable) of the NWA. This evaluation against technical criteria could include an evaluation against standards, regulations, best practice guidelines, estimated impacts, etc., for example "what is the estimated effect of the use on the Reserve?". All these parties decide on the **technical acceptability** of the application, and record any **recommendations** and potential conditions for approval of the application, if applicable.

Following this, the PRO determines the appropriate level of conducting ss22 & 27 evaluation according to the following guidelines:

- ⇒ If the application is not technically acceptable, and socio-economic advantages are not evident, a superficial s27 evaluation is conducted;
- ⇒ If the application is not technically acceptable, but appears to have significant socio- economical advantages, an in-depth and detailed (Perkins-document) s27 evaluation is conducted; or
- ⇒ If the application is technically acceptable, a normal s27 evaluation is conducted with relation to socio-economic aspects.

It must also be ensured that when a licence is technically acceptable, the socio-economic, job creation, poverty eradication, etc. elements there-of is maximised. The Record of Decision drafted by the PRO must clearly specify how each of the different provisions of s27(1) was considered in the evaluation of the licence.

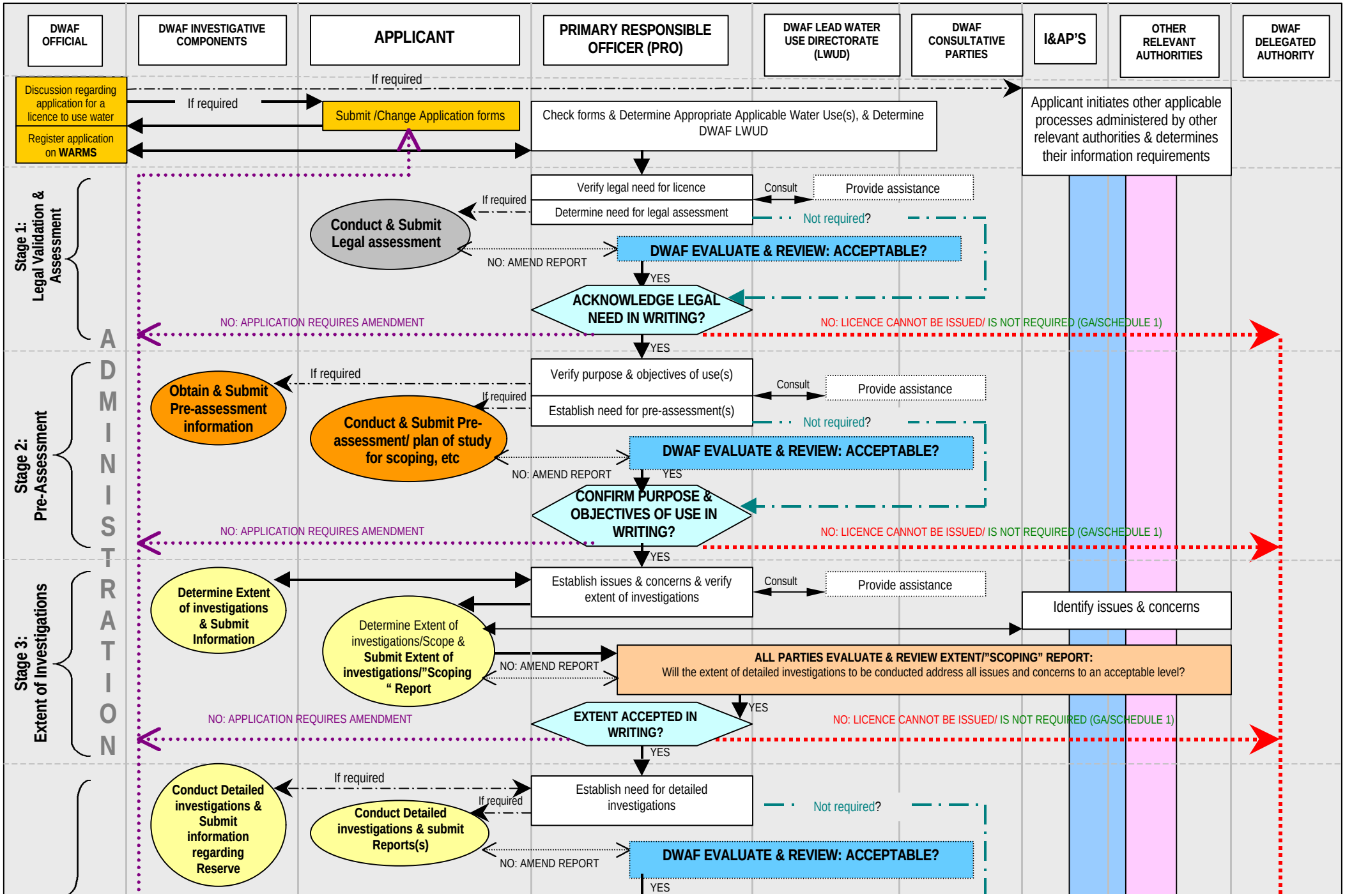
The PRO and the Table 3-parties (Table 4-DWAF recorded on routing, I&AP's and other departments where applicable) evaluate the application against the **socio-economic** criteria (ss22 & 27) at the required level of detail. These parties then decide on the socio-economic acceptability of the application, record recommendations and potential conditions for approval of the application, if applicable and determine the **DA** for decision regarding application from delegations issued by the Minister (interim – only CD:WUC delegated).

The PRO ensures that the recommendations regarding decision and any conditions established during the technical and socio-economic evaluations are recorded. The PRO and LWUD can now prepare the application for a final decision-making by the DA.

3.2.7 Stage 6: Decision

The final stage entails ensuring compliance with all legal requirements, including the NWA, and other relevant legislation if applicable, followed by the preparation of a recommendation regarding a decision for submission to the DA. The DA takes a decision, which is implemented accordingly by those concerned.

A detailed outline of the generic and harmonised water use authorisation process is schematically illustrated in Figure 3 below:



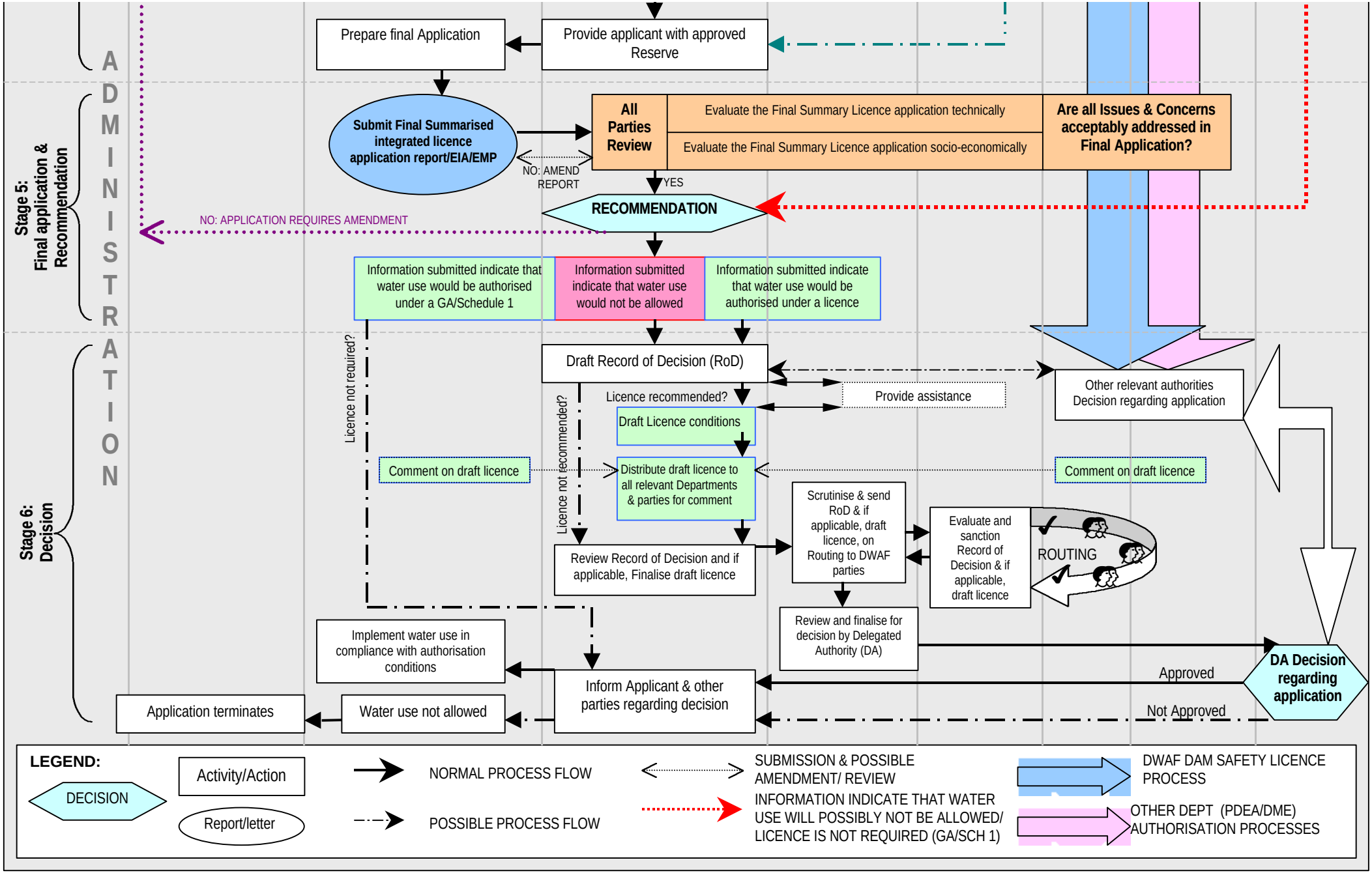


Figure 3: Generic and Harmonised Water Use Authorisation Process

3.2.7.1 Purpose of this stage

The purpose of this stage is to ensure co-operative governance and compliance with all legal requirements associated with the application, and that the decision can be regarded as just administrative action. The decision regarding the application therefore could follow, or occur simultaneously with, compliance to the legal requirements administered by other government departments.

This stage could therefore be executed differently depending on the specific water use or uses. The following are possible scenarios in this regard:

1. For some water uses, where no legislation administered by other government departments are applicable, the recommendation regarding the water use is made by the relevant components in DWAF only, taking cognisance of the input of I&AP's.
2. For some water uses, where legislation administered by other government departments is applicable, a joint recommendation is made together with these departments and other relevant structures such as Local Afforestation Advisory Committees, and a decision is taken simultaneously by the respective regulatory authorities.
3. For some water uses, for example where the water use would depend on the approval of a change in land use and/or where legislation administered by other government departments is applicable, a recommendation regarding the issuing of a licence is made following the decision made by other departments, and the issuing of authorisations administered by them.
4. For some water uses, such as those where the Dam Safety Regulations are applicable, the relevant licences under these regulations are issued after the water use licence had been issued.

Consultation with the appropriate organs of state is therefore crucial to ensure that this stage is executed efficiently.

3.2.7.2 Execution of this stage

Once the recommendation regarding the application had been finalised, the PRO prepares a submission for consideration of the licence application (see Appendix I for an example of a front page for such a submission). Depending on the recommendation regarding the licence, one of two scenarios could be applicable:

1. If the **issuing of a licence is recommended**, the PRO ensures that the requirements for charges for the water use applied for (and later waste discharge charges) are established and recorded, and that a series 27 file is opened. The PRO requests proof from the applicant in writing that all other (non-NWA) legislation has been complied with (e.g. EIA-Regulations). The PRO then compiles a draft licence with conditions and distribute it to the relevant Table 3 parties (I&AP's & other departments if applicable) for their comments. In cases where multiple water uses are involved, a combined draft licence must be compiled, with general conditions in the front, and conditions relating only to each particular use as appendices. Upon receiving comments from these parties, the PRO records and considers the comments received, update the draft licence if necessary, and records reasons for including or excluding comments from the final proposed licence. Where comments are not included in the final licence, reasons for such exclusions must be provided to the relevant parties.
2. If the **issuing of a licence is not recommended**, the above actions are not required, but the actions described below are taken.

Irrespective of whether the issuing of a licence is recommended or not, all considerations that played a role during the evaluation of the application are compiled in a **Record of Decision**, including the reasons for including or excluding comments on a draft licence where applicable. Appendix J contain an example for a record of decision when a licence is not approved, while an example of a record of decision for approval of a licence is contained in Appendix K.

This record of decision is submitted together with the licence application forms, the summarised licence application report (if applicable), and the final draft licence (if recommended), to the DWAF LWUD for verification and final adjudication. The PRO also prepares the appropriate checklist (example in Appendix L) and route form indicating all Table 4-DWAF parties and additional Table 3--parties (D:Admin and D:Legal Services) (see Appendix M for an example) and includes these in the submission.

The DWAF LWUD receives the submission, verifies the record of decision, the application details and the final draft licence (if recommended) and submits this via the Table 4-DWAF parties indicated on the route form on a **routing** to the DA for a decision.

The DA **decides** on the basis of the information provided, whether to issue the licence or not. S/he signs the approval of the licence/disapproval of application for a licence and the Record of Decision, and returns all documentation to the PRO.

3.2.8 Implementation of decision

Once the decision has been made, the PRO must notify the applicant, all other relevant parties, and any other person who has objected to the application of the outcome of the decision concerning the water use licence application, and the status of the application must be recorded. The PRO must manage objections to the decision, and must refer appeals to the Water Tribunal or, if applicable, to the appeal mechanisms of other departments.

If the application is approved, the PRO must ensure that the licence is issued to the applicant, together with non-DWAF authorisations as decided during the process in accordance with co-operative governance if applicable. The

issuing of licences as required under the Dam Safety regulations could follow this. If the application is approved, the PRO must also ensure that the billing section is informed of the issuing of the licence. Once the licence has been issued, the licensee may implement the licensed water use according to the licence conditions. The licensed water use is continued in compliance with the licence conditions. The responsible authority and I&AP's, where applicable, monitor this compliance. Depending on licence conditions and environmental circumstances, the licence is reviewed according to the NWA-provisions.

The detail of this generic and harmonised process, as illustrated schematically in Figure 3 on page 29, is summarised as a roadmap in Table 7 below.

Table 7: Roadmap Summary of Harmonised and Generic Water Use Authorisation Process

Steps in the process	Notes on action required
Application initiation: An initial enquiry regarding the issuing of a licence is informally discussed	
1. **Enquiry**: Discussion between (potential) applicant & DWAF official regarding the need for a licence.	
2. DWAF-official establishes possible water uses & possible Lead Water Use Directorate (LWUD).	See Table 4
3. DWAF official **establishes** whether or not a licence is required from a legal perspective, records discussion & establishes the **legal requirements** for the possible water use(s) involved.	Consult with all possible DWAF LWUD's & D:LS
4. DWAF-official informs (potential) applicant regarding legal need to apply for a licence and of possible applicability of associated authorisations such as Dam Safety & EIA Regulations. If water use licence is probably required, provides potential applicant with correct water use licence application forms & water use authorisation guidelines.	In writing to (potential) applicant & Ensure that most recent forms are provided! (DWAF-web-site)
5. (Potential) applicant completes correct application forms & indicates desired timeframes.	Desired timeframes is important for prioritisation
Formal application: An application for water use licence is received & registered	
1. Application forms are submitted (if received by DWAF official: give to correct Regional Registry).	
2. DWAF-Registry in Regional Office receives the completed application forms (with desired timeframes) & application processing fee from the applicant & forwards to Regional Director.	Mark application with numbered sticker & record number
3. Regional Director signs application form & allocates responsibility for processing the application to an appropriate DWAF-official/directorate (Officer Primarily Responsible: PRO). If not Regional responsibility: see Table 4 for correct PRO.	In writing to responsible Directorate/PRO
4. PRO ensures that admin check is conducted on forms for correctness & completeness.	
5. PRO ensures that application form details are recorded (initially on file until WARMS is available).	Written records on file/WARMS
6. PRO acknowledges receipt of application forms**.**	In writing to applicant
7. If required, in the case of transfer of water use authorisation(s), PRO ensures that this application process is linked to the associated surrender/amendment process.	
Stage 1: Legal assessment (Validating the application against statutory/policy requirements)	
1. PRO establishes possible water uses involved & the most applicable DWAF LWUD & other DWAF Parties to be **consulted** during process.	See Table 4
2. PRO & DWAF LWUD & other DWAF-parties validate the application against statutory/policy requirements & guidelines & determine if legal assessment is required from applicant (especially when legislation from other departments are, or could be associated with the application).	See Table 3 for consultations
3. PRO requests RDM-office to provide information regarding the **status of the determination of the Reserve** for the water resource applicable to the application, & to determine the **potential need** to initiate a Reserve determination process.	In writing to RDM-office & provide RDM-office with a copy of the application forms
4. If required PRO requests applicant to conduct a legal assessment to determine the different legislation applicable to the intention.	In writing to applicant
5. If required, applicant conducts legal assessment.	
6. PRO ensures that DWAF-parties & other departments if applicable, **evaluate** application and/or legal assessment to verify need for a licence against DWAF & policy & statutory requirements.	Request comment in writing from applicable parties (see Table 3)
7. Parties **decide** on application status (terminate/on hold/proceed) & record decision.	
8. PRO record status of application (terminate/on hold/proceed) on WARMS/file.	
9. If licence **cannot be issued** due to statutory or policy constraints, PRO forwards application with recorded decision through DWAF LWUD to DA (for interim: CD:WUC).	Go to step 2 of Stage 6
10. If application is **on hold** due to inadequate legal assessment.	
(a) PRO requests applicant to revise legal assessment.	In writing to applicant
(b) Applicant revises legal assessment & resubmits to PRO.	
(c) DWAF–parties re-evaluate legal assessment & decide on application status.	Go back to step 7 above
11. If status is "**proceed**", PRO informs applicant & **acknowledge** legal requirement for a licence application for **all possible water uses** involved.	In writing to applicant

Steps in the process	Notes on action required
Stage 2: Pre-assessment (Confirm purpose, objectives & efficiency for the water use(s) applied for)	
1. PRO determines with Table 4 DWAF parties if a pre-assessment is required **from the applicant** to confirm the purpose, objectives & efficiency of the water use(s) applied for and **alternatives** to the applied for water use(s).	E.g. water conservation/waste minimisation/generic technology assessment/existing status, etc
2. PRO determines with Table 4 DWAF parties if pre-assessment is required **from any Table 5 DWAF-component** to establish efficiency of the water use(s) applied for (e.g. WAP, SEA for SFRA: hydrological pre-assessment, or for concept effluent treatment designs: desktop Reserve).	See Table 5 for possible DWAF components
3. If pre-assessment is **not required** from either the Applicant or a Table 5 DWAF-component, record decision, go to step 5 of this stage.	
4. If a pre-assessment **is required** from either the Applicant or a Table 5 DWAF-component:	
(a) PRO establishes parties (DWAF & other) to be involved in the **evaluation** of a **pre-assessment** if applicable**,** and obtains their information requirements.	(See Table 3 for required consultations with parties)
(b) PRO informs applicant of DWAF-parties' information requirements for pre-assessment as determined above & requests applicant to conduct pre-assessment.	In writing to applicant
(c) If applicable, PRO requests Table 5 DWAF-component (see step 2 of this stage) to conduct pre-assessment.	In writing to DWAF-component
(d) Applicant (& Table 5 DWAF-component where necessary) conducts pre-assessment according to guidelines & applicant (& DWAF -component) submits pre-assessment details.	
(e) PRO ensures that Table 4 DWAF-parties established in step 4(a) of this stage **evaluate** pre-assessment in terms of need for water use, water uses to be applied for, & objectives of each (proposed) use.	Request comment in writing from all applicable parties in Table 3
5. Table 3 parties decide on application status (terminate/on hold/proceed) & record decision.	
6. PRO records status of application (terminate/on hold/proceed) on WARMS/file.	
7. If licence **cannot be issued**, PRO forwards application with recorded decision through DWAF LWUD to DA (for interim: CD:WUC).	Go to step 2 of Stage 6
8. If application is **on hold** due to inadequate information in pre-assessment.	
(a) PRO requests applicant to revise assessment.	In writing to applicant
(b) If required, applicant revises pre-assessment & resubmits to PRO.	
(c) If required, Parties re-evaluate pre-assessment & decide on application status.	Go back to step 6 of this stage
9. If status of authorisation process is **proceeding**, PRO informs applicant & **confirms water uses, need for & objectives of** each water use applied for.	In writing to applicant
Stage 3: Extent of the investigations required for licence application is determined & accepted	
1. PRO establishes DWAF-parties to be involved in the **evaluation** of the licence application & obtains their information requirements & **records DWAF parties** for **routing** on WARMS/file.	see Table 4 for required consultations with DWAF-parties
2. If required, PRO requests applicant to obtain information requirements from other departments.	In writing to applicant
3. If necessary, PRO requests applicant to publish licence application details.	In writing to applicant
4. If published, applicant records responses & issues and concerns of I&AP's.	
5. PRO provides applicant with DWAF information requirements obtained in step 1 of this stage & requests applicant to determine **extent of licence application investigation** based on DWAF information requirements and in consultation with all other identified parties.	In writing to applicant
6. Based on the reply of the RDM-office to the request made in step 3 of stage 1, PRO determines if the RDM-office or another body is responsible for the Reserve determination part of the licence application investigation.	
7. PRO determines if any other DWAF-component is responsible for parts of the licence application investigation.	See Table 5 for possible DWAF components
8. If required, PRO requests Table 5 DWAF components that are to investigate aspects of the application to determine the extent of their investigations (e.g. extent of Reserve determination).	In writing to applicable DWAF-components (incl. RDM-office)
9. If applicable, Table 5 DWAF-components acknowledge receipt of request and determine the extent of their investigations according to information requirements & **submit reports** outlining extent & proposed **time frames**.	In writing to PRO
10. Applicant determines extent of investigation according to information requirements of all parties (Table 3) & **submits report** outlining extent of & proposed **time frames** for investigation & concept designs (if applicable).	If the EIA process is applicable, this is the same report submitted to the PDEA as "Scoping Report"
11. PRO & other parties (DWAF & I&AP's & other departments if applicable) **evaluate** extent of investigation report(s) against preliminary ss26 & 27 requirements to determine if detailed investigations will be necessary, & if information requirements will be met during investigations.	See Table 3
12. Table 3 Parties decide on status of application (terminate/on hold/proceed) & record decision.	
13. PRO records application status (terminate/on hold/proceed) on WARMS/file.	
14. If licence **cannot be issued**, PRO forwards application with recorded recommendation through DWAF LWUD to DA (for interim: CD:WUC).	Go to step 2 of Stage 6

Steps in the process	Notes on action required
15. If application is **on hold** due to inadequate information in extent report:	
(a) PRO requests applicant to revise report containing extent, proposed timeframes & concept designs(if applicable).	In writing to applicant
(b) Applicant revises content of report & resubmits to PRO.	
(c) If required, all parties re-evaluate report & decide on status of application.	Go back to step 13 of this stage
16. If status of authorisation process is **proceeding** & **detailed investigations will not be** necessary, PRO initiates stage 5 & informs applicant.	In writing to applicant & Go to step 1 of stage 5
17. If status of authorisation process is **proceeding** & **detailed investigations are required**, PRO develops & records the **overall work schedule** for the licence application investigation based on proposed time frames submitted by applicant & DWAF-components, where applicable.	Record work-schedule on file/WARMS
18. PRO **accepts** extent of investigation & concept designs (if applicable) & **informs** applicant & DWAF-components (where applicable) of **overall work schedule** & milestone dates & **requests** applicant & DWAF-components (where applicable) to conduct investigations according to work schedule & accepted report regarding extent, timeframes, etc.	In writing to applicant & DWAF-components (where applicable)
Stage 4(a): Detailed investigations required for licence application are conducted & monitored in terms of work schedule	
1. Applicant conducts investigations based on work schedule & keeps PRO informed of progress.	
2. If required, Table 5 DWAF-components (where applicable) conduct investigations according to work schedule & keep PRO informed of progress.	
3. PRO reviews progress of investigations according to work schedules.	
4. If required, PRO initiates remedial action & requests revised timeframes from applicant, RDM-office & other DWAF components where applicable.	In writing to applicant & DWAF components where applicable
5. When required, PRO updates work schedule based on revised time frames.	Record updated work-schedule
6. If required, PRO informs applicant & other Table 5 DWAF components of new work schedules.	In writing
7. If required, PRO request applicant to inform other departments & I&AP's of updated work schedules.	In writing
Stage 4(b): Detailed investigations required for licence application are submitted, evaluated & accepted	
1. Applicant finalises investigations & **submits report**(s) to PRO.	
2. DWAF-components (e.g. RDM-office) finalise investigations & **submit report**(s) to PRO.	
3. If required, PRO requests applicant to submit reports to other departments for evaluation.	Detailed studies of EIA-process
4. PRO & DWAF parties established in step 1 of stage 3 **evaluate** contents of investigation reports in terms of acceptability with regard to DWAF information requirements.	See Table 3 & Table 4
5. PRO & DWAF parties established in step 1 of stage 3 decide on application status & record decision.	
6. PRO records application status (terminate/on hold/proceed) on WARMS/file.	
7. If detailed investigations indicate that licence **cannot be issued**, PRO forwards application with recorded recommendation through DWAF LWUD to DA (for interim: CD:WUC).	Go to step 2 of Stage 6
8. If application is **on hold** due to inadequate information.	
(a) PRO requests applicant and/or DWAF component(s) to revise content of detailed investigation report(s).	In writing to applicant/DWAF-component
(b) If required, applicant and/or DWAF component(s) revise content of report(s) & resubmit to PRO.	
(c) If required, DWAF & other department parties re-evaluate report & decide on status of application.	Go back to step 6 of this stage
9. If status of authorisation process is **proceeding** PRO **accepts** content of detailed investigations done by applicant.	In writing to applicant
10. PRO requests appropriate authority to approve Reserve.	In writing to appropriate authority
Stage 5(a): Detailed licence application is prepared, submitted & checked	
1. PRO assembles information from detailed investigations conducted by DWAF-components (including determined Reserve) and other parties, if applicable.	
2. PRO provides applicant with assembled information, including Reserve determination, & requests applicant to prepare **summary integrated licence application report** based on accepted information and, if applicable, to revise original licence application forms.	In writing to applicant
3. Applicant compiles **summary integrated licence application report** & if applicable, revised licence application forms & submits summarised licence application report with detailed plans & revised forms if applicable.	
4. PRO checks revised licence application forms & content of summary integrated application report for specified information requirements.	
5. If required, PRO requests applicant to revise content of final application forms and/or report.	
6. If required, applicant revises content of forms and/or application report & resubmits to PRO.	Check again according to step 4
7. PRO ensures that final and revised application details are recorded.	WARMS/file

Steps in the process	Notes on action required
Stage 5(b): Final licence application is evaluated & a recommendation is made towards a decision	
1. PRO & Table 3 parties (DWAF-parties established in step 1 of stage 3 & other departments & I&AP's) evaluate application against **technical** criteria as required by the NWA (s 26 & Chapter 12 where applicable, e.g. what is the estimated effect of the use on the Reserve?).	Technical criteria: standards, regulations, best practice, estimated impacts, etc.
2. All parties decide on **technical acceptability** & record recommendations & conditions.	
3. PRO determines level of conducting ss22 & 27 evaluation. ⇒ If application is not technically acceptable, and socio-political advantages are not evident, a superficial s27 evaluation is conducted; ⇒ If application is not technically acceptable, but appears to have socio- economical advantages, an in-depth s27- evaluation is conducted; or ⇒ If application is technically acceptable, conduct normal s27 evaluation in terms of socio-economic aspects.	(These levels can later be used in a permanent procedure to determine appropriate levels of delegation for decision regarding application)
4. PRO & Table 3 parties (DWAF & I&AP's & other departments where applicable) evaluate application against **socio-economic** criteria (ss22 & 27) at the required level of detail.	
5. All-parties decide on **socio-economic acceptability** & record recommendations & conditions.	
6. Parties determine **DA** for decision regarding application from existing delegations issued by Minister (currently – only CD:WUC delegated to decide).	Until further notice, this step can be omitted
7. PRO ensures that recommendations regarding the approval/refusal of the licence applications and conditions established during technical & socio-economic evaluations are recorded.	WARMS/file
Stage 6: Final licence application is prepared for decision-making, decision is taken & applicant informed	
1. If issuing of licence is **recommended:**	
(a) PRO ensures that the requirements for charges for the water use applied for (and later waste discharge) are established & recorded.	WARMS/file
(b) PRO ensures that the correct series 27 file is opened by DWAF-Registry.	
(c) If applicable, PRO requests proof that all other (non-NWA) legislation have been complied with (e.g. EIA).	In writing
(d) PRO compiles a draft licence with conditions & distributes to relevant Table 3 parties (I&AP's & other departments if applicable) & requests comments.	In writing
(e) PRO receives, records & considers comments from parties & if required, updates draft licence, & records reasons for including or excluding comments from final draft licence.	
2. Irrespective of whether issuing of licence is recommended or not -	
(a) PRO prepares record of decision & final draft licence (if recommended) & sends with forms & summarised licence application report (if applicable) to LWUD.	(see Table 4)
(b) LWUD verifies record of decision, application details & final draft licence (if recommended) & submits via DWAF consultation parties on **routing** to DA for decision.	(see Table 3 & Table 4), & routing form (Appendix M)
(c) DA **decides** on issuing of the licence, & signs approval of licence/disapproval of application for a licence & Record of Decision & returns documentation to PRO.	
(d) PRO informs applicant & other parties regarding decision concerning a water use licence.	see Table 3
(e) PRO records licence status on WARMS/file.	
3. If application is **approved**:	
(a) PRO ensures that licence is issued to applicant, together with non-DWAF authorisations as decided in co-operative governance during process, if applicable.	
(b) PRO ensures that billing section is informed of the issuing of the licence.	
(c) Licensee may implement water use according to licence conditions.	
4. Irrespective of whether application is **approved or not approved** PRO manages objections against decision, if any, & refers appeals to Water Tribunal or other departments' appeal mechanisms, if applicable.	

4. GENERAL GUIDELINES

This chapter of the document contains general guidelines on the water use authorisation process, how to deal with specific situations that may arise with the implementation of the process, and an indication of the time scale for the authorisation process. Some golden rules and frequently asked questions are also discussed.

4.1 GUIDELINES FOR THE SIX STAGES

Some specific provisions play a central part in the assessment of a licence application, and the eventual decision regarding the issuing of such an authorisation, and are briefly discussed below.

4.1.1 Legal validation and assessment

Before requiring the applicant to embark on expensive studies during the process, the legal need for a licence in terms of statutory and policy requirements under the NWA (e.g. see s40(4)) must be determined. It must also be established whether any other legislation administered by other government departments could be applicable to an intention or activity that may require a water use licence. This is important to ensure co-operative governance, the execution of a harmonised authorisation process, and conformity with the objectives and requirements of all other appropriate statutes and policies, as discussed in paragraph 2. The PRO, DWAF LWUD, D:WRP and in some instances D:LS must therefore validate the application from a legal perspective to determine:

- Whether an application for a licence should be made;
- What water uses are involved;
- Whether the application had been made for the most appropriate and applicable water uses;
- Whether the application is not subject to a policy moratorium on the issuing of certain types of licences (e.g. no abstraction water use licences in catchments that are stressed from a water quantity perspective; and
- What the possibility is that legislation administered by the authorities listed in Table 6, or other legal constraints such a zoning requirements, could be applicable to the application that needs to be considered by DWAF during the authorisation process before a licensed water use can be implemented.

If there are any uncertainty regarding the last bullet listed above, namely the potential applicability of other legislation or legal constraints, the applicant should be requested to conduct a **legal assessment**. The requirements for a legal assessment will be different for the different water uses and combination of uses. For example, for **historical or existing** discharge or land-based disposal activities, it may be necessary to firstly determine the **current status** of the impacts of the activity on the environment, and any **applicable legislation** that may be associated with such impacts, and to establish **objectives** for the upgrading or remediation there-of.

A legal assessment conducted by the applicant should however at least indicate the following:

⇒ Name and address of applicant;
⇒ A brief description of the existing/proposed water use and associated activities;
⇒ A description of the title deed of the property on which the water use are to be implemented or for which the licence is applied for (where there are no title deed description available, for example in certain rural areas, a clear indication of the boundaries of the area must be provided by means of verified longitude and latitude co-ordinates);
⇒ An indication of any existing authorisations that had been issued to the applicant by DWAF, either under the 1956 Water Act or the NWA;
⇒ The various legal provisions to be complied with by the applicant, such as legislation administered by other departments;
⇒ Any other legal constraints that may be applicable to the proposed or existing water use, such as land claims, zoning, servitudes, etc.

4.1.2 Pre-assessment

One or more pre-assessments will need to be conducted to determine the **purpose, objectives, and efficiency** of the applied for water use(s). The first aspect that must therefore be determined by the PRO, the LWUD and Table 4-DWAF consultative parties is whether a pre-assessment is required from the applicant, from a Table 5-DWAF-component, or from both.

Once it has been established that a pre-assessment is required, the information requirements for the pre-assessment must be established. Since the different water uses may impact on different components of the resource in a multitude of ways, the information requirements for a pre-assessment for each specific water use should be established with the applicable Table 4-DWAF-party (see Appendix D). In future, these information requirements should be incorporated into guidelines developed by these DWAF-parties. Once the information requirements have been established, it must be provided to the applicant and/or the Table 5-DWAF-component.

The following are examples of information requirements for pre-assessments relating to different water uses:

(a) For water uses such as **abstraction**, it may be necessary that the **applicant** determine the need for the water use by investigating other alternatives such as the implementation of water conservation initiatives rather than the application for a licence to abstract additional water. In other cases, alternatives with regard to the positioning of the point of abstraction would also need to be investigated since it could

make a huge difference with regard to the impact of the abstraction. Abstracting water for irrigation purposes could involve the investigation of different irrigation alternatives, e.g. flood irrigation as opposed to drip irrigation. For such water uses, as well as water uses involving stream flow reductions, it may be also necessary that the **Table 5-DWAF-component** conduct a preliminary hydrological assessment, draft a Water Allocation Plan (WAP), or conduct a Strategic Environmental Assessment (SEA).

(b) Water uses such as the discharge of water containing waste into the resource would require the investigation of waste minimisation and **cleaner production** alternatives, or the investigation of alternative production technologies, re-use options, etc **by the applicant,** which could also include the drafting of a water management plan. For this type of water uses, alternative treatment technologies would also require investigation. It could be necessary that a desktop reserve be determined by the **Table 5-DWAF-component**, and provided to the applicant In order to assist with the determination of the BPEO.

The desktop determination of the Reserve, or a superficial determination of the Present Ecological Status (PES), would be particularly useful to provide a basis for further negotiation with the applicant especially in discussing alternative consumptive water uses, or design specifications of alternative treatment facilities for wastewater. For example, different receiving water quality objectives could necessitate the consideration of alternative treatment technologies

(c) For some water uses such as **new** s21(c) or s21(g) water uses (irrigation of water containing waste or **land-based disposal** activities), it may be necessary to conduct a pre-feasibility study as part of a **site selection** procedure, during which alternative sites are compared and the best site is selected from an environmental and socio-economical perspective.

(d) For **historical or existing** discharge or land-based disposal activities, the legal assessment would have indicated the existing status of the site, and objectives for the upgrading or remediation there-of. In the pre-assessment, **investigations into alternatives** for remediation as to how to achieve these objectives should now be conducted.

(e) For activities that entail new and innovative waste treatment technologies with an associated water use, a generic technology assessment may be necessary to determine the efficiency of such water use.

A pre-assessment conducted by the applicant should therefore indicate the following:

- Name and address of applicant;
- Description of preferred water use and associated activities.
- Purpose of the preferred water use applied for;
- Alternatives considered to the applied for water use;
- Efficiency of the preferred water use applied for as opposed to the other alternatives; and
- Motivation as to why the applied for water use is considered to be the BPEO.

Where uncomplicated water use(s) are involved, the pre-assessment can be included as a statement in the legal assessment conducted by the applicant, or as an introductory statement to the next stage, when the extent of any necessary investigations are determined. In most cases, however, it is a stand-alone report that includes an **investigation into alternatives to the applied for water use,** with conclusions regarding the **purpose and objectives of the water use**, which clearly illustrate that the use that is applied for is the best alternative water use.

In some cases, the outcome of the pre-assessment stage could indicate that a different water use, or a change to the applied for water use, would constitute the BPEO. This would then lead to an amended application, which should then be re-assessed from a legal perspective under stage 1. In most cases, it could be beneficial for the applicant to conduct the legal assessment and pre-assessment, when required, simultaneously.

4.1.3 Extent of the investigation

Similar to the pre-assessment stage, detailed investigations may be required from both the applicant, and applicable Table 5-components in DWAF. Depending on the specific water use and the status of the Reserve, the PRO and LWUD can decide whether or not detailed investigations are necessary, and therefore, whether or not the extent of such investigations should be determined by the applicant and/or Table 5-DWAF-components. For example, where legislation administered by other government departments are not applicable to the activity, a summary of the information provided during the preceding stages and on the application forms could be sufficient to arrive at a decision, and the applicant would not need to conduct detailed investigations. Also, if the Reserve had already been determined for a specific type of water use in a particular resource, it would be fruitless to request the Table 5-DWAF components to re-determine the Reserve for a new application for the same type of water use in the same water resource.

However, in the spirit of co-operative governance, the NEMA requirement that decision-making should be **harmonised**, and in accordance with ss22(3) and 22(4) of the NWA, it is necessary that the **applicant determine the extent of the licence application investigation** in order to avoid duplication. This is especially important in the case of an application for multiple water uses, or cases whereby the activity associated with the water use could be subject to legislation administered by another government

department. This should be done based on the information obtained during the legal assessment, and in consultation with all relevant parties that could be involved in, or affected by the application. Full integration with especially the EIA-process administered by the PDEA's is of utmost importance during this stage.

For new activities which are subject to the EIA regulations, this report regarding the extent of the investigation will be exactly the same as a "scoping report" envisaged in the EIA procedure, and the same report will be submitted to both DWAF and the relevant PDEA. In this process for water use licensing, it is not termed a "scoping report" in order to avoid confusion with the EIA-procedure, especially for those instances where the EIA-Regulations are not applicable. For activities that are subject to for example the Minerals Act, this report will serve the same purpose as the "Aide Memoir" prepared by the applicant, in which the extent of the investigations regarding the proposed activity is indicated.

If the applicant chooses not to conduct the different procedures administered by the different authorities (DWAF, PDEA, DME, etc) simultaneously, s/he can execute the procedures in series. However, it would then be his/her choice to have an expanded and extensive process, which may entail for example several public participation exercises, and the submission of different reports. It must also be re-iterated that an EIA-authorisation that had been approved would not imply that a water use licence will be granted as well, especially if these processes had not been conducted in a harmonised manner.

The content of the extent of investigation report submitted by the applicant will contain the following:

- Name and address of applicant;
- Description of water use and associated activities;
- Description of phases of the development and implementation of the water use;
- Description of what the information requirements of the various authorities entail;
- Description of what the issues and concerns raised by I&AP's are, and how the consultation with the I&AP's were conducted to establish these issues and concerns;
- Description of tasks to be performed based on respective information requirements of the various authorities, the issues raised by the I&AP's, and how these information requirements and issues are to be addressed through detailed investigations;
- An indication of the timeframes required for finalising these detailed investigations; and
- Concept designs in cases where engineering designs would form part of the intended water use.

It must be noted that the report indicating the extent of the investigations should not attempt to address issues and concerns, nor to assess impacts, since the purpose there-of is merely to indicate the extent of the investigations.

For some water uses, the information contained in the report indicating the extent of the investigations could be sufficient to facilitate a decision that a water use will not be allowed. In a few instances, the information provided in the report indicating the extent of the investigations could be sufficient to allow for a recommendation regarding the water use without detailed investigation, and the applicant can proceed to stage 5, the submission of a final licence application. In most cases, however, the detailed investigations would be required from the applicant.

4.1.4 Detailed investigations

Once the extent of the investigation has been determined, the potential impacts of the water use must be assessed. The assessment itself should follow a multi-media and multi-disciplinary approach (Fuggle & Rabie, 1994:618), integrating input from across conventional academic boundaries to evaluate the different components of the potential impact in a **harmonised** manner.

Once again, it must be emphasised that different water uses potentially have different impacts on different components of the water resource, and therefore these investigations will be different for each application. The specific type of investigations will also depend on the issues raised during public participation, in order to investigate, and/or address such concerns or issues. It may also be that other departments require detailed investigations, which are not required by DWAF for decision-making purposes. The detailed investigations will also be different for new intentions as opposed to existing activities. For example, for a new land based disposal activity, investigations can include hydrological, geological, geohydrological, ecological, etc., studies aimed at establishing the management options to prevent impacts on these components from occurring. For existing land-based disposal activities, these studies had already been conducted during the legal assessment, and the aim of the detailed investigation would be to determine residual impacts following the implementation of the preferred option, as determined during the pre-assessment.

The submission of the reports containing the outcome of the detailed investigations conducted by the applicant should coincide with the output from the RDM-office regarding the Reserve Determination, although it would be preferable if the Reserve could be determined beforehand. The Reserve is however crucial for the next step.

4.1.5 Final summary application report and Recommendation

In preparing the final application, the applicant formalises the assessment of the potential impact of his or her water use on the water resource. During this assessment it should be the responsibility of the person who is, or will be, undertaking activities that might pose a risk, to demonstrate technically (and at the appropriate level of detail) that such

activities will result in insignificant or negligible harm ("**burden of proof**" (Lemons, 1996:84)). The Reserve, once determined, is therefore provided to the applicant after the detailed studies have been completed, to be combined by the applicant in the final detailed application for a licence.

The **final/summary licence application report** contains:

⇒ licence application forms, which are revised and updated if required since the information provided on the initial forms could have changed in the light of the detailed investigations;

⇒ a **summary** of the outcome of the various detailed investigations, including an estimation of the potential impact on the Reserve; and

⇒ any detailed plans that may be associated with the implementation of the water use(s), such as monitoring plans, operational plans, detail design plans (where applicable), etc.

The report should indicate the mitigatory effects of the implementation of **risk-reduction and environmental protection measures** (safeguards or **preventative measures** implemented at the cost of the applicant) in the determination of the exposure.

It must be reiterated that where the EIA-regulations are applicable, this report will serve the same purpose as the EIA-report, and where the Minerals Act is applicable, this report will also address the specifications of an EMPR. Once again, if the applicant so chooses, separate processes could be executed, but with the understanding that the process to obtain authorisation would then be drawn out accordingly.

Once the report has been submitted, all those concerned must review it, including the I&AP's. During this review, it must be established whether all issues and concerns raised by members of the public have been adequately addressed. Also, it must be determined if the information requirements of DWAF have been satisfied. It is a Constitutional requirement that information obtained during the detailed investigations must be made available to the public in a manner that is **understandable** to the layperson, although the intricacies of the processes contained in such an evaluation mechanism may be of a highly evolved scientific nature, involving many complex sciences and models. The report must therefore make use of **terminology** that does not create confusion or enhance **perceptions** due to its common usage (e.g. "contamination") or emotional connotations (e.g. "hazardous/toxic"). This implies that it must make use of language that accurately describes the real hazards posed, the protection offered by safeguards or environmental factors and, in terms of their acceptability in relation to the Reserve, the different resultant impacts.

Once the detailed investigations have been completed, **two evaluations are conducted**. The one is a **technical** evaluation, during which the impact of the activity on the resource, in particular the Reserve is considered in comparison with the appropriate regulatory criteria, and other applicable technical criteria by properly qualified officials. The other evaluation relates to the potential **socio-economic and political** implications of the application, which are considered in consultation with other departments where applicable, as well as any I&AP's.

Provision must be made for decisions that must be made in the face of **uncertainty**, such as when doubt exists regarding the accuracy of information, or when there is any other source of uncertainty. It must therefore provide for the regulatory authority to form a **judgement** regarding the management of impacts.

During this review, I&AP's must be able to request that the optimum exposure levels for a specific area or water use be made less strict or stricter than national regulatory criteria. This implies that the Reserve and management class may be amended depending on the situation and the requirements of the I&AP's, although the final decision in this regard still resort with the DA.

4.1.6 Decision

All factors, including the above, which had been taken into consideration during the evaluation, are summarised in a Record of Decision. This is the document that must withstand scrutiny when appeals against the decision regarding the application are lodged to the Water Tribunal.

4.2 DEALING WITH SPECIAL SITUATIONS

The process as described above follows a logical progression from legal validation, pre-assessment, and determining the extent of the investigation, which are individually confirmed by DWAF and other authorities, to conducting the detailed investigations and submitting a final application, based on which a recommendation regarding a decision is made. It may however happen in some cases that the applicant does not follow this logical progression, and the following actions should then be taken to rectify the situation.

1. **The EIA-process is embarked on without prior discussion with DWAF:**
   If the Department becomes aware that a potential applicant initiated investigations to ensure compliance with legislation governed by other Departments, such as the EIA-regulations, without consulting with DWAF beforehand, action must be taken by the responsible DWAF-official. The continuation of scoping or detailed investigations for the purposes of an EIA would exclude the legal validation and pre-assessment stages, since the potential applicant would not always deem it necessary to consider alternatives, and the purpose and objectives of the water use could not be confirmed. If this is the case, the responsible DWAF-official must discuss the situation with the relevant PDEA, and must request them to put the EIA-process on hold, until such a time as the potential applicant had

consulted with DWAF and has completed the legal validation and pre-assessment stages. It would be in the potential applicant's own best interest to conduct the relevant detailed investigations simultaneously, and s/he must be informed of the advantages contained in this harmonised procedure. If the potential applicant is reluctant to implement this process accordingly, s/he must be advised that they may be required from them to embark on the entire process for licensing once the EIA-procedure has been completed, and that the issuing of an EIA-authorisation will by no means ensure the issuing of a water use licence. Co-operation with the PDEA is extremely important in this regard to rectify the situation.

2. **A complete application, including detailed investigations is submitted without prior consultation or following the preceding stages in the process:**

   If the complete application is submitted, together with a detailed investigation, without prior consultation with DWAF, and/or without following the preceding stages in the process, the application must be made subject to the different evaluation stages contained in the process, and according to the relevant consultations required during each step. This implies that the complete application is firstly evaluated in consultation with the relevant parties from a legal need for a licence perspective. If a licence is legally required and no constraints such as servitudes exists, the application is evaluated by the applicable parties to determine if the purpose, objectives and efficiency of the water use is acceptable, and the RDM-office is requested to provide information regarding the status of the determination of the Reserve. If the purpose, objectives and efficiency of the water use are not acceptable, the application is returned to the applicant with the necessary comments and process guidelines. If the purpose, objectives, and efficiency of the water use are acceptable, the application is evaluated as indicated in the process description by all concerned to determine if the extent of the investigations is acceptable. If not, the application is returned for revision. If it is acceptable, RDM-office is requested to ensure the determination of the Reserve if necessary, and the detailed investigations are evaluated to determine if they sufficiently address the respective information requirements. If not, the application is referred back to the applicant. If it contains adequate information, including the Reserve, the evaluation of the detailed application is continued according to stage 5. If not, the Reserve is provided to the applicant, and s/he is requested to revise the application accordingly, after which the evaluation continues according to the procedures prescribed in this document.

4.3 TIME FRAMES FOR WATER USE LICENCE APPLICATIONS

Since the different water uses have different impacts and information requirements, it is not easy to estimate the time required for a licence application. This is why it is important that a potential applicant or applicant provides DWAF as early as possible in the process with an indication of his/her time expectations or time constraints. The authorisation process can be influenced by many external factors, such as the applicability or not of other legislation, the location of the water use, the sensitivity of the water resource, the extent of the investigations that need to be conducted, etc. However, an attempt has been made to give an indication of time requirements based on the actions of the PRO and the LWUD, and is indicated in Appendix G.

4.4 SOME GOLDEN RULES OF THE AUTHORISATION PROCESS

1. An applicant must be informed as early in the process as possible that an application is likely to or may be unsuccessful, before expensive investigations are embarked upon.

2. Since a basic human right enshrined in the Constitution is the right to an environment that is not harmful to health or wellbeing, as reiterated in the NWA, and since some potential water uses could cause such harm to the environment, **no one has the right to a licence**.

3. An EIA-authorisation cannot replace a water use licence, since it does not address the requirements of the NWA. The granting of an authorisation under the EIA-Regulations therefore does not necessarily mean that a water use licence will be granted.

4. The implementation of a water use that requires a licence, and any construction activities associated with such implementation, may not commence without a licence being issued, and is an offence (s151(1)(a)). Any such implementation would be for the cost and the risk of the person implementing such use without proper authorisation, and with full knowledge that the authorisation (licence) for the water use may not be granted.

4.5 FREQUENTLY ASKED QUESTIONS

1. **What do we do with a licence application that has been submitted and investigations had been embarked on before the publication of this document?**

   In such cases, a gap analysis is conducted to determine where such application is in this process, and once the stage of the application has been determined, the rest of the process is then followed as described under point 2 of paragraph 4.2 above.

2. **For which water uses are a reserve determination not required?**

   An attempt has been made to give guidelines regarding this in Table 5. Where there are any unclarities, the DWAF LWUD and the CD:SS must be consulted. The golden rule is in cases where the water use does not impact on water quality or quantity.

3. **Do we need to register a new water use after it had been licensed?**

   No, only existing water uses are registered. Once a licence had been issued to a new water use, it is recorded on the WARMS system.

4. **When dealing with the disposal of waste on land, are s20(1) of the ECA or s21(g) of the NWA, or both, applicable?**

   An attempt has been made to provide guidance in this regard in Appendix E. A good, although not always applicable, guideline to use is that when the applicant accepts waste for treatment or disposal from someone else, s20(1) of the ECA is generally applicable.

5. **How must we handle a situation where a person says that s/he does not need to apply for a licence for a new (and not yet implemented) water use, since once it is implemented, it will be governed under the GA's, but we are unsure whether this will actually be the case?**

   Since it is not implemented, it cannot be generally authorised. Such person must embark on the authorisation process until it is clear that the implemented water use will definitely be governed in terms of the GA's.

6. **How do we deal with previously disadvantaged individuals who apply for a licence?**

   These individuals do not pay the prescribed licensing application fee, and DWAF provide them with special assistance in the execution of the authorisation process.

7. **When storing water containing waste in a dam (e.g. pollution control dam, evaporation dam, oxidation pond, etc), does a person apply for s21(b), s21(g), or both?**

   If the water in the dam can cause the groundwater component of the resource to deteriorate, it is regarded as water containing waste, and since it is disposed for evaporation to the atmosphere, the most appropriate applicable water use is s21(g).

8. **Do we only register Existing Lawful Uses?**

   No. All current water use must be registered according to the specific government notice requiring registration as promulgated. It must be kept in mind that the Registration of current water use does not authorise such use, but only provides DWAF with the information required to ensure proper resource management and prioritisation of future authorisations, especially with regard to the requirements for compulsory licensing.

4.6 SUMMARY

The process as described in this document is to be implemented with immediate effect, and such implementation should be conducted with the aim of evaluating the process with the aim of improvement. The capacity of those dealing with licence applications in DWAF will be built to facilitate the implementation of the process. Comments should be forwarded to the TTT on a continuous basis, and it is envisaged that a second edition will be issued in early 2001, depending on the comments received. Other actions that would influence the update and review of this document is the eminent revision of the methodology for the determination of the Reserve, as well as the finalisation of the WARMS design, which could lead to a revision of the licence application forms.

The most important activity following from the publication of this document is however the development of guidelines by those directorates in DWAF who are responsible for each specific water use in accordance with the authorisation process contained here-in.

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APPENDICES

Appendix A: Internationally accepted Principles of Sustainability

See paragraph 1 (on page 1) and paragraph 2.2 (page 2)

Principle	Description and Practical implications
Precautionary approach	This is a pro-active approach aimed at avoiding environmental impacts before they occur and has the purpose of **preventing pollution**. Principle 4 of the Rio Declaration (Agenda 21) states that environmental protection is an integral part of the development process, and cannot be considered in isolation.
The **Polluter Pays** principle	The polluter pays principle was formally adopted by the Nations of the World in 1992, and principle 16 of the Rio Declaration states that National Authorities should endeavour to **promote the internalisation of environmental costs** and the use of economic instruments, taking into account that **the polluter should, in principle, bear the cost of the damage caused to the environment**. The costs incurred with the action taken are for the account of the user of the resource, and should be in proportion to the risk. This implies that resource economics should be employed to ensure that the market price of a commodity should reflect environmental costs, threats, risks and liabilities. The principle must be used alongside a system of environmental standards and other measures that may prohibit seriously harmful polluting activities altogether, and which must be incorporated into the assessment and decision-making procedure.
The Cradle to Grave principle	This principle implies that there is "No away", and that the impacts of actions should be managed throughout project, product and/or service life cycles, from reconnaissance and conception to rehabilitation and aftercare.
The principle of an I**ntegrated and Holistic** approach	This principle entails an integration of traditional scientific realms and a holistic approach to the management of potential impacts on the environment. An objective of Agenda 21 is to restructure the decision-making process so that consideration of all aspects (socio-economic, environmental, etc) is fully integrated. It also requires an improvement in the interaction between the sciences and decision-making, using the precautionary approach to address uncertainty especially with respect to selecting the BPEO. Agenda 21 furthermore states that an iterative and multi-sectored approach must be followed that integrates technological, socio-economic, environmental and health considerations for all components of the water resource, including the subsurface portion there-of.
The principle that due consideration must be given to all **alternative options**.	The most sustainable option, known as the **Best Practical Environmental Option** (BPEO) should be implemented. The BPEO is defined by the British Royal Commission on Environmental Pollution as "the outcome of a systematic consultative and decision-making procedure that emphasises the protection of the environment across land, air and water. It establishes, for a given set of objectives, the option that provides the most benefit or least damage to the environment as a whole at acceptable cost in the short as well as long term".
The **Carrying Capacity** principle	This principle is aimed at ensuring that development does not exceed the natural carrying capacity of environmental systems, and forms the basis of the selection of the BPEO, and is related to the optimum beneficial use (or "maximum sustained yield" (Fuggle and Rabie, 1994:51)) of the resource. Decisions to allow water use under governance of a licence in terms of the NWA must be based on the concept of optimum beneficial use, or optimum exposure as indicated in paragraph 2.3.1
Continuous Improvement	This principle underpins environmental management systems such as ISO14001. It implies that managers will continuously implement measures to improve their systems, goods and services, and make them more eco-efficient by reducing resource consumption and waste generation through good housekeeping practices or "due diligence". The principle of continuous improvement furthermore entails the ongoing betterment of all factors relating to the management of the use of resources, including the criteria used in the assessment and decision-making approach, and the level of the assessment. According to Fuggle & Rabie (1994:617), policy on acceptable levels of exposure should continuously be revised and updated with new scientific knowledge, which in some cases may lead to more stringent criteria, or may show that some criteria have been unnecessarily restrictive. This also implies that procedural approaches such as contained in this document should be continuously improved.
Accountability and Liability	This principle entails firstly that line function managers are criminally liable for allowing actions causing pollution or damage to the environment. It implies secondly that there must be accountability for information provided and for decisions that may have an effect on the environment, and thirdly that a clear cut-off point must be set to define pollution in a procedure for determining the acceptability of such an action. It also implies that decision-makers can be held civilly responsible for the effects of their decisions.
Transparency and Democracy	This principle suggests that the people whose environment will be affected by a decision or action should be given the opportunity to be involved in such a decision, and that the manner in which decisions are taken should be transparent and reasonable. According to Hunt (1998:92), the decision-making approach must make provision for the problem of trust as a key factor in understanding risk and effectively participating in decision-making. Creating and maintaining trust goes far beyond public relations and two-way communication, and requires an approach that moves away from the notion of assessment and management being purely scientific exercises.

Appendix B: Applicable sections in the Constitution of South Africa, 1996 (Act no 108 of 1996)

(See paragraph 2.1 on page 2)

Section 24: Environment

The overriding purpose of the Constitution, namely to protect human rights, is related to the need for a sustainable use of our scarce natural resources, the promotion of conservation and the prevention of pollution and economic degradation as contained in s24. This section of the Bill of Rights enshrines the principles of the prevention of pollution and ecological degradation and promote conservation, as well as the concepts of sustainable development and use **of natural resources** while promoting justifiable economic and social development. S24(a) provides everyone the right to an environment that is **not harmful** to their health or wellbeing;, S24(b) provides everyone the right to have the environment **protected**, for the benefit of present and future generations, through **reasonable legislative and other measures.** Where-as a statute such as the NWA refer to legislative measures, an authorisation process as contained here-in will fall under the category of "other measures" aimed at protecting the environment while promoting sustainable development.

S24 clearly differentiate between the concepts of sustainable use and pollution. The principle of **sustainable development** (also referred to as intergenerational equity) is defined as the right of future generations to have the same quality of life and access to natural resources as the present generation. This is a shift away from away from the old approach, which pitted environmental concerns against economic and developmental aspirations, by requiring that they be integrated. The NEMA contains general provisions regarding environmental management and the NWA and Water Services Act, 1997 (Act 108 of 1997) was formulated to give legislative effect to ss24 and 27 of the Constitution respectively (Stein, 1999:7), insofar as the water resource is concerned.

Section 27 Access to water

Under s27 of the Constitution the right of every South African to have *access to sufficient water* (including water of sufficient quality) is guaranteed, and the State must take reasonable legislative and other measures, within its available resources, to achieve the progressive realisation of this right. The Water Services Act 108 of 1997 was promulgated, and the concept of the Reserve was introduced in the NWA, to give legal effect to this right.

Section 32 Access to information

Provides that everyone has the right of access to all information held by the State, in so far as s/he requires the information for the protection or the exercise of any of his/her own rights. It implies that a person can only request information from the State if s/he can motivate that he requires the information to protect or exercise his/her own rights. The Provision of Access to Information Act 2 of 2000 has been promulgated to give legal effect to this right, which gives anyone the right of access to any information held by the State, except –

⇒ information regarding the business of another party; and

⇒ information provided to or requested from the State Attorney.

The implication of this right is immense for an assessment and decision-making mechanism. In its nature, and on the basis of the provisions of s41 of the NWA, in which DWAF can obtain all the information it requires to evaluate a licence application, great care have to be taken in the gathering of information, which is what an authorisation process is all about. (Also refer to section 31 in the NEMA on access to information.).

Section 33 Just administrative action

This right entails that (a) everyone has the right to administrative action that is lawful, reasonable, and procedurally fair; and (b) everyone whose rights have been adversely affected by administrative action has the right to be given written reasons.

In terms of this right, all administrative actions of civil servants, including assessment and decision-making processes, must be within the law, always reasonable and always unbiased. Any action taken by a civil servant can be made subject to judicial review, in which case the official must be able to defend the actions and decisions on the grounds of fairness, lawfulness, and reason. For this reason, the NWA makes provision for an appeal procedure against decisions made in relation to licence applications, and the establishment of a Water Tribunal.

Section 38

Provides *locus standi* or the 'right to get involved' to any member of public. This means that a member of public has the right to take appropriate action to prevent environmental damage. This may include taking action against the responsible authority for failing to perform its duties in preventing environmental damage or against an individual or authority who are in the process of undertaking a water use identified in the NWA without the necessary authorisation to undertake such water use.

Section 39 Interpretation of Bill of Rights

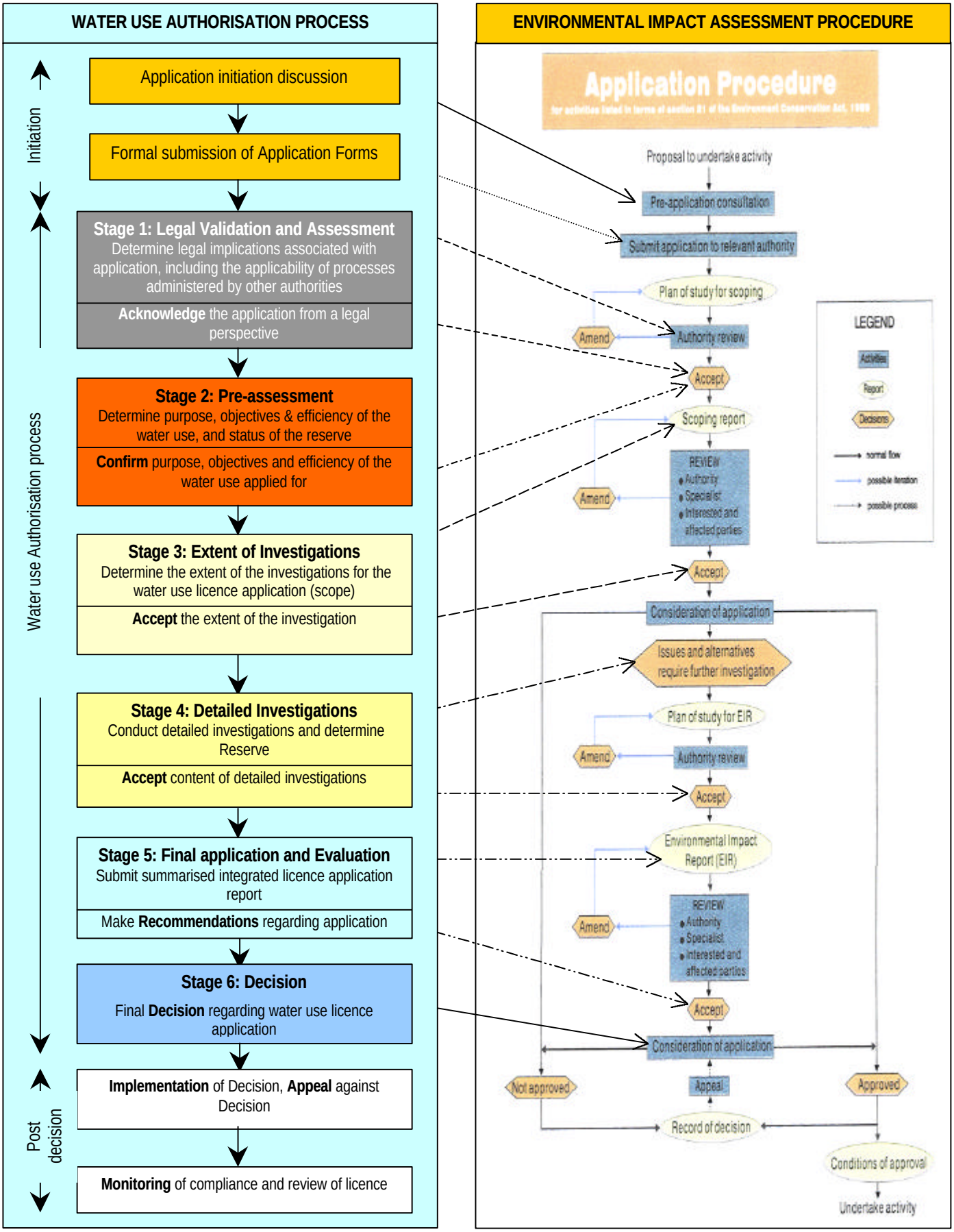
When interpreting the Bill of Rights, a court, tribunal or forum must promote the values underlying an open and democratic society based on human dignity, equality, and freedom, and must consider international law. When interpreting any legislation, and when developing common law or customary law, the spirit, purpose and objects of the Bill of Rights must be promoted. Therefor, when interpreting and applying for instance the NWA, the spirit, purpose and objects of the Bill of Rights must be taken into account.

Section 41

Provides principles for co-operative governance and intergovernmental relations.

Appendix C: Harmonisation of the Water Use Authorisation Process with the EIA Regulations

(See paragraph 2.6.1 on page 7)



Appendix D: Short description of guidelines for the process for each water use

(See paragraph 3.2 on page 19)

Water Use		**S21(a), Taking of water from a water resource (Groundwater)**
Stage in the process		
Application initiation		Contact the D:GH for guidelines regarding information requirements for the application initiation stage
Stage 1	Legal Assessment	Contact the D:GH for guidelines regarding information requirements for the legal assessment stage
Stage 2	Pre-assessment	Contact the D:GH for guidelines regarding information requirements for the pre-assessment stage
Stage 3	Extent determination	Contact the D:GH for guidelines regarding information requirements for the Extent determination stage
Stage 4	investigations	Contact the D:GH for guidelines regarding information requirements for the Detailed investigation stage
Stage 5	Final application	Contact the D:GH for guidelines regarding information requirements for the Final Application stage

Water Use		**S21(a), Taking of water from a water resource (Surface water)** **S21(a), Taking of water from a government water works: s112** **S21(b), Storing of water (not containing waste)** **S21(e), Engaging in a controlled activity: 37(1)(c) a power generation activity which alters the flow regime of a water resource**
Stage in the process		For the above water uses:
Application initiation		Contact the D:WU for guidelines regarding information requirements for the application initiation stage
Stage 1	Legal Assessment	Contact the D:WU for guidelines regarding information requirements for the legal assessment stage
Stage 2	Pre-assessment	Contact the D:WU for guidelines regarding information requirements for the pre-assessment stage
Stage 3	Extent determination	Contact the D:WU for guidelines regarding information requirements for the Extent determination stage
Stage 4	investigations	Contact the D:WU for guidelines regarding information requirements for the Detailed investigation stage
Stage 5	Final application	Contact the D:WU for guidelines regarding information requirements for the Final application stage

Water Use		**S21(c), Impeding or diverting the flow of water in a water course** (note: all river diversions are dealt with under s21(i) and structures capable of containing, storing or impounding water is dealt with under s21 (b)) **S21(i), Altering the bed banks, course, or characteristics of a watercourse**. (This includes altering the course of a watercourse, previously referred to as river diversions.)
Stage in the process		**(For Mines, Industries & local authorities)**
Application initiation		Obtain the guidelines regarding information requirements for the application initiation stage from D:SES (LWUD) and the appropriate consultative parties D:WU and D:WQM
Stage 1	Legal Assessment	Obtain the guidelines regarding information requirements for the legal assessment stage from D:SES (LWUD) and the appropriate consultative parties D:WU and D:WQM
Stage 2	Pre-assessment	Obtain the guidelines regarding information requirements for the pre-assessment stage from D:SES (LWUD) and the appropriate consultative parties D:WU and D:WQM
Stage 3	Extent determination	Obtain the guidelines regarding information requirements for the Extent determination stage from D:SES (LWUD) and the appropriate consultative parties D:WU and D:WQM
Stage 4	Detailed investigations	Obtain the guidelines regarding information requirements for the Detailed investigation stage from D:SES (LWUD) and the appropriate consultative parties D:WU and D:WQM
Stage 5	Final application	Obtain the guidelines regarding information requirements for the Final Application stage from D:SES (LWUD) and the appropriate consultative parties D:WU and D:WQM

Water Use		**S21(e), Engaging in a controlled activity: 37(1)(b) an activity aimed at the modification of atmospheric precipitation**
Stage in the process		
Application initiation		Contact the D:H for guidelines regarding information requirements for the application initiation stage
Stage 1	Legal Assessment	Contact the D:H for guidelines regarding information requirements for the legal assessment stage
Stage 2	Pre-assessment	Contact the D:H for guidelines regarding information requirements for the pre-assessment stage
Stage 3	Extent determination	Contact the D:H for guidelines regarding information requirements for the Extent determination stage
Stage 4	Detailed investigations	Contact the D:H for guidelines regarding information requirements for the Detailed investigation stage
Stage 5	Final application	Contact the D:H for guidelines regarding information requirements for the Final Application stage

Water Use		**S21(k), Using water for recreational activities**
Stage in the process		
Application initiation		Contact the D:SES for guidelines regarding information requirements for the application initiation stage
Stage 1	Legal Assessment	Contact the D:SES for guidelines regarding information requirements for the legal assessment stage
Stage 2	Pre-assessment	Contact the D:SES for guidelines regarding information requirements for the pre-assessment stage
Stage 3	Extent determination	Contact the D:SES for guidelines regarding information requirements for the Extent determination stage
Stage 4	investigations	Contact the D:SES for guidelines regarding information requirements for the Detailed investigation stage
Stage 5	Final application	Contact the D:SES for guidelines regarding information requirements for the Detailed investigation stage

Water Use		**S21(g), a NEW water use that entails disposing of waste in a manner which may impact on a water resource (NWA s21(g) and/or ECA s20(1) (See Appendix E)**
Stage in the process		**(For Local Authorities and/or Industries)**
Application initiation		Determine if the water use is governed under s20(1) of the ECA, under s21(g) of the NWA, under both these statutes, under neither or under other applicable legislation (See Appendix E for guidance)
Stage 1	Legal Assessment	Determine if any other legislation (EIA-Regulations, servitudes, zoning requirements, etc are applicable to the intention
Stage 2	Pre-assessment	Site selection report (See Minimum Requirements for Landfill sections 4.1 – 4.6)
Stage 3	Extent determination	Feasibility study and Report, Scoping Report (See Minimum Requirements for Landfill section 4.7)
Stage 4	Detailed investigations	Site investigation (See Minimum Requirements for Landfill section 6)
Stage 5	Final application	Permit/Licence Application Report, EIA & detailed plans (Site design, operation, monitoring, closure) (See Minimum Requirements for Landfill sections 5, 6, 8, 10 and 11)

Water Use		**S21(g), an EXISTING water use that entails disposing of waste in a manner which may impact on a water resource (NWA s21(g) and/or ECA s20(1) (See Appendix E)**
Stage in the process		**(For Local Authorities and/or Industries)**
Application initiation		Determine if activity is governed under s20 of the ECA, under s21(g) of the NWA, or under both these statutes under neither or under other applicable legislation (See Appendix E for guidance).
Stage 1	Legal Assessment	Establish the **existing impact** from the site, the **legal implications** of these impacts, and **objectives** for remediation (See Minimum Requirements for Landfill Sections 12.2 & 12.3)
Stage 2	Pre-assessment	Alternative options for upgrade/remediation & motivation for preferred option (See Minimum Requirements for Landfill Section 12.4). Validate if the implementation of the preferred option for upgrade/remediation is governed under s20 of the ECA, under s21(g) of the NWA, or under both these statutes, and the applicability of associated legislation (e.g. EIA) (See Appendix E for guidance).
Stage 3	Extent determination	Determine extent of investigating residual impacts after implementation of preferred upgrade remediation option (See Minimum Requirements for Landfill Section 12.5)
Stage 4	Detailed investigations	Investigation of residual impacts (See Minimum Requirements for Landfill Section 12.6)
Stage 5	Final application	Permit/Licence Application Report, EIA, & Plans (site design, operation, monitoring, rehabilitation) (See Minimum Requirements for Landfill Sections 5, 7, 8, 10, 11 & 12.7)

Water Use		**S21(g), a NEW water use that entails disposing of waste in a manner which may impact on a water resource (NWA s21(g) and/or ECA s20(1) (See Appendix E)**
Stage in the process		**(For Mines)**
Application initiation		Determine if the water use is governed under s20(1) of the ECA, under s21(g) of the NWA, under both these statutes, under neither or under other applicable legislation (See Appendix E for guidance)
Stage 1	Legal Assessment	Determine if any other legislation (EIA-Regulations, servitudes, zoning requirements, etc are applicable to the intention
Stage 2	Pre-assessment	Site selection report
Stage 3	Extent determination	Feasibility study and Report, Scoping Report
Stage 4	Detailed investigations	Site investigation
Stage 5	Final application	Permit/Licence Application Report, EIA & detailed plans (Site design, operation, monitoring, closure)

Water Use		**S21(g), an EXISTING water use that entails disposing of waste in a manner which may impact on a water resource (NWA s21(g) and/or ECA s20(1) (See Appendix E)**
Stage in the process		**(For Mines)**
Application initiation		Determine if activity is governed under s20 of the ECA, under s21(g) of the NWA, or under both these statutes under neither or under other applicable legislation (See Appendix E for guidance).
Stage 1	Legal Assessment	Establish the **existing impact** from the site, the **legal implications** of these impacts, and **objectives** for remediation
Stage 2	Pre-assessment	Alternative options for upgrade/remediation & motivation for preferred option. Validate if the implementation of the preferred option for upgrade/remediation is governed under s20 of the ECA, under s21(g) of the NWA, or under both these statutes, and the applicability of associated legislation (e.g. EIA) (See Appendix E for guidance).
Stage 3	Extent determination	Determine extent of investigating residual impacts after implementation of preferred upgrade remediation option
Stage 4	Detailed investigations	Investigation of residual impacts
Stage 5	Final application	Permit/Licence Application Report, EIA, & Plans (site design, operation, monitoring, rehabilitation

Water Use		**S21(d), Engaging in a stream flow reduction activity**
Stage in the process		See SFRA: Combined licensing and authorisation guidelines
Application initiation		See SFRA: Combined licensing and authorisation guidelines Step 1 and Step 2
Stage 1	Legal Assessment	See SFRA: Combined licensing and authorisation guidelines Step 2
Stage 2	Pre-assessment	See SFRA: Combined licensing and authorisation guidelines Step 3
Stage 3	Extent determination	See SFRA: Combined licensing and authorisation guidelines Step 4
Stage 4	investigations	See SFRA: Combined licensing and authorisation guidelines Step 5where applicable
Stage 5	Final application	See SFRA: Combined licensing and authorisation guidelines Step 5
Stage 6	Decision	See SFRA: Combined licensing and authorisation guidelines Step 6
	Implementation	See SFRA: Combined licensing and authorisation guidelines Step 7

Water Use		**S21(e), Engaging in a controlled activity: 37(1)(a) irrigation of any land with waste or water containing waste generated through any industrial activity or by a waterwork**
		S21(e), Engaging in a controlled activity: : 37(1)(d) intentional recharging of an aquifer with any waste or water containing waste
		S21(f), Discharging waste or water containing waste into a water resource
		S21(h), Disposing in any manner of water which contains waste from, or which was heated in, any industrial or power generation process
		S21(j), 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
Stage in the process		**(For Industries & local authorities)**
Application initiation		Obtain Guidelines regarding information requirements for the application initiation stage from the D:WQM (DD:Industries/Urban Development). Also refer to PAEDI Task 1
Stage 1	Legal Assessment	Obtain Guidelines regarding information requirements for the Legal Assessment stage from the D:WQM (DD:Industries/Urban Development). Review existing authorisations
Stage 2	Pre-assessment	Obtain Guidelines regarding information requirements for the Pre-assessment stage from the D:WQM (DD:Industries/Urban Development). Also refer to PAEDI Task 2
Stage 3	Extent determination	Obtain Guidelines regarding information requirements for the Extent determination stage from the D:WQM (DD:Industries/Urban Development). Also refer to PAEDI Tasks 3– 8
Stage 4	Detailed investigations	Obtain Guidelines regarding information requirements for the Detailed investigations stage from the D:WQM (DD:Industries/Urban Development). Also refer to PAEDI Tasks 9 – 13
Stage 5	Final application	Obtain Guidelines regarding information requirements for the Final application stage from the D:WQM (DD:Industries/Urban Development). Also refer to PAEDI Task 14 and Appendix 1 of the IND 1.0 document

Water Use		**S21(e), Engaging in a controlled activity: 37(1)(a) irrigation of any land with waste or water containing waste generated through any industrial activity or by a waterwork**
		S21(e), Engaging in a controlled activity: : 37(1)(d) intentional recharging of an aquifer with any waste or water containing waste
		S21(f), Discharging waste or water containing waste into a water resource
		S21(h), Disposing in any manner of water which contains waste from, or which was heated in, any industrial or power generation process
		S21(j), 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
Stage in the process		**(For Mines)**
Application initiation		Obtain Guidelines regarding information requirements for the application initiation stage from the D:WQM (DD:Mining). Also refer to PAEDI Task 1
Stage 1	Legal Assessment	Obtain Guidelines regarding information requirements for the Legal Assessment stage from the D:WQM (DD:Mining). Review existing authorisations
Stage 2	Pre-assessment	Obtain Guidelines regarding information requirements for the Pre-assessment stage from the D:WQM (DD:Mining). Also refer to PAEDI Task 2 and Steps 1, 2 and 3 of the M4 document
Stage 3	Extent determination	Obtain Guidelines regarding information requirements for the Extent determination stage from the D:WQM (DD:Mining). Also refer to PAEDI Tasks 3– 8 and Step 4 of the M4 document
Stage 4	Detailed investigations	Obtain Guidelines regarding information requirements for the Detailed investigations stage from the D:WQM (DD:Mining). Also refer to PAEDI Tasks 9 – 13 and Step 4 of the M4 document
Stage 5	Final application	Obtain Guidelines regarding information requirements for the Final application stage from the D:WQM (DD:Mining). Also refer to PAEDI Task 14 and Appendix A of the M4 document

Appendix E: Guideline to determine most applicable legislation for the disposal of waste on land

In terms of the NWA, waste is defined as any **solid material** or material that is suspended, dissolved, or transported in water (including sediment) and which is spilled or deposited on land or into a water resource in such **volume, composition or manner** as to cause, or to be reasonably likely to cause, the water resource to be polluted. S21(g) identifies disposing of waste in **a manner** which **may** detrimentally impact the water resource as a water use. In relation to existing provisions of s20 of the ECA, the following guideline can be used to determine the most appropriate legislation to be applied to a potential waste disposal activity (see paragraph 2.3.1 on page 2 and paragraph 2.6.2 on page 8). Please consult with the D:LS and the appropriate DWAF LWUD where circumstances are unclear.

Sector of Origin	Composition (approx. liquid content)	Commonly used Description	Manner of disposal	Legislation applied pre-NWA promulgation	Preferred Applicable legislation post NWA promulgation	Additional action required in terms of accompanying legislation
Domestic (90% or more domestic content)	> 90% #	Domestic waste water	Oxidation ponds/waste water ponds	Mostly s21 of 1956 WA	ELU/ NWA GA/ NWA s21(g) licence	
			On-site disposal systems (french drains, septic tanks, conservancy tanks, soakaways, pit latrines)	Mostly no water related legal control	NWA GA/ NWA s21(g) licence	
	50 – 90%	Domestic Sludge waste	Sludge ponds/sludge drying beds	Mostly s21 of 1956 WA	ELU/NWA GA/ NWA s21(g) licence	
			Commercial landfill sites	ECA s20 permit	ECA s20 permit	NWA s22(3) dispense licence requirement
			Domestic landfill sites	ECA s20 permit,	ECA s20 permit	NWA s22(3) dispense licence requirement
	10 – 50 %	Domestic waste	Domestic landfill sites	ECA s20 permit,	ECA s20 permit	NWA s22(3) dispense licence requirement
			Commercial landfill sites	ECA s20 permit	ECA s20 permit	NWA s22(3) dispense licence requirement
	< 10%	Domestic dry waste	Domestic landfill sites	ECA s20 permit	ECA s20 permit	NWA s22(3) dispense licence requirement
			Commercial landfill sites	ECA s20 permit	ECA s20 permit	NWA s22(3) dispense licence requirement
		Builders' rubble	Domestic landfill sites	ECA s20 permit	ECA s20 permit	NWA s22(3) dispense licence requirement
			Commercial landfill sites	ECA s20 permit	ECA s20 permit	NWA s22(3) dispense licence requirement
			Used for filling and levelling	None	NWA GA?/ NWA s21(g) licence	GA to be promulgated
		Human bodies	Graveyards	None	NWA GA?/ NWA s21(g) licence	GA to be promulgated
Mining (90% or more mining content)	> 90%#	Mining waste water	Irrigation	Mostly s21 of 1956 WA	ELU/NWA GA/ NWA **s21(e) licence**	
			Evaporation dams; waste water ponds/lagoons	Mostly s21 of 1956 WA	ELU/NWA GA/ NWA s21(g) licence	
			On-site disposal systems (french drains, septic tanks, conservancy tanks, soakaways, pit latrines, underground & surface storage, buildings)	Mostly no water related legal control	NWA GA/NWA s21(g) licence	
	20 – 90%	Mining Slurry/ Slimes/Discard	Slimes dams; Tailings dams Sludge ponds/lagoons, sludge drying beds, Evaporation dams, buildings	Mostly s21 of 1956 WA	ELU/ NWA GA/ NWA s21(g) licence	
			On site Domestic landfill sites	ECA s20 permit	ECA s20 permit	NWA s22(3) dispense licence requirement
			Onsite industrial dump area (industrial waste not originating on mine)	ECA s20 permit	ECA s20 permit	NWA s22(3) dispense licence requirement
			Onsite mining dump area (waste originating on mine)	Minerals Act EMPR	ELU,/NWA GA,/NWA s21(g) licence	
			Onsite industrial landfill sites (industrial waste not originating on mine)	ECA s20 permit	ECA s20 permit	NWA s22(3) dispense licence requirement
			Commercial landfill sites	ECA s20 permit	ECA s20 permit	NWA s22(3) dispense licence requirement
	< 20%	Dry mining waste, builders rubble	Ash dumps, slag dumps, rock dumps, sand dumps, overburden stockpiles, buildings	Minerals Act EMPR	ELU/ NWA GA/ NWA s21(g) licence	
	Any %	Radio-active	Any	Nuclear Energy Act	Nuclear Energy Act?/ NWA s21(g) licence	NWA s22(3) dispense licence requirement?
Agri-culture	> 50%#	Household waste water	On-site disposal systems (french drains, septic tanks, conservancy tanks, soakaways, pit latrines)	Mostly no water related legal control	NWA GA/ NWA s21(g) licence	
	< 50%	Household & farming waste	On-site disposal area	Mostly none; ECA s20 permit (one occasion)	NWA GA?	GA to be promulgated

Sector of Origin	Composition (approx. liquid content)	Commonly used Description	Manner of disposal	Legislation applied pre-NWA promulgation	Preferred Applicable legislation post NWA promulgation	Additional action required in terms of accompanying legislation
Industrial waste (90% or more industrial content)	> 90%#	Industrial waste water	Evaporation dams; waste water ponds/lagoons; Oxidation ponds	Mostly s21 of 1956 WA Sometimes s20 of ECA	ELU/ NWA GA/ NWA s21(g) licence OR ECA s20 permit *	NWA s22(3) dispense licence requirement
			On-site disposal systems (french drains, septic tanks, conservancy tanks, soakaways, pit latrines, underground storage, buildings)	Mostly no water related legal control	ELU/ NWA GA/ NWA s21(g) licence OR * ECA s20 permit	NWA s22(3) dispense licence requirement
	20 – 90%	Industrial Sludge waste	Sludge ponds/lagoons, sludge drying beds, Evaporation dams, Slimes dams; buildings	Mostly s21 of 1956 WA Sometimes s20 of ECA	ELU/ NWA GA/ NWA s21(g) licence OR ECA s20 permit *	NWA s22(3) dispense licence requirement
			Domestic landfill sites	ECA s20 permit	ECA s20 permit	NWA s22(3) dispense licence requirement
			Onsite industrial dump areas	ECA s20 permit	ECA s20 permit	NWA s22(3) dispense licence requirement
			Onsite industrial landfill sites	ECA s20 permit	ECA s20 permit	NWA s22(3) dispense licence requirement
			Commercial landfill sites	ECA s20 permit	ECA s20 permit	NWA s22(3) dispense licence requirement
	< 20%	Industrial ash waste	Ash dumps (power generation)	None	NWA GA /NWA s21(g) licence	
			Ash dumps (other),	ECA s20 permit	ECA s20 permit	NWA s22(3) dispense licence requirement
			Domestic landfill sites	ECA s20 permit	ECA s20 permit	NWA s22(3) dispense licence requirement
			Commercial landfill sites	ECA s20 permit	ECA s20 permit	NWA s22(3) dispense licence requirement
			Used for filling and levelling	ECA s20 permit	ECA s20 permit	NWA s22(3) dispense licence requirement
		Industrial dry waste	Slag dumps, rock dumps, stockpiles, buildings	ECA s20 permit	ECA s20 permit	NWA s22(3) dispense licence requirement
			Onsite industrial dump areas	ECA s20 permit	ECA s20 permit	NWA s22(3) dispense licence requirement
			Commercial landfill sites	ECA s20 permit	ECA s20 permit	NWA s22(3) dispense licence requirement
			Domestic landfill sites	ECA s20 permit	ECA s20 permit	NWA s22(3) dispense licence requirement
	< 10%	Builders' rubble	Domestic landfill sites	ECA s20 permit	ECA s20 permit	NWA s22(3) dispense licence requirement
			Commercial landfill sites	ECA s20 permit	ECA s20 permit	NWA s22(3) dispense licence requirement
			Used for filling and levelling	None	NWA GA?/ NWA s21(g) licence	GA to be promulgated
	Any %	Radio-active	Any	Nuclear Energy Act	Nuclear Energy Act/ NWA s21(g) licence	NWA s22(3) dispense licence requirement
Other	Sludge, slimes or silt	Waste from the desilting of dams	Applicable legislation depend on composition of waste	None	ELU/ NWA GA/ NWA s21(g) licence OR ECA s20 permit *	NWA s22(3) dispense licence requirement
	Any %	Any	Any facility that closed prior to August 1990	None	Directive in terms of s19 of the NWA	

= s21(h) could also be appropriate for these water uses.

* = DWAF can use discretion in determining the most appropriate legislation depending on the site-specific situation.

Appendix F: Guidelines for the Dam Safety Regulations to be conducted in a harmonised manner with the water use authorisation process

(See paragraph 2.3.5 on page 6)

The purpose of the Dam Safety Regulations (GN R 1560 of 25 July 1986) is to protect lives, property and water resource quality against unsafe conditions. The Dam Safety Regulations (DSR) specifies different requirements for existing dams as opposed to new dams. The authorisation procedure required in terms of the Dam Safety Regulations when applicable must be harmonised with two other authorisation processes, namely those specified for water use licences and those contained in the EIA-Regulations. This harmonisation would require the execution of the following in addition to the procedures and actions described in this document for water use licences

Stage in the process	Existing dams	New dams	
Application initiation	Discuss dam with DWAF Regional Officer	Enquiry about dam at DWAF Regional Officer,	
Legal Assessment	Determine if the dam is subject to DSR & apply for the registration of the dam if applicable. DSO registers dam	Determine if the proposed dam will be subject to DSR & apply for the classification of the dam if applicable	
Pre-Assessment	Applicant Classify existing dam DSO confirm classification in writing Determine if dam requires upgrading	Applicant Classify proposed dam DSO confirm classification in writing	
Extent of investigation	If dam requires upgrading, depending on the classification there-of, the requirements as described under new dams will be applicable from this stage onward	For category I dams, the owner apply for a licence to construct the dam on the appropriate forms	For category II and III dams, an approved professional person/engineer (APP) apply for a licence to construct the dam on the appropriate forms
Detailed investigation		Applicant Prepare construction drawings	Applicant Prepare: • design report, engineering drawings, construction specifications, quality control for construction. • operation and maintenance manual and emergency preparedness plan)
Final application		Applicant Submit construction drawings	Applicant Submit design report, engineering drawings, construction specifications, &quality control for construction.
Decision		Once EIA-authorisation is approved, and after the water use licence is issued, the licence to construct a dam with a safety risk is issued.	Once EIA-authorisation is approved, and after the water use licence is issued, the licence to construct a dam with a safety risk is issued.
Implementation		• Construction commences once licence to construct had been issued • On completion, the dam must be registered.	• The dam is constructed under the governance of the licence to construct. • Before impoundment may commence or the water level may rise, the APP must apply for a permit to impound (submit application form , operation and maintenance manual and emergency preparedness plan). • Once the dam has been completed, the APP must submit a construction completion report, a completion certificate and as built drawings. • On completion, the dam must be registered

Appendix G: Estimated Time Requirements for Water Use Authorisation Process

Steps in the process	Time Requirements
Application initiation	
Enquiry, Discussion and provision of application forms.	1 working day
Formal application	
Receipt of application forms, assign PRO responsibilities, conduct admin check, record application form details acknowledge receipt of application.	1 week (5 working days)
Stage 1: Legal assessment	
Establish water uses involved, DWAF LWUD & other DWAF Parties to be consulted during process.	1 working day
Validate application against statutory requirements & determine if legal assessment is required from applicant.	1 week (5 days)
Request information on status of determination of Reserve & request applicant to conduct legal assessment.	1 working day
Evaluate application and/or legal assessment to verify need for a licence, decide on application status, record decision, inform applicant & acknowledge legal requirement.	1 week (5 working days)
Stage 2: Pre-assessment	
Determine if pre-assessment is required from applicant and/or from DWAF-component, establish parties for evaluation, obtain info requirements & request applicant and/or DWAF-component to conduct pre-assessment.	1 week (5 working days)
Evaluate pre-assessment, decide on application status & record decision, inform applicant & confirm objectives.	1 week (5 days)
Stage 3: Extent of the investigations is determined	
Establish & record DWAF-parties involved in evaluation of licence application & obtain information requirements.	1 working day
Provide applicant with information requirements & request to determine extent of licence application investigation in consultation with all other identified parties. If required, request applicant to obtain information requirements from other departments. If necessary, request applicant to publish licence application details.	1 working day
Based on reply of the RDM-office, determine responsibility for Reserve investigation. If required, request DWAF components that are to investigate aspects of the application to determine the extent of their investigations.	1 working day
Evaluate extent of investigation report(s) to determine if detailed investigations will be necessary, & if information requirements will be met during investigation. Decide on application status & record decision.	1 week (5 working days)
Develop & record the overall work schedule for the licence application investigation based on proposed time frames submitted by applicant & DWAF-components, where applicable.	1 working day
Accept extent of investigation & inform applicant & DWAF-component(s) of overall work schedule & request to conduct investigations according to work schedule & accepted report regarding extent.	1 working day
Stage 4: Detailed investigations	
Evaluate contents of investigation reports in terms of acceptability with regard to DWAF information requirements. If required, request applicant to submit reports to other departments for evaluation. Decide on application status & record decision. Accept content of detailed investigations.	1 week (5 working days)
Appropriate authority approves Reserve.	1 working day
Stage 5: Detailed licence application & Recommendation	
Assemble information from detailed investigations conducted by DWAF-components (including determined Reserve) and other parties, if applicable.	1 week (5 working days)
Provide applicant with assembled information, including Reserve determination, & request applicant to prepare summary integrated licence application report.	1 working day
Check revised licence application forms & content of summary integrated application report for specified information requirements.	1 working day
Evaluate application against technical & socio-economic criteria, decide on acceptability & record recommendations & conditions.	10 working days
Ensure that recommendations regarding the approval/refusal of the licence applications and conditions established during technical & socio-economic evaluations are recorded.	1 working day
Stage 6: Decision-making	
If issuing of licence is recommended, requirements for charges for the water use applied for are established & recorded & correct file is opened. Request proof that all other (non-NWA) legislation have been complied with (e.g. EIA). Compile a draft licence with conditions & distributes) & request comments.	1 working day
Receive, record & consider comments from parties & if required, update draft licence, & record reasons for including or excluding comments from final draft licence.	1 week (5 working days)
If licence cannot be issued, forward application with recorded recommendation through DWAF LWUD to DA.	1 working day
Irrespective of whether issuing of licence is recommended or not - prepare record of decision & final draft licence (if recommended) & sends with forms & summarised licence application report (if applicable) to LWUD.	1 week (5 working days)
Verify record of decision, application details & final draft licence (if recommended) & submit via DWAF consultation parties on routing to DA for decision.	1 week (5 working days)
DA decides on issuing of the licence, signs approval of licence/refusal of application for a licence & Record of Decision & returns documentation to PRO.	1 working day
Inform applicant & other parties regarding decision concerning water use licence application & record status.	1 working day
If application is approved: ensure that licence is issued to applicant.	1 working day
TOTAL	**100 working days**

Appendix H: Example of Standard Letter of reply to applicant informing of the status of the application

(Note that in these examples (Appendix H to Appendix L), words in *blue italics* can be changed according to the specific situation or stage in the process)

PRO DWAF Official
(012) 338-7556
16/2/7/A123/B1/Z1

The Engineer
ACME Electricity Power Station
P.O. Box 4009
RODORA
1685

Sir/Madam

APPLICATION IN TERMS OF SECTION 40 OF THE NATIONAL WATER ACT, 1998 (ACT 36 OF 1998) FOR A SECTION 21(*g*) WATER USE LICENCE: *(PROPOSED) DISPOSAL OF WASTE ON LAND*

Our discussion regarding an application/Your application (numbered XXXXXXXX) for a section 21(*g*) water use licence in terms of section 40 of the National Water Act, 1998 (Act 36 of 1998) *and documentation received by this office on /dated 2000-10-28 in support of this application* for the *(proposed) disposal of waste on land*, refers.

According to section 41(1) of the above-mentioned Act, any application for a water use must be made in the form and contain the information determined by the responsible authority. The relevant **form** for your specific intended water use *is attached and should be completed according to the guidelines provided herewith to you* / *had not been completed correctly* / *was found to be incomplete* / *had been completed correctly and* ***receipt there-of is hereby acknowledged***.

AND/OR

You are hereby requested to *conduct a legal assessment / pre-assessment / determine the extent of investigations / conduct the detailed investigations / prepare a summarised licence application report*, which should address the information requirements outlined in the *attached Guidelines* / *Guideline documents as provided to you / extent of investigations report as submitted and accepted*. Please note that the date on which this information is received, will be recorded as the time of the continuation of the processing of your licence application.

OR

The information contained in the *legal assessment* submitted in support of your application has been evaluated, and on the basis of the information provided, the *legal need for a licence for* the water *use(s)* applied for is hereby ***acknowledged***.

OR

The information contained in the *pre-assessment* submitted in support of your application has been evaluated, and on the basis of the information provided, the *purpose, objectives and efficiency of* the water *use(s)* applied for is hereby ***confirmed***.

OR

The information contained in the *extent of investigations* submitted in support of your application has been evaluated, and on the basis of the information provided, the *extent of investigations to determine the impact on the water resource for* the water *use(s)* applied for is hereby ***accepted***.

OR

The information contained in the *detailed investigations* submitted in support of your application has been evaluated, and on the basis of the information provided, the *detailed investigations determining the impact on the water resource for* the water *use(s)* applied for is hereby ***accepted***.

OR

The information contained in the *legal assessment* / *pre-assessment* / *extent of investigations* / *detailed investigations* submitted in support of your application had been evaluated, and the information submitted was found to be incomplete, and you are hereby requested to supply the necessary information *as indicated in Annexure A.* Please note that the date on which this information is received, will be recorded as the time of the continuation of the processing of your licence application.

Please do not hesitate to contact *Ms P. Poggenpoel* of this Department should you have any enquiries.

Yours faithfully

REGIONAL DIRECTOR/ DIRECTOR-GENERAL

Appendix I: Example of Front Page for Submission for Decision regarding a Licence Application

(Note that in these examples (Appendix H to Appendix L), words in *blue italics* can be changed according to the specific water use)

File No.:16/2/7/U602/B33/1

Department of Water Affairs and Forestry

DIRECTOR: WATER QUALITY MANAGEMENT
Private bag X313, PRETORIA, 0001

APPLICATION FOR A SECTION 21(*g*) WATER USE LICENCE IN TERMS OF SECTION 40 OF THE NATIONAL WATER ACT, NO 36 of 1998

on application by

ACME ELECTRICITY POWER STATION

For

ASH DISPOSAL SITE

(insert map here)

SCALE: (1:50 000)

Appendix J: Example of Record of Decision for Non-Approval of a Licence Application

(Note that in these examples (Appendix H to Appendix L), words in *blue italics* can be changed according to the specific water use)

File No.: 16/2/7/U602/B33/ZY1

Department of Water Affairs and Forestry

DIRECTOR: WATER QUALITY MANAGEMENT
Private bag X313, PRETORIA, 0001

APPLICATION FOR A SECTION 21(*g*) WATER USE LICENCE IN TERMS OF SECTION 40 OF THE NATIONAL WATER ACT, NO 36 of 1998

RECORD OF DECISION

Regarding the application by

ACME ELECTRICITY POWER STATION ASH DISPOSAL SITE

The following recommendation is made regarding the attached application from the above concern:

THE APPLICATION FOR A WATER USE LICENCE SHOULD NOT BE GRANTED

This recommendation is made for the following reasons:

1. *A completed set of application forms for a licence to dispose of ash at a position on the premises of this applicant was received on 28 July 2000 (See Annexure A).*
2. *Receipt of the application was issued to the applicant on 3 August 2000, and the applicant was requested to conduct a legal assessment, and select an appropriate site for the disposal of the ash according to the prescribed guidelines (letter attached as Annexure B).*
3. *A response was received from the applicant on 8 August 2000, stating that no site selection is deemed necessary by them, since they own the land in question, and requesting to initiate the disposal of ash on this site from 31 October 2000 (Annexure C).*
4. *On 31 August 2000, three officials from the Department visited the intended site, and found that it was located in a wetland area. The applicant was informed in a letter dated 7 September 2000 that the site is not acceptable to the Department, and that a site selection procedure should be followed according to the prescribed guidelines, and that the applicant should initiate negotiations with the applicable Department for the Environment, since the EIA Regulations are applicable to this activity. (Annexure D)*
5. *The applicant replied in a letter from their attorney dated 21 September 2000 that they do not agree and insisted that a licence be issued to them on the basis of the completed application forms. See Annexure E.*
6. *Since the disposal of ash is to be conducted in an area under governance of the EIA-regulations, and the applicant has not complied with these regulations, as well as the fact that the proposed site will be located in a wetland, and would impact upon the resource quality, the issuing of a licence cannot be recommended.*

The application should therefore not be approved and the granting of a Licence is not supported.

C. Bosman 2000-10-12

Appendix K: Example of Record of Decision regarding Approval of a Licence Application

(Note that in these examples (Appendix H to Appendix L), words in *blue italics* can be changed according to the specific water use)

File No.: 16/2/7/U602/B33/ZY1

Department of Water Affairs and Forestry

DIRECTOR: WATER QUALITY MANAGEMENT
Private bag X313, PRETORIA, 0001

APPLICATION FOR A SECTION 21(*g*) WATER USE LICENCE IN TERMS OF SECTION 40 OF THE NATIONAL WATER ACT, NO 36 of 1998

RECORD OF DECISION

Regarding the application by

ACME ELECTRICITY POWER STATION ASH DISPOSAL SITE

The following recommendation is made regarding the attached application from the above concern:

THE APPLICATION FOR A WATER USE LICENCE SHOULD BE APPROVED

The following aspects were taken into account with regard to this recommendation:

1. *A completed set of application forms for a licence to dispose of ash at a position on the premises of this applicant was received on 28 July 2000 (See Annexure A).*
2. *The applicant conducted a site selection to select the most appropriate site for this disposal, taking into account environmental and socio-economic factors, and eliminating areas with fatal flaws according to the prescribed guidelines.*
3. *A legal assessment was undertaken by the applicant, which should no legal constraints such as servitudes against the preferred site.*
4. *In consultation with I&AP's, the Provincial Environmental Department and DWAF, the applicant determined the extent of investigation regarding the application.*
5. *Detailed investigations with respect to geohydrology, air quality and population migration was conducted, which showed that with the implementation of mitigatory measures such as base preparation, soil compaction, dust control, the site would not adversely impact on the environment or neighbours.*
6. *In accordance with the policy of the RDM office, an ecological reserve determination was not necessary.*
7. *A basic human needs reserve determination was conducted by the applicant as part of the geohydrological investigation. The site will not adversely impact on this reserve, provided that the control measures mentioned above are implemented and controlled.*
8. *These findings were summarised in a licence application report, attached as Annexure B.*

The following aspects were taken into account with the drafting of the Licence:

1. *The outcome of discussions held on 28 September 2000 with I&AP's regarding the application resulted in the formulation of a recommendation that a licence should be issued (minutes attached as Annexure C).*
2. *No legal constraints exist that prohibit the issuing of a licence. The site is zoned as "General Industrial" according to the attorney's letter attached as Annexure D. An EIA-authorisation had been issued by the Provincial Department for the Environment (Annexure E)*
3. *A draft licence for discussion (Annexure F) had been compiled and distributed to the applicant and the local community for their comments. These comments are attached as Annexure G respectively. Some of these comments were included in the final draft licence, and the official response to these comments is attached as Annexure H.*

The application is recommended and the granting of a Licence is supported.

C. Bosman 2000-10-11

Appendix L: Example of Checklist regarding Approval of a Licence Application

(Note that in these examples (Appendix H to Appendix L), words in *blue italics* can be changed according to the specific water use)

CHECKLIST: WASTE DISPOSAL ON LAND

Application by		**Application Date**	
Name of the Site:		**Classification:**	

Indicate the completeness of the application by answering yes (Y), no (N), or not applicable (N/A). If the answer to any of the questions is NO, the Record of Decision must contain adequate motivation in support of the processing of the application.

		Y	N	N/A
1.	**Have the following been considered with regard to the application?**			
	a) Any other possible water uses associated with this water use that could require licensing?			
	b) The most applicable legislation to govern the water use by (NWA vs. other applicable legislation)			
	c) The legal need for a licence (as opposed to an Existing lawful use or a General Authorisation)			
	d) The purpose, objectives and efficiency of the water use			
	e) The potential impacts of the water use on the environment			
	f) The potential impacts of the water use on the water resource			
	g) The Reserve			
	h) The impact of the water use on resource quality objectives			
	i) The technical acceptability and efficiency of infrastructure associated with the water use			
	j) The socio-economic impacts of the water use			
	k) The socio-economic advantages of the water use			
2.	**Did the applicant submit the following relevant documentation and reports (which are required in terms of the authorisation protocol)?**			
	a) Correctly completed Application Forms			
	b) Legal Assessment			
	c) Pre-assessment: Site Selection Report			
	d) Extent of investigation/Scoping: Feasibility Study Report & Conceptual Design			
	e) Detailed investigations:			
	i) Geohydrological Report			
	ii) Geological Report			
	iii) Other (specify)			
	iv) Environmental Impact Control Report (EICR)			
	f) Final Application Report/ Environmental Impact Assessment (EIA)/ Environmental Impact Programme (EMP)			
3.	**Does the FINAL APPLICATION REPORT contain a summary of the following aspects?**			
	a) Public Participation			
	b) Investigation of potential fatal flaws/critical factors			
	c) Location of site demarcated on a 1:50 000 map			
	d) Co-ordinates of site boundaries on a locality map			
	e) Amended title deed for closed sites to place a building restriction on the property			
	f) Other:			
4.	**Are the following relevant plans, which are required in terms of the authorisation protocol submitted by the applicant in the FINAL APPLICATION REPORT?**			
	a) Technical Design			
	b) Site Development Plan			
	c) Operation and Maintenance Plan			
	d) Closure Rehabilitation Plan			
	e) End-Use Plan			
	f) Water Quality Monitoring Plan			

5.	**Are these reports and plans referred to in the draft Licence?**			
6.	**Was the draft licence circulated for comment to I&AP's?**			
7.	**Are the following documentation attached to the Record of Decision?**			
	a) Correct route form			
	b) Draft Licence			
	c) Proof of ownership/ agreement with owner if applicant and land owner is not the same			
	d) Written confirmation of site feasibility from DWAF, including Confirmation of site classification			
	e) EIA-Authorisation from Provincial Department of Environment			
	f) Recommendation by Department of Health, including confirmation of bufferzone			
	g) Recommendation by Directorate Civil Design			
	h) Recommendation by Directorate Geohydrology			
	i) Proof of correctly zoned land use			
	j) Motivation for waste reclamation, including reclamation management plan			
	k) Motivation for burning of waste (only allowable if properly motivated for G:C and G:S sites located more than 1000m downwind from nearest residential areas)			
	l) Motivation as to why leachate must be diverted to sewerage works			
	m) Written agreement with sewerage works to accept leachate			
8.	**Are the following aspects addressed in the draft Licence?**			
	a) Correct title deed description			
	b) Description of site boundaries, including final height			
	c) Recommendations from Departments of Environment Affairs and Health			
	d) Appropriate Bufferzone			
	e) Burning of waste			
	f) Waste reclamation			
	g) Stormwater control measures (as included and described in approved design plans)			
	h) Leachate control measures (as included and described in approved design plans)			
	i) Recommendations from Directorates Civil Design and Geohydrology			
	j) Description and co-ordinates of boreholes			
	k) Co-ordinates of other monitoring positions			
	l) Gas monitoring			
9.	**General**			
	a) Is the latest updated version of the standard licence used for the drafting?			
	b) Are the licence conditions specifically adapted for the specific type of water use or site, or for closure or operation?			
	c) Is the draft licence checked for spelling and grammar?			
	d) Do the numbers of cross referenced conditions correspond with each other?			
	e) Do the numbers on the Annexures correspond with the numbers of the conditions?			
	f) Are the pages of the licence numbered?			
	g) Is an electronic version of the draft licence included/forwarded by e-mail?			
10.	**Financial & Information Management**			
	a) Has the routing form been developed to include all DWAF parties?			
	b) Are the requirements for charges of the water use established and recorded?			
	c) Has a file been opened on the 27-series?			
	d) Is the final application data correctly captured on WARMS?			
	e) Is the information relating to the application captured on WMS/Waste Manager?			

Name of official(s) compiling the LICENCE		**Date:**	

Appendix M: Example of route-form regarding Approval of a Licence Application

ROUTE FORM FOR APPROVAL OF A SECTION 21(*g*) WATER USE LICENCE APPLICATION UNDER SECTION 40 OF THE NATIONAL WATER ACT, NO 36 of 1998

Applicants Name:	
Address:	
Date of application:	

Herewith a LICENCE prepared by _____ for your consideration and approval. Attached is a copy of the application form, *and* record of decision prepared by the above-mentioned official *and summary licence application report containing supporting information as prepared by the applicant.*

1. * To DIRECTOR: *WATER QUALITY MANAGEMENT* (LEAD WATER USE DIRECTORATE)
I recommend the issuing of the LICENCE based on the Record of Decision hereby attached and subject to the draft LICENCE conditions and refer it for further processing.

Signed: _____ Date: _____20 ____
REGIONAL DIRECTOR

2. To DIRECTOR: *GEOHYDROLOGY* (DWAF-CONSULTATIVE PARTY 1)
LICENCE for your comments and verification.

Signed: _____ Date: _____ 20 ____
p.p. DIRECTOR: *WATER QUALITY MANAGEMENT* (LEAD WATER USE **DIRECTORATE**)

3. To DIRECTOR: *CIVIL DESIGN* (DWAF-CONSULTATIVE PARTY 2)
LICENCE for your comments and verification.

Signed: _____ Date: _____ 20 ____
DIRECTOR: ***GEOHYDROLOGY*** (DWAF-CONSULTATIVE PARTY 1)

4. To DIRECTOR: LEGAL SERVICES
LICENCE for your comments and verification.

Signed: _____ Date: _____ 20 ____
DIRECTOR: ***CIVIL DESIGN*** (DWAF-CONSULTATIVE PARTY 2)

5. To DIRECTOR: ADMINISTRATION
LICENCE for your comments and verification.

Signed: _____ Date: _____20 ____
DIRECTOR: LEGAL SERVICES

6. To DIRECTOR: *WATER QUALITY MANAGEMENT* (LEAD WATER USE DIRECTORATE)
LICENCE for your finalisation and forwarding to Chief Director: Water Use and Conservation.

Signed: _____ Date: _____ 20 ____
DIRECTOR: ADMINISTRATION

7. To CHIEF DIRECTOR: WATER USE AND CONSERVATION (DELEGATED AUTHORITY)
LICENCE for your consideration and approval.

Signed: _____ Date: _____ 20 ____
DIRECTOR: *WATER QUALITY MANAGEMENT* (LEAD WATER USE **DIRECTORATE**)

8. To DIRECTOR: *WATER QUALITY MANAGEMENT* (LEAD WATER USE DIRECTORATE)
Herewith approved and signed LICENCE. Arrange for original to be sent to applicant and other copies to be distributed according to standing instructions.

Signed: _____ Date: _____ 20 ____
CHIEF DIRECTOR: WATER USE AND CONSERVATION

* Adapt step 1 for Licences where Responsible Officer is not employed by Regional Office

NOTES:

REPLY SHEET

Your comments on the Water Use Authorisation Process (Individual Applications) will be of great value in improving the document. To comment, please complete the following and fax or mail it to the Technical Task Team for Licensing, or send us the information by e-mail (the Reply Sheet can be e-mailed to you on request for completion, if you prefer).
Comments should be addressed to:

Technical Task Team for Water Use Licensing
c/o The Director: Water Quality Management
Department of Water Affairs and Forestry
Private Bag X313, Pretoria, 0001

For Attention: Carin Bosman
Phone: (012) 336-7556, Fax (012) 323-0321; carin@dwaf.pwv.gov.za)

Title (Mr/Ms/Dr) …… First name and surname ……

Organisation ……

Position ……

Postal address ……Code …….

Tel: (……) …… Fax: (……..) ……....

Email: …… Cell: ……..

❑ I suggest that you ensure the following people/organisations are contacted for their comments ***(please include any contact details you may have at your disposal)*:**

……

……

……

❑ I wish to make the following comments at this stage on the Water Use Authorisation Process:
(please use another page if necessary)

Paragraph No	***Page No***	***Comment***

……

……

……