



water & sanitation

Department:
Water and Sanitation
REPUBLIC OF SOUTH AFRICA

Private Bag X313, Pretoria, 0001, Sedibeng Building, 185 Francis Baard Street, Pretoria,
Tel: (012) 336-7500, Fax: (012) 326-4472/ (012) 326-2715

LICENCE IN TERMS OF CHAPTER 4 OF THE NATIONAL WATER ACT, 1998 (ACT NO 36 OF 1998) (THE ACT)

Accepted by Forestry South Africa 8 March 2020

I, <<insert name of delegated authority>>, in my capacity as <<insert designation>> in the Department of Water and Sanitation and acting under authority of the powers delegated to me by the Minister of Human Settlements, Water and Sanitation, hereby authorise the following water uses in respect of this licence.

SIGNED:

DATE:

LICENCE NO: <<Insert the licence number>>

FILE NO: <<Insert the file number>>

Licensee: <<Insert the name of the licensee>>

1. Postal Address: <<Insert address>>

<<Insert address line 2>>

<<Insert address line 3>>

<<Insert postal code>>

Physical Address: <<Insert address>>

<<Insert address line 2>>

<<Insert address line 3>>

<<Insert postal code>>

2. Water uses authorised by this licence

Table 1: Water Use(s)

2.1	Section 21(d) of the Act	Engaging in a stream flow reduction activity contemplated in section 36, subject to conditions as set out in Appendices I, II and III.
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3. Property(ies) in respect of which the water use licence is issued

Table 2: Property Details where the water use(s) will take place

Activity	Farm Name	Farm Portion	Owner's Name	Title Deed Number

4. Licence and Review Period

- 4.1. This licence is valid for a period of 40 years from the date of issuance.
- 4.2. This licence may be reviewed at intervals of not more than 5 years from the date of issuance of this licence.
- 4.3. A responsible authority may review this licence only at the time periods stipulated for that purpose in this licence.
- 4.4. On reviewing a licence, a responsible authority may amend any condition of the licence, other than the period of validity thereof.

5. Reports submitted and assessed

Table 3: List of reports submitted by the licensee and assessed by the Department

Number	Report Title	Compiled by	Date of report
1	Environmental Management Plan		
2	Specialist reports		
	Planting Plan		
3	Environmental Authorization /Directive/Consent		

6. Definitions

“Any terms, words and expressions as defined in the National Water Act, 1998 (Act 36 of 1998) shall bear the same meaning when used in this licence.”

6.1 The following definitions are of relevance, but not exclusive, to this licence

“Act”	National Water Act, 1998 (Act 36 of 1998)
Authorized Area	The area authorized for the undertaking of a stream flow reduction activity defined as “the use of land for afforestation which has been or is being established for commercial purposes” as depicted in the planting plan contained in Appendix III.
Buffer zone	Buffer zone: a strip of land surrounding a wetland or riparian area in which activities are controlled or restricted, in order to reduce the impact of adjacent land uses on the wetland or riparian area.
“Department”	the Department of Water and Sanitation
“CEO”	The Chief Executive Officer of Catchment Management Agency [Insert the name of the Agency and Address].
“Stream flow reduction activity section 36 (1)”	The following are stream flow reduction activities: (a) the use of land for afforestation which has been or is being established for commercial purposes; and (b) an activity which has been declared as such under section 32(2) of the Act.
“Regional Head”	Head of Provincial Operations [insert name of Provincial Operation and Address]

"Responsible Authority"	<p>"responsible authority", in relation to a specific power or duty in respect of water uses, means</p> <p>(a) if that power or duty has been assigned by the Minister to a catchment management agency, that catchment management agency; or</p> <p>(b) if that power or duty has not been so assigned, the Minister.</p>
"Riparian habitat"	<p>"riparian habitat" includes the physical structure and associated vegetation of the areas associated with a watercourse which are commonly characterized by alluvial soils, and which are inundated or flooded to an extent and with a frequency sufficient to support vegetation of species with a composition and physical structure distinct from those of adjacent land areas.</p>
"Watercourse"	<p>"watercourse" means</p> <p>(a) a river or spring;</p> <p>(b) a natural channel in which water flows regularly or intermittently;</p> <p>(c) a wetland, lake or dam into which, or from which, water flows; and</p> <p>(d) any collection of water which the Minister may, by notice in the Gazette, declare to be a watercourse, and a reference to a watercourse includes, where relevant, its bed and banks.</p>

7. Description of the activity

This licence is issued for the use of land for afforestation which is being established for commercial purpose.

This water use licence authorises the planting of **54.25 ha (fifty-four comma two five hectares)** of the Broad-leaved tree group genus: **Eucalyptus**. The Broad-leaved tree group genus: **Eucalyptus** may be planted interchangeably with the Coniferous tree group genus: **Pinus**. The geographical location of the planting site is **S: 30° 29' 25.6"** and **E: 28° 27' 55.2"** within the<<insert WMA name>> WMA in quaternary catchment <<insert quart number>>as indicated in Table <<xx>> in Appendix <<insert no>>.

<<if there are s21 (c) and (i) activities, include the description e.g. *the activity includes watercourse crossings and/or the planting of afforestation next to regulated areas*>>

8. Audit requirements by the licensee of the conditions of this licence as specified in Appendix I, II and III

Table 4: Licensee audit requirements for this licence

Appendix	Activity	Reporting requirements
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I, II and III	Internal Audit	An audit of compliance with the conditions of this licence must be conducted within one (1) year after the first plantings, and thereafter every five (5) years.
I, II and III	Independent Audit	An independent audit of compliance with the conditions of this licence must be conducted within five (5) years after the first plantings, and thereafter every ten (10) years.

9. Submission of the Licensee audit reports

All the audit reports must be submitted to the Regional Head/CEO within 60 days of the completion of such audits.

10. List of Acronyms

Table 4: List of acronyms

<<DEPARTMENT OF WATER AND SANITATION>>	<<DWS>>

APPENDIX I:

GENERAL PROVISIONS AND CONDITIONS OF THE LICENCE

1 GENERAL PROVISIONS FOR NOTING BY THE LICENSEE

Legal Framework

- 1.1 This licence is subject to all applicable provisions of the Act as amended from time to time
- 1.2 The licence must not be construed as exempting the Licensee from compliance with the provisions of any other applicable Act, Ordinance, Regulation or By-law,

Administrative duties/obligations/responsibilities of the licensee

- 1.3 The responsibility for complying with the provisions of the licence is vested in the licensee and not any other person or body.
- 1.4 The licensee must obtain any proprietary rights or servitudes at their own cost for lawful access to property not owned by the Licensee.
- 1.5 The Licensee is responsible for any water use management tariffs imposed by the Responsible Authority for this licence

Commencement of water use licence

- 1.6 If the water use entitlement is not fully utilised within the 5 (five) year period referred to in 2.2 in Appendix I, the licence may be amended to reflect the extent of the water use that is being utilised, or the licence may be cancelled.
- 1.7 A request for extension of time to fully utilise an entitlement to use water must be submitted to the Regional Head/CEO before the expiry of the 5 (five years referred to in 2.2 in Appendix I. An extension may only be made after the responsible authority has considered all relevant factors, including new applications for water use and has concluded that there are no substantial grounds not to grant an extension.
- 1.8 Only one request for extension of time to fully utilise an entitlement to use water will be considered.
- 1.9 The maximum period for extension of time that may be granted to fully utilise the water entitlement is a maximum of 2 (two) years after the initial 5 (five) year period referred to in 2.2 in Appendix I.
- 1.10 After the extension has been granted, if the water use is not commenced or fully exercised, within the period mentioned in 1.10 in Appendix I, the water use licence may be amended accordingly or cancelled.

Issue of licence no guarantee of supply

- 1.11 This licence does not imply any guarantee that the said quantities and qualities of water will be available at present or at any time in the future.
- 1.12 While effect must be given to the Reserve as determined in terms of the Act, where a desktop determination of the Reserve has been used in issuance of a licence, when a

comprehensive determination of the Reserve has finally been conducted, it shall be given effect to.

- 1.13 The Minister accepts no liability for any damage, loss or inconvenience, of whatever nature, suffered as a result of, shortage of water; inundations or flood; siltation of the resource; and required Reserve releases.
- 1.14 The volume of water (hectares of commercial forestry) authorised in this licence may be reduced when the licence is reviewed as part of a general review of licences carried out in terms of section 49 of the Act.
- 1.15 The Minister reserves the right to construct water storage works at any time in any watercourse and to store all surplus water reaching the storage works, as well as to control the allocation of such water.

Appeals

- 1.16 An appeal (by the Licensee or a stakeholder) against this licence and/or its conditions must be lodged within 30 days in accordance with section 148 of the Act as read with the Water Use Licence Application and Appeals Regulations, 2017.
- 1.17 If this licence is appealed, it is automatically suspended and the water use activities must cease upon receipt of a notification by the Department.
- 1.18 The licensee may request the Minister to lift the suspension pending conclusion of the appeal.

Amendments

- 1.19 The licensee may apply for amendment of this licence at any time during the period of validity of this licence. Applications must be submitted to the Regional Head/CEO.

2 GENERAL CONDITIONS

Administrative duties/obligations/responsibilities of the Licensee

- 2.1 The licensee must avail the original copy of the water use licence and the supporting reports set out in item 5 of the licence at all times when requested by the Regional Head/CEO.

Commencement of water licence

- 2.2 The Licensee must inform the Regional Head/CEO in writing of the date that the Licensee commences with the water use entitlement.
- 2.3 The water uses authorised in this licence must be fully utilised within five (5) years from the date of issuance of this licence.
- 2.4 If the licensee cannot fully utilise the water use entitlement within 5 (five) years, the licensee may request from the Regional head/CMA, with reasons, an extension of time to fully utilise the said water use entitlement.

Change of details of licensee or property

- 2.5 The licensee must inform the Regional Head/CEO of any change of ownership, name, address, premises and/or legal status of the licensee within 60 days of such change taking place.
- 2.6 If the property in respect of which the licence is issued is sub-divided or consolidated, the licensee must provide full details of all changes in respect of the property (ies) to the Regional Head/CEO within 60 days after the registration of the title deeds.
- 2.7 If the licensee is not the end user/beneficiary of the water related infrastructure and will not be responsible for long term maintenance and management of the infrastructure, the licensee must provide a hand over report to the successor in title including a brief management/maintenance plan and the agreement for infrastructure along with allocation of responsibilities, within (60) days after the date of change of end user or beneficiary.

Malfunctions, incidences, contingencies and pollution prevention

- 2.8 The licensee must service all vehicles and other machinery outside the extent of the watercourse/s.
- 2.9 Oils and other potential pollutants must be disposed of at a licensed site, with the necessary agreement from the owner of such a site.
- 2.10 The licensee must handle, transport, store and used any hazardous substances according to the relevant legislation.
- 2.11 Any incident that causes or may cause water pollution shall be reported to the Regional Head/CEO or the designated representative within 24 hours. Should the incident occur during a week end or public holiday, the licensee must report the incident on the next official working day. The licensee must take reasonable measures to prevent pollution from continuing or recurring.

Auditing and reporting

- 2.12 The Licensee must conduct audits to determine compliance with the conditions of this licence as specified in Table 4 above.

<< Site specific conditions may include the following depending on the situation>>:

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APPENDIX II:

Section 21(d) of the Act: Engaging in a Stream Flow Reduction Activity contemplated in section 36

1. Stream Flow Reduction Activity:

- 1.1 This water use licence authorises the licensee to engage in stream flow reduction activities within a full extent of <<54.25 ha (fifty-four comma two five hectares)>>.

Table 5: Water Use details for a Streamflow reduction activity (assessment based on highest water use)

No	Affected Water Resource	Property	Area (ha)	Coordinates	
				S	E

- 1.2 The allocation of water use (afforestation area in hectares) authorised in this licence may not be exceeded.
- 1.3 If any portion or the full extent of the water use entitlement for this licence in the Authorised Area (see definition) is to cease (be permanently removed), the Licensee must inform the Regional head/CEO in writing within 60 days of the cessation of such water use entitlement or portion thereof.
- 1.4 A completed record of areas planted (“Planted Area Record”), clearly indicating the plantation compartments, a compartment list as well as a shapefile (for areas 500 (five hundred hectares or more)) of the planted area of this licence indicating the size of each compartment, delineated buffer zones and watercourses must be provided to the Department after the water use entitlement in this licence has been fully utilised (see Annexure I Planting Plan)
- 1.5 If the water use entitlement of this licence has not been fully utilised within 5 (five) years from the Water Use Entitlement Commencement Date, the planting plan must be resubmitted together with the application for extension of such 5 (five) years, showing the unutilised water use (area of unplanted land) of the Authorised Area.
- 1.6 A final compartment list, shape file, and Planted Area Record are not applicable for a licence with plantations of 500ha or less.
- 1.7 The licensee must not establish any commercial forest plantation within [insert distance] metres of a delineated buffer zone for this licence

Site specific condition

<<Site specific conditions relevant to the water use can be added here or under the above relevant sub headings>>

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APPENDIX III

PLANTING PLAN/PLANTED AREA RECORD

1 Planting Plan

2 Planted Area Record

[END OF LICENCE]

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