



## water & sanitation

Department:  
Water and Sanitation  
REPUBLIC OF SOUTH AFRICA

Private Bag X3055, WORCESTER, 6850, Street Address, Corner Mountain Mill Drive & East Lake Way, Tel: 023 346 8000, Fax: 044 873 2199

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

I, **Mrs NM Bila-Mupariwa** in my capacity as Provincial Head Breede Gouritz - Worcester in the Department of Water and Sanitation and acting under the powers delegated to me by the Minister of Water and Sanitation, hereby authorises the following water use in respect of this licence.

Serial Number : 5738708422516049163  
**Provincial Head**  
Date: Feb 16 2023 9:23AM

**LICENCE NO: 02/K60F/AB/12651**  
**FILE NO: 27/2/1/K660/10/1**  
**REF. NO: WU22733**

**Licensee: ACME CAPITAL (Pty) Ltd**

**Postal Address: 185 Constantia Main Road Constantia Cape Town  
7806**

**Physical Address: 185 Constantia Main Road Constantia Cape Town  
7806**

Provincial Head

## 1. Water Uses authorised by this licence

**Table 1: Summary of water uses authorised**

2.1	Section 21(a) of the Act	Taking water from a water resource, subject to the conditions set out in Appendices I and II.
2.2	Section 21(b) of the Act	Storing water, subject to the conditions set out in Appendices I and III.

## 2. 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
<b>Section 21(a) Water Use</b>				
Taking water from a borehole (BH1)	Farm Knysna	444 Portion 191	ACME CAPITAL (Pty) Ltd	T14930/22
<b>Section 21(b) Water Use</b>				
Storing water in off-stream storage A	Farm Knysna	444 Farm 444 Knysna	ACME CAPITAL (Pty) Ltd	T14940/2022
Storing water in off-stream storage B	Farm Knysna	444 Farm 444 Knysna	ACME CAPITAL (Pty) Ltd	T14940/2022
Storing water in off-stream storage C	Farm Knysna	444 Portion 191	ACME CAPITAL (Pty) Ltd	T14930/22

## 3. Licence and Review Period

- 3.1 This licence is valid for a period of twenty (20) years from the date of issuance and it may be reviewed at intervals of not more than five (5) years.
- 3.2 On review of the licence, a Responsible Authority may amend any condition of the licence, other than the period of validity thereof.

## 4. 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."

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

Act	National Water Act, 1998 (Act 36 of 1998)
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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. The buffer zone is measured from the edge of the delineated watercourse determined according to the Departmental guideline - "A practical field procedure for identification and delineation of wetlands and riparian areas."
Department	The Department of Water and Sanitation
CEO	The Chief Executive Officer: Breede Gouritz Catchment Management Agency Mountain Mill Dr Hospital Hill Worcester 6850
CMA	Catchment Management Agency
Regional Head	Head of Provincial Operations: Department of Water and Sanitation Western Cape Region Private Bag X16 SANLAMHOF 7532
Responsible Authority	"Responsible authority" in relation to a specific power or duty in respect of water uses, means (a) if that power or duty has been assigned by the Minister to a catchment management agency, that catchment management agency; or (b) if that power or duty has not been so assigned, the Minister
Delegated Authority	The person that has been delegated certain functions of the Act
Minister	Minister of the Department of Water and Sanitation.
Watercourse	"Watercourse" means (a) a river or spring; (b) a natural channel in which water flows regularly or intermittently; (c) a wetland, lake or dam into which, or from which, water flows; and (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.
Days	Calendar days
Commencement date	The date on which water use starts
Extent of the watercourse	(a) the outer edge of the 1:100 year floodline or the delineated riparian habitat, whichever is the greatest, measured from the middle of the watercourse of a river, spring, natural channel, lake or dam; and (b) Wetlands and pans: the delineated boundary (outer temporary zone) of any wetland or pan.



Regulated area of a watercourse	<p>(a) The outer edge of the 1 in 100 year flood line and /or delineated riparian habitat, whichever is the greatest distance, measured from the middle of the watercourse of a river, spring, natural channel, lake or dam;</p> <p>(b) In the absence of a determined 1 in 100 year flood line or riparian area the area within 100m from the edge of a watercourse where the edge of the watercourse is the first identifiable annual bank fill flood bench (subject to compliance to section 144 of the Act); or</p> <p>(c) A 500 m radius from the delineated boundary (extent) of any wetland or pan.</p>
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**5. Description of activity and affected water resource(s)**

The licence authorises the licensee to undertake water use activities in accordance with sections 21(a) and section 21(b) of the National Water Act, 1998 (Act 36 of 1998), for the abstraction of 32 000 m<sup>3</sup>/a of groundwater and storing of a combined volume of 5 409 m<sup>3</sup> in three off-stream dams. The water will be used for the irrigation of 10 ha of vineyards on portions 104 and 191 of farm 444 Knysna located north of Plettenberg Bay in the Western Cape province. The area falls within quaternary catchment K60F of the Breede Gouritz Catchment Management Area.



## APPENDIX I

### GENERAL PROVISIONS AND CONDITIONS OF THE LICENCE

#### 1. GENERAL PROVISIONS

##### Legal Framework

- 1.1 This licence is subject to all applicable provisions of the National Water Act, 1998 (Act 36 of 1998) as amended from time to time.
- 1.2 The licence shall 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 his / her own cost for lawful access to a property not owned by the Licensee
- 1.5 The licensee will be responsible for any water use charges or levies imposed by a Responsible Authority according to the pricing strategy. The levies/charges will be charged from the date of the issuance of this licence.
- 1.6 No water taken may be pumped, stored, diverted, or alienated for any other purpose other than as intended in this licence without the written approval of the Delegated Authority.
- 1.7 It is the responsibility of the licensee to request an amendment of this licence to reflect the registered volume should the requirements change. All requests must be made to the Responsible Authority.
- 1.8 If the water use licence is not exercised or fully exercised within the 5 (five) year period and the extended 2 (two) year period, as referred to in condition 2.4 and condition 2.5 in appendix 1, the licence may be amended to reflect the extent of the water use that is being exercised, or the licence may be withdrawn.

##### Change of property details

- 1.9 Amendment of the licence to reflect the name of the new owner will not be approved if there are any outstanding charges or levies imposed by the Responsible Authority to the previous owner.

##### Issue of no guarantee of supply



- 1.10 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.

### **Monitoring**

- 1.11 The quantity of water authorised to be taken in this licence may not be exceeded.
- 1.12 Any changes to the monitoring programmes should be approved by the Provincial Head/CEO

### **Reviewal of licences**

- 1.13 The volume authorised in this licence may be reduced when the licence is reviewed.

### **Effecting of the Reserve**

- 1.14 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 made, it shall be given effect to.

### **Liabilities and Rights**

- 1.15 The Department 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.
- 1.16 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.

### **Restrictions**

- 1.17 The licensee must adhere to any restrictions that are gazetted and imposed on the respective water resource.

### **Water measurement and reporting**

- 1.18 The Provincial Head/CEO may at any time direct a licensee, at the licensee's expense, to have the accuracy of the licensee's water measuring device/s verified, in addition to the requirements of their inspection and calibration schedule by a person or an institution accredited to verify the accuracy.

### **Stormwater Management**

- 1.19 Stormwater leaving the licensee's premises shall in no way be contaminated by any substance, whether such substance is a solid, liquid, vapour or gas or a combination thereof which is produced, used, stored, dumped, spilled on the premises.

### **Amendments**

- 1.20 The licensee may apply for amendment of this licence in terms of the Act at any time during the period of validity of this licence. Applications must be submitted to the Provincial Head/CEO.

### **Appeals**

- 1.21 If this licence is appealed, it is automatically suspended and the water use activities must cease upon receipt of a notification of the appeal from the Department, alternatively the licensee may request the Minister to lift the suspension pending conclusion of the appeal via the Chief Director Legal Services at the address below:

Private Bag X313,  
Pretoria,  
0001

## **2. GENERAL CONDITIONS**

### **Administrative duties/obligations/responsibilities of the Licensee**

- 2.1 The licensee must avail an original copy of the water use licence and the supporting reports upon request by the Department.
- 2.2 The conditions of the authorisation must be brought to the attention of all persons (employees, sub-consultants, contractors etc.) associated with the undertaking of these activities and the licensee must take such measures that are necessary to bind such persons to the conditions of this licence.

### **Change of details of licensee or property**

- 2.3 The licensee must inform the Provincial Head/CEO of any change of ownership, name, address, premises and/or legal status within sixty (60) days of such change taking place.
- 2.4 If the properties in respect of this licence is/are subdivided or consolidated, the licensee must provide full details of any change(s) in respect of the properties to the Provincial Head/CEO within sixty (60) days after the registration of title deed(s).
- 2.5 If the licensee is not the end user/beneficiary of the water user 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 sixty (60) days after the date of change of end user or beneficiary.

### **Early renewal for the Licence**

- 2.6 The licensee must, if needed, apply for early renewal of this licence in terms of the Act within one (1) year before the expiry date of a licence. The application must be submitted to the Provincial Head/CEO.

### **Malfunctions, incidences, contingencies and pollution prevention**

- 2.7 The licensee must service all vehicles and other machinery outside the extent of the watercourse/s.
- 2.8 Oils and other potential pollutants must be disposed of at a licensed site, with the necessary agreement from the owner of such a site.
- 2.9 The licensee must handle, transport, store and use any hazardous substances according to the relevant legislation or South African National Standards (SANS).
- 2.10 Any incident that causes or may cause water pollution shall be reported to the Provincial Head/CEO or the designated representative within 24 hours. Should the incident occur during a weekend or public holiday, the licensee must report the incident on the next official working day.
- 2.11 The licensee must prevent pollution from continuing or recurring.
- 2.12 All incidents must be recorded in an incident register.

### **Water Conservation and Water Demand Management (WCWDM)**

- 2.13 The licensee must establish and implement a continual process of raising awareness among itself, its workers and stakeholders with respect to WCWDM initiatives.

### **Water measurement and reporting**

- 2.14 The licensee shall install appropriate water measuring devices to measure the amount of water abstracted prior use of water.
- 2.15 The licensee shall ensure that all measuring and monitoring devices are properly maintained and in good working order as per design specification and must be easily accessible. This shall include a programme of checking, calibration, and/ or renewal of measuring devices.
- 2.16 Calibration /verification certificates of the flow measuring, recording and integrating devices must be available for inspection by the Provincial Head/ CEO or the representative upon request.





### **Membership to a Water Users Association**

- 2.17 If a water user association exists or is established in the area to manage the resource, it is compulsory for the licensee to be a member of the water user association. The licensee must adhere to the rules, regulations and water management stipulations of the water user association.

### **Stormwater Management**

- 2.18 Increased runoff due to vegetation clearance and/or soil compaction must be managed, and steps must be taken to ensure that storm water does not lead to erosion and excessive levels of silt entering the stream.

### **Auditing and reporting**

- 2.19 The licensee must conduct annual internal audits on compliance with the conditions of this licence. The first audit must be conducted within ninety (90) calendar days from the date of commencement of water use entitlement. A report on internal audits must be submitted to the Provincial Head/CEO within sixty (60) calendar days of the finalisation of the audits.

### **Compensative measures**

- 2.20 The licensee must prevent adverse effects on other water users. All complaints must be recorded in complaints register and be investigated by a suitable qualified person, appointed by the Provincial Head/CEO, and if investigations prove that the licensee has impaired the rights of other water users, the licensee must implement appropriate compensative measures determined by the Provincial Head/CEO.



## APPENDIX II

### Section 21 (a) of the Act – Taking water from a water resource

#### 1. Taking water from a resource

1.1. This licence authorises the licensee to take a maximum quantity of thirty-two thousand cubic metre per annum (32 000 m<sup>3</sup>/a) of groundwater as per Table 3 below.

**Table 3: Details of water uses authorised**

Water use description	Purpose	Property	Volume (m <sup>3</sup> /a)	Coordinates
<b>Section 21(a)-taking water from a water resource</b>				
Abstraction of groundwater from borehole BH1	Irrigation	Portion 191 of Farm 444 Knysna	32 000	Lat: -34.01420 Lon: 23.37322

#### 2. Water measurement.

2.1. All water taken from the resources must be measured, recorded, and reported as follows:

2.1.1. The daily quantity of water taken must be metered or gauged and the total recorded on the last day of each month.

2.1.2. The Licensee shall keep a record of all water taken and a copy of the records shall be forwarded to the Provincial Head/CEO on or before 25 January and 25 July of each year.

2.2 The authorised volumes in Table 3 may be reduced when the licence is reviewed.

2.3 The quantity of water authorised to be taken in terms of this licence may not be exceeded without prior authorisation by the Responsible Authority.

2.4 No water taken under this licence may be pumped, stored, diverted, or alienated for purposes other than intended in this licence, without written approval by the Minister or his or her delegated nominee.'

2.5 A competent person (Geohydrologist) shall be appointed by the licensee within six (6) months after the date of issuance of this licence to manage the groundwater monitoring programme.

2.6 The programme shall include but not limited to the following monthly measurements:



- 2.6.1 the quantity of groundwater taken from production boreholes
- 2.6.2 groundwater quality from production borehole(s).
- 2.6.3 A database with baseline water levels as a reference point for the assessment of drawdown impact.
- 2.7 The groundwater monitoring report must be submitted annually to the Responsible Authority on or before 25 July.
- 2.8 The monitoring data should be stored in an acceptable format using a database with sufficient backup.
- 2.9 Hard copies of field sheets and laboratory reports must be kept safe so that they can be made available to the Department or other stakeholders on request.
- 2.10 The date, time and monitoring point in respect of each sample taken shall be recorded together with the results of the analysis.
- 2.11 A written record of all the changes to the monitoring programme should be kept and submitted to the Provincial Head or Responsible Authority as soon as possible. The Provincial Head or Responsible Authority could review and comment on the changes.
- 2.12 The Licensee shall ensure that the thresholds of potential concerns shall be identified by a competent person (geohydrologist) and that the operational recommendations within best practices are provided.
- 2.13 Dedicated monitoring personnel must ensure that all monitoring equipment are in working order and maintained to ensure the consistency of data collection which ultimately enables efficient management of the groundwater resource.
- 2.14 If the use of groundwater in terms of this licence causes decreased groundwater availability, due to decreasing groundwater levels or degradation of the groundwater quality, to any other lawful groundwater users, an alternative water supply should be made available to the affected party.

### **3. Site Specific conditions**

- 3.1 Production borehole must be outfitted with a flow meter to record volumes taken and an outlet tap to provide allowance to take water samples immediately at the borehole, within six (6) months of issuance of this licence.
- 3.2 The production borehole must be fitted with dataloggers to measure the groundwater level, within six (6) months of issuance of this licence.
- 3.3 The following critical water levels should not be exceeded:
  - 3.3.1 Critical water level of 130 meters below ground level (mbgl)
  - 3.3.2 If the water level in the borehole drops below the critical water level, abstraction must be immediately reduced by 10 %, followed by monitoring of the water level for at least 30 days.



- 3.3.3 if the water level in the borehole does not recover to above the critical water level within 30 days, abstraction must be reduced by a further 10 %. This process must continue until the water level in the borehole is stable.
- 3.4. Replacement borehole(s) must obtain written approval from the Responsible Authority before pumping commences. The request for approval to use replacement borehole(s) must contain the following information.
- 3.4.1. Geologic logs.
  - 3.4.2. Water strike(s).
  - 3.4.3. Depth of the drilled borehole.
  - 3.4.4. Borehole screen and its perforation information.
- 3.5. No over-size pump is allowed. When replacing the old pump with a new pump, the licensee must submit full specifications of the pump to the Responsible Authority before pump installation.



### APPENDIX III

#### Section 21 (b) of the Act: Storing water

#### 1. Storing water

1.1. The licensee is authorised to store water in three off-stream dams for irrigation purposes as set out in Table 4 below.

**Table 4: Details of the water use(s) authorised**

Water use description	Purpose	Properties	Capacity (m <sup>3</sup> )	Dimensions (m)	Co-ordinates
Section 21(b): Storing of water					
Storage of water in the off-channel Dam A	Irrigation	Portion 104 of Farm 444 Ganse Vallei, Knysna	525	Wall height: 2.5 Diameter: 45 Crest length:45	Lat: -34.014971 Lon: 23.366230
Storage of water in the off-channel Dam B	Irrigation	Portion 104 of Farm 444 Ganse Vallei, Knysna	484	Wall height: 2 Diameter: 41 Crest length:25	Lat: -34.01530 Lon: 23.36888
Storage of water in the off-channel Dam C	Irrigation	Portion 191 of Farm 444 Ganse Vallei. Knysna	4 400	Wall height: 5 Diameter: 55 Crest length:70	Lat: -34.014768 Lon: 23.372838

2. The quantity of water stored must be recorded on the last day of each month and the records must be submitted to the Provincial Head/ CEO on or before 25 January and 25 July of each year.

#### 3. Site Specific conditions

3.1. Dam C must be equipped with an outlet pipe of at-least 100mm to enable the full storage volume to be released within 30 days.

3.2. An overflow pipe of at-least 200mm should be installed at-least 0.5m below the non-overspill crest level or a formal spillway section with at-least 0.5m free board

**END OF LICENCE**

