

DEPARTMENT OF WATER AFFAIRS AND FORESTRY
Recreational Water Use Manual
 Guideline

Subject:	Guidelines for Recreational Water Use Authorisation.
Purposes:	To clarify the water use entitlements and authorisations in terms of the National Water Act (NWA), 1998 (Act No. 36 of 1998) applicable to Recreational Water Use (RWU).
Authority:	NWA, Chapter 4 and Section 21(k).
Approval:	Director: Water Abstraction and Instream Use, October 2006.
Contact:	Department of Water Affairs and Forestry, Sub-directorate Environment and Recreation, Private Bag X 313, PRETORIA, 0001, Republic of South Africa, Tel: (012) 336 8224; Fax: (012) 336 6608; E-mail: deb@dwaf.gov.za .

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1. DEFINITION

Section 21(k) water use or recreational water use means the use of water for recreational purposes, including all activities that require the use of water, including the surface of water, for–

- (a) the exclusive purpose of sport, tourism or leisure;
- (b) personal or commercial recreational water use; or
- (c) activities which contribute to the general health, well-being and skills development of individuals and society.

2. CURRENT AUTHORISATIONS

The only water use entitlement (other than the authority to continue with an existing lawful use) that applies to RWU is Schedule 1 of the NWA.

A person may use the water or the water surface of a water resource for recreational use, as set out in Schedule 1 or may continue with an existing lawful water use in accordance with section 34 of the NWA.

As the purpose, manner or extent of water use is not described in Schedule 1 in respect of recreational use, other than the requirement for lawful access and compliance with relevant legislation and regulations (including regulations of the NWA), a general authorisation or licence under this Act does not apply to Section 21(k) water use.

At present the only departmental regulations limiting Schedule 1 use are Government Notice R.654 dated 1 May 1964. Other pertinent legislation and regulations are the Public Finance

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Management Act (PFMA) and Procurement Practice Notes issued in terms of the PFMA pertaining to tourism Public Private Partnerships (PPPs), referring to commercial use.

These requirements are read together with Section 113 of the NWA and apply to the water surface and surrounding State land of a Government Waterworks (State dams) and not other water resources. Authorisations in respect of these requirements entail approvals for access and use of a Government Waterworks.

See RWU GA3 for a pro forma letter for approvals as it relates to personal use.

RWU GA2.1 contains a pro forma letter of response in respect of Unsolicited Bids (applications for commercial use) with RWU GA2.2 containing the business case template for such bids.

Refer to RWU GA2.3 for a pro forma letter to existing commercial operations to address resource and other impacts and in particular public and dam safety concerns until such operations can be regularised through a PPP (refer to the PPP Toolkit for Tourism on National Treasury's website: http://www.ppp.gov.za/Toolkits/Tourism_Final/Toolkit.htm) or appropriate legal process.

3. FUTURE AUTHORISATIONS

In order to address resource impacts and transformation imperatives, the intention is to further limit Schedule 1 water use through new regulations in terms of section 26 of the NWA. In terms of the proposed regulations, additional limitations on Schedule 1 use will include *inter alia* compliance with:

- Precautionary practices;
- An Operational Plan (a written plan, providing detailed information on the manner, purpose and extent of the operation of a high impact or commercial recreational water use, prepared by a water user), if approved; and
- A Resource Management Plan (a written plan, for the management of and control over the water surface and water body of a water resource including a water surface and water body of a government waterworks and the surrounding state-owned land, prepared by a responsible or relevant authority), if approved.

3.1 Limiting Schedule 1 through Operational Plans

A person who engages in a high impact or commercial RWU will be required to apply for the approval of an Operational Plan (OP) within 60 days of the date on which he or she is notified in writing by the responsible authority to do so.

3.1.1 'External Process and Information Requirements

An applicant who prepares an OP will be required to-

- (a) furnish information concerning the RWU, associated facilities, water resource, and environment concerned;
- (b) assess and evaluate the impact of his or her high impact or commercial RWU on the-
 - (i) water resource;

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- (ii) environment; and
 - (iii) socio-economic conditions of any person who might be directly affected by the high impact or commercial RWU;
- (c) describe the manner and extent to which he or she has consulted with interested and affected parties, especially previously disadvantaged groups, on the contents of the OP;
- (d) list all present water uses and indicate how competing water uses will be accommodated at the water resource;
- (e) describe the manner and time period in which he or she intends to achieve stakeholder equity in the commercial RWU concerned;
- (f) describe the manner in which he or she intends to-
 - (i) inform his or her employees, and in the case of a tourism enterprise, the tourism enterprise's guests, of any environmental, health and safety risks which may result from their work and RWU, where applicable; and
 - (ii) deal with risks in order to avoid harm to human health and to the environment; and
- (g) describe the manner in which he or she intends to-
 - (i) modify, remedy, control or limit any action, activity or process which may detrimentally impact on the water resource and the environment;
 - (ii) contain or remedy the cause of any negative impact on the water resource and the environment;
 - (iii) comply with any prescribed waste standard or environmental management standards or practices; and
 - (iv) protect and enhance the heritage and cultural value of the water resource.

3.1.2 'Internal Process'

The responsible authority will be required to, as soon as reasonably practicable after the lodging of the OP by the applicant, consider the plan for approval, if-

- (a) it complies with the information requirements set out above; and
- (b) the applicant has demonstrated the capacity, or has provided for the capacity, to mitigate and manage negative impacts on the water resource as identified above.

3.1.3 Approvals

The responsible authority may call for additional information from the person who engages in RWU and may direct that the OP in question be adjusted in the way that the responsible authority may require.

Upon approval of the OP by the responsible authority, the person who engages in RWU must comply with the provisions of the approved OP.