



## water & sanitation

Department:  
Water and Sanitation  
REPUBLIC OF SOUTH AFRICA

Private Bag X3055, WORCESTER, 6850, Street Address Corner Mountain Mill Drive & East Lake Way, WORCESTER, 6850, [www.dws.gov.za](http://www.dws.gov.za)

### 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: Western Cape 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 : 5618414322786406723

**Provincial Head: Western Cape**

Date: Jun 28 2023 8:06AM

I, **Ntombizanele Bila-Mupariwa**, in my capacity as the Provincial Head, acting under authority of the powers delegated to me by the Director-General of the Department of Water and Sanitation, hereby authorise the following water use in respect of this licence.

SIGNED: .....

DATE: .....

**LICENCE NO: 02/J34C/B/13157**

**FILE NO: 27/2/1/J334/3/2**

**Licensee:** Ella Doretia Janse Van Rensburg & Jakobus  
Christo Janse Van Rensburg

**Postal Address:** PO Box 125  
Uniondale  
6460

#### 1. Water Uses authorised by this licence.

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

1.1	Section 21(b) of the Act	Storing water, subject to the conditions set out in Appendices I and II.
-----	--------------------------	--

**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
Section 21(b)				
Storage of water on the Kop off-channel storage dam.	Buffels Rivier 46	34	Rensburg Ella Doretia Janse Van & Rensburg Jakobus Christo Janse Van	T5786/2010

**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)
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 of Catchment Management Agency: Breede-Olifants Catchment Management Agency Private Bag X3055, Worcester, 6850, Street Address: Corner Mountain Mill Drive & East Lake Way, Worcester
CMA	Catchment Management Agency
Regional Head	Head of Provincial Operations: Western Cape, Department of Water and Sanitation Private Bag X16, Sanlamhof, 7532, 53 Spectrum Building, Voortrekker Road, Bellville
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	(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; (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 (c) A 500 m radius from the delineated boundary (extent) of any wetland or pan.

## 5. Description of activity and affected water resource(s)

The proposed water use entails storing of surface water on the Kop off-channel storage dam of 20 145 m<sup>3</sup> (twenty thousand one hundred and forty-five cubic metres) from the Kammanassie River for agricultural use, irrigation of fruit trees located on Portion 34 of Farm Buffels Rivier 46, George RD. The water use activity is geographically located at -33° 42' 59.95" S and 22° 46' 25.47" E within quaternary catchment J34C of the Breede-Olifants Water Management Area. The dam is filled from an existing abstraction point on the Kammanassie River which is an Existing Lawful Water Use.

## 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 The quality of water authorised to be disposed and discharged in this licence may not be exceeded.
- 1.13 Any changes to the monitoring programmes should be approved by the Provincial Head/CEO

### **Reviewal of licences**

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

### **Effecting of the Reserve**

- 1.15 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**

- 1.16 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.
- 1.17 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.

### **Dam Safety Requirements**

- 1.18 The licensee is not indemnified from any detrimental effect that the dam(s) may have on other properties.
- 1.19 The Department does not accept any responsibility or liability for any damages or losses that may be suffered by any other party because of the construction and utilisation of the dams.
- 1.20 The licensee is not exempted from compliance with the provisions of the Dam Safety Regulations published under Government Gazette Notice R.139 of 24 February 2012 or any amendment thereof read with Chapter 12 of the Act, which are applicable to all dams with a safety risk.

### **Restrictions**

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

### **Water measurement and reporting**

- 1.22 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**

- 1.23 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**

- 1.24 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**

- 1.25 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 License**

- 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.

### **Commencement of a water use licence.**

- 2.3 The licensee must inform the Provincial Head/CEO in writing within seven (07) days after the licensee commences with water use licence and again within thirty (30) days upon completion of the activity/ies.
- 2.4 The water uses authorised in this licence must be fully exercised within five (5) years from the date of issuance of this licence.
- 2.5 If the licensee cannot exercise or fully exercise the water use licence within 5 (five) years, the licensee may request from the Provincial Head/ CEO, with reasons, an extension of time to fully utilise the said water use licence, at least three months, before the expiry of the 5 (five) years. Only one request for extension of time, with maximum of 2 (two) years for commencement or of fully exercising of water use licence will be considered.

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

- 2.6 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.
- 2.7 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).
- 2.8 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**

- 2.9 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**

- 2.10 The licensee must service all vehicles and other machinery outside the extent of the watercourse/s.
- 2.11 Oils and other potential pollutants must be disposed of at a licensed site, with the necessary agreement from the owner of such a site.
- 2.12 The licensee must handle, transport, store and use any hazardous substances according to the relevant legislation or South African National Standards (SANS).
- 2.13 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.
- 2.14 The licensee must prevent pollution from continuing or recurring.
- 2.15 All incidents must be recorded in an incident register.

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

- 2.16 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**

- 2.17 The licensee shall install appropriate water measuring devices to measure the amount of water abstracted prior use of water.
- 2.18 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.
- 2.19 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**

- 2.20 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**

- 2.21 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.

### **Restrictions on access**

- 2.22 Strict access procedures must be developed and followed in order to control access to the property.
- 2.23 Notices prohibiting unauthorised persons from entering the areas as well as internationally acceptable signs indicating the risks involved in case of an unauthorised entry must be displayed along the boundary fence of these areas. Such notices must be worded in the official languages applicable in the area.

### **Auditing and reporting**

- 2.24 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**

- 2.25 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/CE

## APPENDIX II

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

#### 1. Storing water

- 1.1. The licensee is authorised to store a maximum quantity of twenty thousand one hundred and forty-five cubic metres (20 145 m<sup>3</sup>) of water in the facility(ies) in Table 3.

**Table 3: Details of the water use(s) authorised**

Water use description	Purpose	Properties	Capacity (m <sup>3</sup> )	Dimensions W, D, L (m)	Co-ordinates	
					S	E
Section 21(b): Storing of water						
Storage of water on the Kop off-channel storage dam	Irrigation during growing periods for the fruit trees	Portion 34 of Farm Buffels Rivier 46	20 145	132.8	-33° 42' 59.95"	22° 46' 25.47"

- 1.2. The quantity of water stored must be recorded at the last day of each month and the records must be submitted to the Provincial Head/ CEO annually.

#### 2. Monitoring requirements.

- 2.1. The Licensee must install appropriate measuring devices to measure the levels of the dam. Should the dam level reach a critical level then protective measures should be implemented.

#### 3. Dam safety requirements

- 3.1 The construction, enlargement, alteration, or repair of a dam with a safety risk, must be carried out under a licence issued in terms of the above Regulations.
- 3.2 The licensee must supply any information, drawings, specifications, design assumptions, calculations, documents, and test results when requested by the Provincial Head/CEO.

#### 4 Site Specific conditions

- 4.1 A formal overflow pipe should be installed on the dam embarkment at-least 0.5 m below the non-overspill crest level.
- 4.2 A suitable water meter should be installed on the rising main filling the dam to measure all water taken from the Kammanassie river.

**END OF LICENCE**



# water & sanitation

Department:  
Water and Sanitation  
REPUBLIC OF SOUTH AFRICA

## National Register of Water Use Registration Record 29023048

Water Use Registration Record 29023048 is issued in terms of the regulations requiring that a Water Use be registered, promulgated under Section 26(1)(c) of the National Water Act( Act 36 of 1998) to:

### Applicant

**Applicant Type:** INDIVIDUAL  
**Name:** MRS ED JANSE VAN RENSBERG  
**ID Number:** 5904040072082  
**Gender:** FEMALE  
**Population Group:** WHITE

**Postal Address:** PO BOX 125  
UNIONDALE  
6460

**VAT Registration Number:**

**Water Management Area Name:**

BREEDE-GOURITZ

**Register Status Status:**

ACTIVE

### Water Uses

See attached Annexure(s)

Water Use No.	Water Use	Volume	Volume Start Date	Volume End Date
1	21(b)		2023/07/01	




# water & sanitation

Department:  
Water and Sanitation  
REPUBLIC OF SOUTH AFRICA

## National Register of Water Use Registration Record 29023048

Water Use Registration Record 29023048 is issued in terms of the regulations requiring that a Water Use be registered, promulgated under Section 26(1)(c) of the National Water Act( Act 36 of 1998) to:


Office: BREEDE-GOURITZ CMA CMA: BREEDE-GOURITZ CATCHMENT MANAGEMENT AGENCY

06 July 2023
Date stamp of issuing office

**DISCLAIMER :**

This Registration Record:

- 1 is not an acknowledgement of an entitlement to the registered water use;
- 2 may NOT be used to create the impression that it is proof of a water use entitlement. By virtue of section 22(1) of the National Water Act, the only documents that may be used as proof of a water use entitlement, are:
  - 2.1 a licence;
  - 2.2 an official document stating the extent of existing lawful water use pursuant to sections 33 or 35 of the National Water Act;
  - 2.3 a general authorisation as published in the Gazette; or
  - 2.4 Schedule 1 of the National Water Act.

**Notes:**

- If an entitlement for the specific water use referred to in this Registration Record has been confirmed by the Department, it may be indicated as such in this Registration Record.
  - If the responsible authority has dispensed with the requirement for a licence for a specific water use, no water use entitlement is needed for that use under the National Water Act.
- 3 is issued without alterations or erasures and is invalid if it contains alterations not in conformity with the Department's official copy; and in substitution of any Registration Record the Department may have previously issued and the information is valid as at the date of issue.

# National Register of Water Use Registration Record 29023048

## Storing water in terms of Section 21(b) of the National Water Act: Dam Registration

### Water Use Identification

Register Number: 29023048  
Water Use Number: 1  
Water Use Start Date: 2023/07/01  
Water Use Status Date: 2023/07/06  
Water Use Status: REGISTERED

### Licence Information

NRWU Licence Number:  
Licence Status: APPROVED  
Licence Expiry Date: 2043/06/27  
Review Period: 5 YEARS

### RLA Details

RLA Business Unit: BREEDE GOURITZ - WORCESTER  
RLA Reference: 02/J34C/B/13157

### Lawfulness Authentication

Finding: LAWFUL  
Finding Date: 2023/06/28  
Finding Reason: LICENCE

Finding Confirmed: YES

### Water Use Details for Raw Water Dam

Water Use Sector(s)(i.e. Purpose(s) of Water Use): AGRICULTURE: IRRIGATION

Quaternary Drainage Region: J34C

### Dam Details

Dam Name: KOP DAM  
Name of Watercourse: RUN OFF  
Centre of Dam Wall: **Latitude** **Longitude**  
33° 42' 59.9" south 22° 46' 25.4" east

Datum Type: WGS-84  
Centre of River at the point where river crosses the Dam wall:

**Latitude** **Longitude**

Datum Type:  
Capacity: 20.14 THOUSAND CUBIC METRES  
Billable Dam: NO  
Safety Risk Dam: NO  
Completed: YES  
Date of Completion: 1979/01/01

### Water Use Sector(s)(i.e. Purpose(s) for Storing of Water):

AGRICULTURE: IRRIGATION

# National Register of Water Use Registration Record 29023048

## Storing water in terms of Section 21(b) of the National Water Act: Dam Registration

### Water Use Identification

Register Number: 29023048  
Water Use Number: 1  
Water Use Start Date: 2023/07/01  
Water Use Status Date: 2023/07/06  
Water Use Status: REGISTERED

### Property Where Water Use Occurs

Property Name: BUFFELS RIVIER  
Property Number: 46  
Portion of Property: 34  
SG Cadastral Code: C0270000000004600034  
Deeds Office: CAPE TOWN  
Registration Division: GEORGE  
Registration Division Province: WESTERN CAPE  
Surveyor General Office: CAPE TOWN

### WUN/Property Relationship Details

Relationship Start Date	Relationship End Date
2023/07/01	

#### DISCLAIMER :

This Registration Record:

- 1 is not an acknowledgement of an entitlement to the registered water use;
- 2 may NOT be used to create the impression that it is proof of a water use entitlement. By virtue of section 22(1) of the National Water Act, the only documents that may be used as proof of a water use entitlement, are:
  - 2.1 a licence;
  - 2.2 an official document stating the extent of existing lawful water use pursuant to sections 33 or 35 of the National Water Act;
  - 2.3 a general authorisation as published in the Gazette; or
  - 2.4 Schedule 1 of the National Water Act.

#### Notes:

- If an entitlement for the specific water use referred to in this Registration Record has been confirmed by the Department, it may be indicated as such in this Registration Record.
  - If the responsible authority has dispensed with the requirement for a licence for a specific water use, no water use entitlement is needed for that use under the National Water Act.
- 3 is issued without alterations or erasures and is invalid if it contains alterations not in conformity with the Department's official copy; and in substitution of any Registration Record the Department may have previously issued and the information is valid as at the date of issue.