



**water & sanitation**

Department:  
Water and Sanitation  
REPUBLIC OF SOUTH AFRICA



# WATER USE LICENCE APPLICATIONS FOR HYDROPOWER GENERATION RFA 2 (MZIMVUBU)

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AUTHORISATION

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# PRESENTATION PROFILE

- Purpose
- Overview of the RFA
- Hydropower technologies covered by the RFA
- Application Window
- Water Uses associated with Hydropower
- Types of Authorisations
- Information Requirements
- Assessment
- Licence Conditions
- Communication of Decisions
- Appeals
- Construction Timeframes
- E-WULAAS Live Demonstration



# PURPOSE

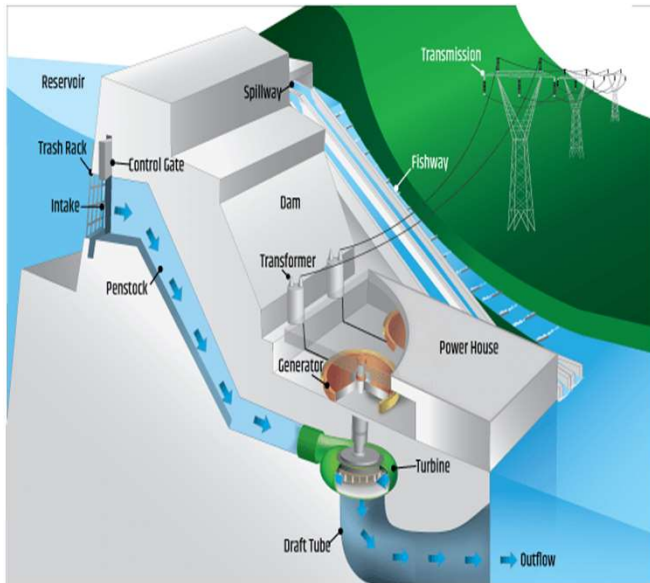
- ❑ To outline the processes to be followed when applying water use licences for hydropower generation and floating solar panels



# OVERVIEW OF THE RFA

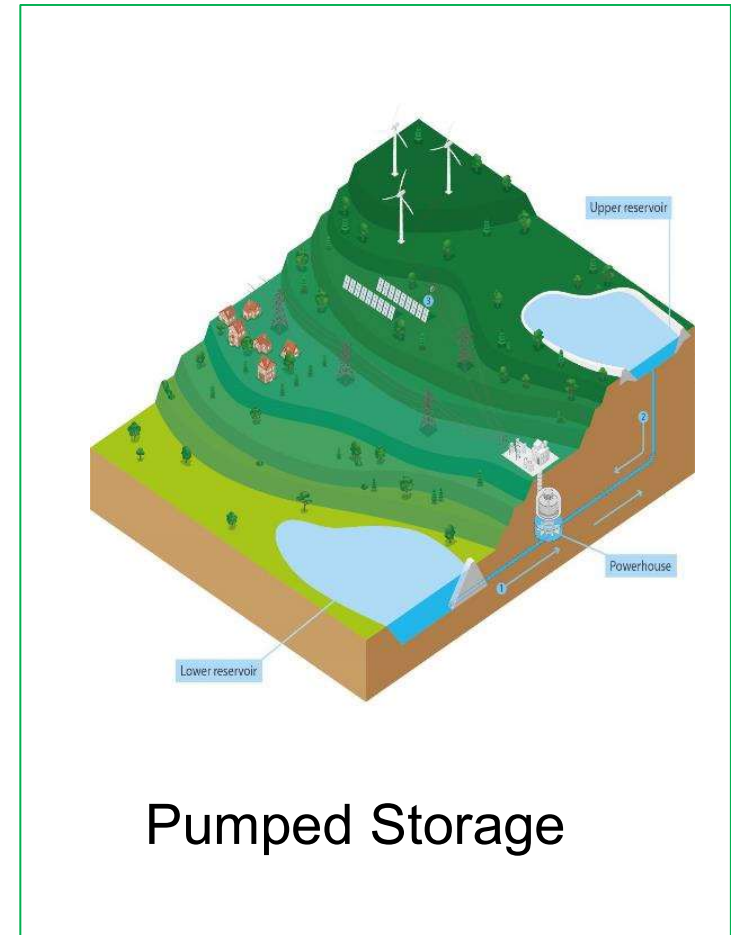
- ❑ In April 2023 the Department embarked on an initiative to mobilise the public to submit applications for water use licence applications for the purpose generating electricity from the water resources and water courses.
- ❑ The first RFA was a resounding success with 270 persons submitting pre-applications.
- ❑ The Department issued the second RFA in November 2023.
- ❑ The RFA approach involve persons or companies submitting water use licence applications required for construction and operation of water resource infrastructure where power generating plants are installed.
- ❑ The applicants are responsible for:
  - ❑ Providing the Department with the necessary administrative and technical information required for water use licence application.
  - ❑ Once a licence is obtained, the licensee must obtain other relevant permits, construct the infrastructure (dam(s)) install the power generating equipment, operate the dam and power generating plant, secure off takers for the electricity.
- ❑ The Department assess the licence applications and make a decision, and enter into a lease agreement with the licensee

# HYDROPOWER TECHNOLOGIES



Impoundment

## Floating solar panels



Pumped Storage

# APPLICATION WINDOW

- PHASE 1: PRE-APPLICATION
- PHASE 2: APPLICATION COMPILATION AND SUBMISSION
- PHASE 3: APPLICATION PROCESSING, DECISION AND COMMUNICATION BY DWS



## □ PHASE 1: PRE-APPLICATION PHASE...

- The pre-application phase opened on 04 December 2023 to 29 February 2024.
- All notices or request for pre-application engagement must have been submitted by no later than 29 February 2024, by means of the e-WULAAS.
- Upon Receipt of the notice / request for pre-application engagement the DWS will assign a Case Officer.
- Once the pre-application window has closed, DWS will arrange a site inspection where all applicants must attend.
  - The site inspection will take place by no later than 29 March 2024.
  - Once a site visit has been conducted all applicants will have 15 working days to submit the phase one minimum administration information.



## □ ...PHASE 1: PRE-APPLICATION PHASE

- The pre-application engagement, including a site inspection must be completed within 30 working days.
- The DWS will issue a letter of information requirements within 10 working days of conclusion of the pre-application engagement.
- Applicants who will not be able to start or successfully complete the pre-application phase will not be eligible to proceed to the second phase.



## ❑ PHASE 2: APPLICATION COMPILATION AND SUBMISSION

- Following closure of phase 1 submissions from applicants the Department will, within 15 working days) issue letters of technical information requirements to applicants
- The closing dates of submission of all applications is 31 January 2024.
- Applicants will have a period of 6 months to submit the actual application and technical information within six months of issuance of the letter of information requirements.
- The letter of consent to submit an application on property owned by DWS (to be provided to all applicants by DWS) will be submitted together with the technical information and the actual application.



## ❑ PHASE 3: APPLICATION PROCESSING, DECISION AND COMMUNICATION BY DWS

- Once the applicants have compiled the applications, DWS will open phase 3 in E-WULAAS to allow for submission by applicants.
- Phase 3 submissions will not be opened for applicants beyond the six months period allowed for compiling the applications.
- Applications that met the deadline will be subjected to assessment (screening) to check completeness. Incomplete applications will be rejected and closed, whilst complete ones will proceed to assessment.
- The Department will finalise processing of the complete applications within 90 days.

# WATER USES ASSOCIATED WITH HYDROPOWER GENERATION

Water Uses associated with Hydropower in terms of Section 21 of the NWA

WATER USE	DESCRIPTION	TYPE
Section 21 (e) read with Section 37 (1) (c)	a power generation activity which alters the flow regime of a water resource;	In-stream /diversion / impoundment
Section 21 (c) and (i)	impeding or diverting the flow of water in a watercourse;	Diversion / impoundment / pumped Storage/ Floating Solar panels
Section 21 (a)	taking water from a water resource;	Pumped storage
Section 21 (b)	storing water	Pumped storage / impoundment

# Defining S21(e) Water Use

*Engaging in a controlled activity identified as such in section 37(1)(c):*

***”A power generation activity which alters the flow regime of a water resource”***

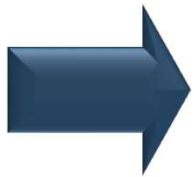
Flow regime of a river – definition:

**The flow regime of a river is the characteristic pattern of the quantity of flow, timing, rate of change of hydrologic conditions, and variability across time scales of hours, days, seasons, years, and multiple years.**

*(”The Natural Flow Regime” by Poff, Allan, Bain, Karr, Prestegard, Richter, Sparks & Stromberg, BioScience Vol. 47 No. 11, December 1997)*

## ...Defining S 21(c) Water Use

*Impeding or diverting the flow of water in a watercourse*



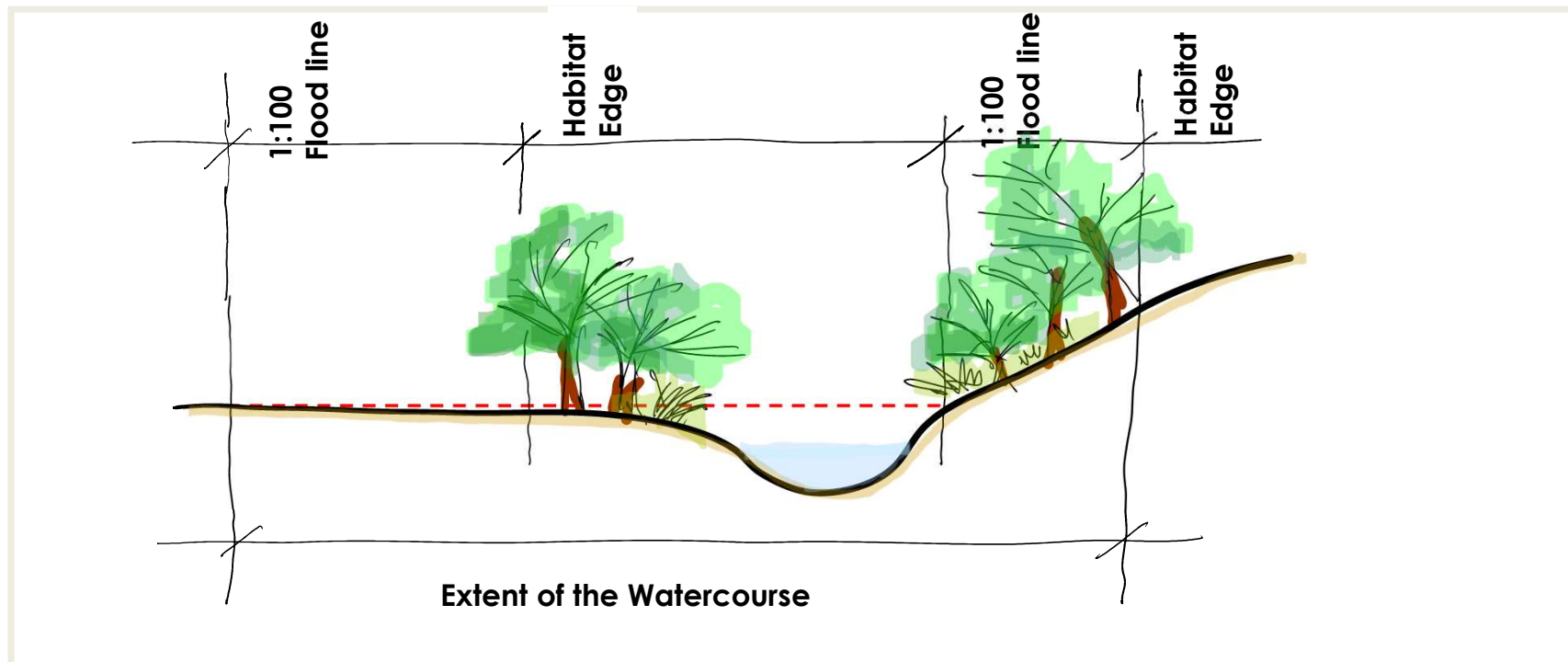
"**impeding flow**" means the temporary or permanent **obstruction or hindrance** to the flow of water in a watercourse by structures built or obstacles installed in a watercourse.



"**diverting flow**" means a temporary or permanent structure causing the flow of water in a watercourse to be **rerouted** for any purpose.

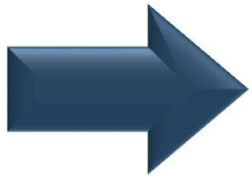
# Defining S 21(c) Water Use...

Extent of 'Regulated Area'  $\equiv$  The bigger of the riparian habitat or 1:100 year flood line



# Defining S 21(i) Water Use

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



Any change to either the **bed, banks, course or characteristics** of the watercourse, or affecting the **resource quality** of the watercourse (i.e. the area within the riparian habitat or 1:100 year flood line, whichever is the greatest)



# Necessity of S 21 (c) and (i) water use licences

*Impeding or diverting the flow of water in a watercourse*

and

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

Includes any activity within the limits of the watercourse at any phase or stage of the project life cycle, namely:

- 
1. Construction of works;
  2. Installation of equipment;
  3. Operation;
  4. Maintenance;
  5. Decommissioning; or
  6. Rehabilitation.
- 

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# Defining S 21(a) Water Use

## *Taking water from a water resource*

**Abstraction of water from a river to fill up a dam from which water will be released to gain hydraulic head (pumped storage).**

# Defining S 21(b) Water Use

## *Storing water*

**New storage** may be needed to provide the necessary potential energy that will be utilised by the hydropower generation plant.

**Licence conditions** should enable and ensure the **monitoring and control** of the water storage.

# INFORMATION REQUIREMENTS

ADMINISTRATIVE INFORMATION	TECHNICAL INFORMATION
Water Use Licence Applications Forms (obtainable in E-WULAAS).	Technical reports required will depend on the site, water uses triggered and hydropower technology.
Company Registration Forms	For the purpose of this programme the DWS will accept conceptual designs, desk top reports and use of existing records for the site, conducted by persons registered with the relevant professional bodies. <b><i>Detailed designs and reports to be included as licence conditions.</i></b>
ID copy of a person representing the company	The applicants are responsible to procure and pay for the consultants that they will use to compile the applications or conduct studies.
Payment of water use licence application fee R115.00	Amongst others key reports required for hydropower as ff:-
A formal letter of appointment / Power Of Attorney if an application is made through a consultant.	
Proof of lawful access to the property (title deed, lease agreement, Permission to Occupy). For properties owned by DWS, lease agreement will be entered into with successful applicants.	

# ASSESSMENT

- The Department will subject the applications to Section 27 (1) of the NWA and other relevant guidelines to assess the applications.
  - (b) the need to redress the results of past racial and gender discrimination;
  - (c) efficient and beneficial use of water in the public interest;
  - (d) the socio-economic impact –
    - (i) of the water use or uses if authorised; or
    - (ii) of the failure to authorise the water use or uses;
  - (f) the likely effect of the water use to be authorised on the water resource and on other water users;
  - (g) the class and the resource quality objectives of the water resource;
  - (i) the strategic importance of the water use to be authorised;
  - (j) the quality of water in the water resource which may be required for the Reserve and for meeting international obligations;



# CONDITIONS OF A LICENCE - SECTION 29 OF THE NWA

Licence period: 40 years

Payment of water resource management charges

Release of Water: Reserve and downstream water users

Monitoring and measurement of water that is used

Best practices: prevention of erosion

Submission of detailed designs or reports before construction

Reporting in line with direct benefits of the water use licence to need to redress the past results of discrimination

The need for the licensee to obtain other relevant authorisations prior to commencement

Issuance of a licence does not imply guarantee of supply

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# COMMUNICATION OF DECISIONS

- The DWS will only communicate the decisions to the respective applicants.
- Construction should start within two years of issuance of a licence.
- Where necessary, an extension of two years can be requested from the DWS.
- Failure to comply to the above will result in termination of the licence (Section 54 of the NWA)



# APPEALS

Section 42 of NWA: request for reasons for decision

Section 148: The decision can be appealed to the Water Tribunal

Appeal is open for both applicant and objector

Appeal is submitted 30 days after a decision is made or receipt of reasons, whichever comes first

Automatically suspends the activities licensed.

Licensee can request the Minister to lift the suspension of the licence pending the finalization of the appeal process.

# E-WULAAS - demonstration

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**END**

