



water & sanitation

**Department:
Water and Sanitation
REPUBLIC OF SOUTH AFRICA**

WESTERN CAPE REGION
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Enquiry: N. Nthungeni
File number: 27/2/2/G422/108/4

Communicare Trust
P O Box 259
CAPE TOWN
8001

Dear Sir/Madam

APPLICATION FOR WATER USE LICENSE APPLICATION IN TERMS OF SECTION 40 AND 41 OF THE NATIONAL WATER ACT, 1998 (ACT 36 OF 1998): IMPEDING OR DIVERTING THE FLOW OF WATER IN A WATERCOURSE: ERF 776, MANDALAY: CAPE TOWN

Your Water Use License Application has reference.

Attached please find the original Water Use License number 19/G22D/CI/2955 dated 17 July 2015 that was issued with regard to the above-mentioned application.

Please ensure that all conditions within the License are adhered to.

Water use charges or waste discharge charge charges or levies will be imposed from time to time by responsibly authority or the Department in terms of the Raw Water pricing Strategy as published.

If you need further information, you are welcome to contact this office.

Yours faithfully

**WESTERN CAPE: HEAD OF PROVINCIAL OPERATIONS
DATE: 18 August 2015**



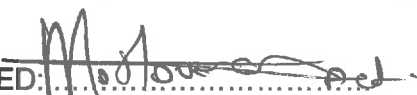
water & sanitation

Department:
Water and Sanitation
REPUBLIC OF SOUTH AFRICA

Private Bag X313, Pretoria, 0001, 185 Francis Baard Sedibeng Building, 185 Schoeman Street, Pretoria,
Tel: (012) 336-7500 Fax: (012) 323-4472 / (012) 326-2715

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

I, **Margaret-Ann Diedricks**, in my capacity as Director General of the Department of Water and Sanitation acting under authority of the powers delegated to me by the Minister of Water and Sanitation hereby authorize the following water uses in respect of this licence.

SIGNED: 

DATE: 2018/07/17

LICENCE NUMBER: 19/G22D/CI/2955
FILE NUMBER: 27/2/2/G422/108/4

1. **Licensee:**
Postal Address
Communicare Trust
P O Box 259
CAPE TOWN
8001
2. **Water Uses:**
 - 2.1 Section 21(c) of the Act: Impeding or diverting the flow of water in a watercourse, subject to the conditions set out in Appendices I and II.
 - 2.2 Section 21(i) of the Act: Altering the bed, banks course or characteristics of a watercourse, subject to the conditions set out in Appendices I and II
3. **Property in respect of which this licence is issued**
 - 3.1 Erf 776, Mandalay Cape town
4. **Registered owner of the Property**
 - 4.1 Communicare Trust

B 05572

5. Licence and Review Period

- 5.1 This licence is valid for a period of forty (40) years from the date of issuance and it may be reviewed every five (5) years after issuance.

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".

"Provincial Head" The Provincial Head" means the Head Of Provincial Operations: Western Cape Region, Department of Water and Sanitation, Private Bag X52, Bellville, 7530

7. Description of activity

This This licence authorises Communicare Trust for Section 21(c) and (i) water uses for the infilling of seasonal wetlands for the construction a housing development and also for the construction of a housing development and road reserve within the 500 m radius boundary of a wetland on Erf 776, Mandalay within G22D quaternary catchment in Berg Water Management Area.

APPENDIX I

General conditions for the licence

1. This licence is subject to all applicable provisions of the National Water Act, 1998 (Act 36 of 1998).
2. The responsibility for complying with the provisions of the licence is vested in the Licensee and not any other person or body.
3. The Licensee must immediately inform the Provincial Head of any change of name, address, premises and/or legal status.
4. 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.
5. The licence and amendment of this licence are also subject to all the applicable procedural requirements and other applicable provisions of the Act, as amended from time to time.
6. The Licensee shall conduct an annual internal audit on compliance with the conditions of licence. A report on the audit shall be submitted to the Provincial Head within one month of the finalisation of the audit.
7. The Licensee shall appoint an independent external auditor to conduct an annual audit on compliance with the conditions of this licence. The first audit must be conducted within 3 (three) months of the date this licence and a report on the audit shall be submitted to the Provincial Head within one month of finalisation of the report.
8. Any incident that causes or may cause water pollution shall be reported to the Provincial Head or his/her designated representative within 24 hours.
9. The Licensee shall conduct an annual internal audit on compliance with the conditions of this licence. A report on the audit shall be submitted to the Provincial Head within one month of the finalization of the audit.
10. The Licensee shall appoint an independent external auditor to conduct an annual audit on compliance with the conditions of this licence.
11. The Department accepts no liability for any damage, loss or inconvenience, of whatever nature, suffered as a result of / amongst other things.
 - 11.1 Inundation of flood;
 - 11.2 Any *force majeure* event and
 - 11.3 Siltation of the river or dam basin.

APPENDIX II**Section 21(c) of the Act: Impeding or diverting the flow of water in a watercourse;****Section 21(i) of the Act: Altering the bed, banks, course or characteristic of a watercourse****1. GENERAL**

1.1 This licence authorises Communicare Trust for Section 21(c) and (i) water use activities for the infilling of seasonal wetlands for the construction of a housing development and the construction of the housing development and road reserve within the 500 m radius boundary of a wetland as set out in Table 1.

1.2

Table 1: Water Use Activities

Water use(s)	Purpose	Property Description	Co-ordinates
Section 21 (c) & (i)	Construction of a residential development and road reserve within the 500 m radius boundary of a wetland	Artificial wetland	34°1'12.37"S 18°37'10.64"E
			34°1'14.13"S 18°37'11.91"E
			34°1'13.83"S 18°37'16.95"E
Section 21 (c) & (i)	The infilling of seasonal wetlands for the construction of the proposed housing development	Erf 776, Mandalay, Cape town	34°1'10.97"S 18°37'4.16"E
			34°1'18.69"S 18°37'33.15"E
			34°1'21.38"S 18°37'11.21"E
			34°1'19.56"S 18°37'34.16"E

1.2 The Licensee must carry out and complete all the activities listed under condition 1.1 according to the following:

1.2.1 Reports submitted to the Department or the Provincial Head, Specifically:

1.2.1.1 Water Use Licence Application documents dated 13 May 2010

1.2.1.2 Proposed Montclair development report on: Erf 776, Mandalay" compiled by Toni Belcher

1.2.1.3 Wetland offset Report: Montclair development of Erf 776, Mandalay dated March 2015

1.2.2 Environmental Authorisation dated 28 October 2011.

- 1.2.3 Conditions of this licence, and
- 1.2.4 Any other written direction issued by the Provincial Head in relation to this licence.
- 1.3 No activity must take place within the extent of a watercourse, unless authorised by this licence.
- 1.4 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.
- 1.5 A copy of the water use licence and reports set out in condition 1.2.1 must be on site at all times.
- 1.6 A suitably qualified person/s, appointed by the Licensee, and approved in writing by the Provincial Head must be responsible for ensuring that the activities are undertaken in compliance with the specifications as set out in reports submitted to the Department or the Responsible Authority and the conditions of this licence.

2. FURTHER STUDIES AND INFORMATION REQUIREMENTS

- 2.1 No fundamental alterations of the work method statements, site plan/s and drawings are allowed, unless a modification is requested and granted by the Provincial Head in writing; and
- 2.2 No site activities must occur beyond the proposed site location of the erosion and sedimentation controls and marked limits of disturbance.
- 2.3 If the Licensee is not the end user/beneficiary of the water use related infrastructure and will not be responsible for long term maintenance and management of the infrastructure, the Licensee must provide a Programme for hand over to the successor-in-title including a brief management/maintenance plan and the agreement for infrastructure along with allocation of responsibilities, within three (3) months of the date of issuing of this licence.
- 2.4 All proposed mitigation measures that are recommended in the freshwater assessment report are supported and must be incorporated into the EMP and rehabilitation plan.
- 2.5 Licensee must submit to the Provincial Head an updated level 4 BEE certificate before the commencement of the development.

3. PROTECTIVE MEASURES

3.1 Storm Water Management

- 3.1.1 Storm water management practices must be constructed, operated and maintained in a sustainable manner throughout the project and for the water use activities set out in condition 1.1 and must include but are not limited to the following:
 - 3.1.1.1 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 bank instability and excessive levels of silt entering the watercourse/s.
 - 3.1.1.2 Storm water must be diverted from construction works, mining areas, and roads and must be managed in such a manner as to disperse runoff and to prevent the concentration of storm water flow.

3.1.1.3 The velocity of storm water discharges must be attenuated and the banks of the watercourses protected; and

3.1.1.4 Storm water leaving the Licensee's premises must 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 or spilled on the premises.

3.1.1.5 Sheet runoff from paved surfaces and access road need to curtailed

3.2. Structures, Construction Plant and Materials

3.2.1 The necessary erosion prevention measures must be employed to ensure the sustainability of all structures.

3.2.2 The height, width and length of structures must be limited to the minimum dimension necessary to accomplish the intended function.

3.2.3 Structures must not be damaged by floods exceeding the magnitude of floods occurring on average once in every 100 years.

3.2.4 Structures must be non-erosive, structurally stable and must not induce any flooding or safety hazard.

3.2.5 Structures must be inspected regularly for accumulation of debris, blockage, erosion of abutments and overflow areas - debris must be removed and damages must be repaired and reinforced immediately.

3.2.6 The construction camp, plant and material stockpiles must be located outside the extent of the watercourse/s and must be recovered and removed within a period of 1(one) month after completion of construction of the pipeline.

3.2.7 During construction erosion berms should be installed to prevent gully formation, according to the slope.

3.2.8 All areas affected by construction should be rehabilitated upon completion of the construction phase of the development. Areas should be reseeded with indigenous vegetation species as required, and the use of seednets is recommended to prevent erosion.

3.2.9 During the construction phase no vehicles shall be allowed to indiscriminately drive through any wetland areas.

3.2.10 No construction is allowed within the 1:100 year floodline and /or delineated riparian habitat, whichever is the greatest, or within 500m radius from the boundary of any wetland unless authorised in this licence.

3.3 Water Quality

3.3.1 The Licensee shall sample the water quality weekly (during construction) and monthly (during operation) for the mentioned variables (Table 2) at monitoring points both

upstream and downstream of the activities and reported to the Provincial Head within thirty (30) days after the results of each sampling event is received.

Table 2: Water quality parameters relevant for sampling

Variable	Limit
pH	6.0 – 8.5
Turbidity(NTU)	<3NTU
Suspended solids (SS) (mg/l)	<20 mg/l
Dissolved oxygen (mg/l)	6
Turbidity (NTU)	<3
Sechi disk depth (m)	>1 meter
Total dissolved solids	< 450 mg/l

- 3.3.2 Monitoring must be undertaken as set out in section 5.
- 3.3.3 Monitoring must continue for 3 years after the cessation of the activities listed in condition 1.1.
- 3.3.4 The water use must not result in a change in the quality, velocity, pattern, timing, water level and assurance of flow in a watercourse.
- 3.3.5 The Licensee must ensure that the quality of the water to downstream water users does not decrease to lower than the limits as set out on Table 2 because of the water use activities listed under condition 1.1 of Appendix II.
- 3.3.6 Pollution of and disposal/spillage of any material into the watercourse must be prevented, reduced, or otherwise remediate through proper operation, maintenance and effective protective measures.
- 3.3.7 Vehicles and other machinery must be serviced well above the 1:100 year flood-line or outer edge of the riparian habitat whichever is the greatest. Oils and other potential pollutants must be disposed off at an appropriate licenced site, with the necessary agreement from the owner of such a site.
- 3.3.8 Any hazardous substances must be handled according to the relevant legislation relating to transport, storage and use of the substance.
- 3.3.9 All reagent storage tanks and reaction units must be supplied with a banded area built to the capacity of the facility and provided with sumps and pumps return the spilled material back into the system. The system must be maintained in a state of good repair and standby pumps must be provided.

4. REHABILITATION AND MANAGEMENT

- 4.1 The Licensee must embark on a systematic long-term rehabilitation programme to restore the watercourse/s to environmentally acceptable and sustainable conditions after completion of the activities, which must include, but not be limited to the rehabilitation of disturbed and degraded riparian areas to restore and upgrade the riparian habitat integrity to sustain a bio-diverse riparian ecosystem.
- 4.2 Rehabilitation must be concurrent with construction.

- 4.3 Sufficient topsoil must be stripped and redistributed.
- 4.4 The original contours must be established over the pipeline trench. After the backfill has subsided, the contour must follow the surrounding contours to stop irregular flows or blockage of biotic movement.
- 4.5 Compacted and disturbed areas must be shaped to natural forms and to follow the original contour. In general cut and fill slopes and other disturbed areas must not exceed 1:3 (v:h) ratio, it must be protected, vegetated, ripped and scarified parallel with the contour.
- 4.6 All disturbed areas must be re-vegetated with indigenous plants in consultation with an indigenous plant expert, ensuring that during rehabilitation only indigenous shrubs, trees and grasses are in restoring the biodiversity.
- 4.7 An active campaign for controlling invasive species must be implemented within disturbed zones to ensure that it does not become a conduit for the propagation and spread of invasive exotic plants.
- 4.8 Photos of pre-construction, post construction and post rehabilitation must be taken and kept on record.
- 4.9 Rehabilitation structures must be inspected regularly for the accumulation of debris, blockages instabilities and erosion with concomitant remedial and maintenance actions.
- 4.10 The Provincial Head must sign a release form indicating that rehabilitation was done satisfactory according to specifications as per this licence.

5. MONITORING AND REPORTING

- 5.1 The Provincial Head must be notified in writing one month prior to commencement of the licensed activities and again upon completion of the activities.
- 5.2 A comprehensive and appropriate environmental (including bio-monitoring) assessment and monitoring Programme to determine the impact, change, deterioration and improvement of the aquatic system associated with the activities listed under condition 1.1 as well as compliance to these water use licence conditions must be developed and submitted to the Provincial Head for written approval within one (1) month of the commencement of the activity and must subsequently be implemented as directed.
- 5.3 An Environmental Control Officer must be appointed and he/she will be responsible for monitoring of the affected areas.
- 5.4 Six (6) monthly monitoring reports must be submitted to the Provincial Head until otherwise agreed in writing with the Provincial Head.
- 5.5 Water quality monitoring is required for a period of two years on a monthly basis and essential to monitor the stormwater discharge points.
- 5.6 A record of implementation of all mitigation measures and implementation of the watercourse rehabilitation and management plan including a record of corrective actions.

- 5.7 The Licensee must apply in writing to the Provincial Head for alternative monitoring and reporting arrangements for which written approval must be provided.
- 5.8 Compensation measures for damage where mitigation measures have failed to adequately protect the in-stream and riparian habitat or any other characteristic of the watercourses.

6. OTHER WATER USERS

- 6.1 The Licensee must attempt to prevent adverse effect on other water users. All complaints must be investigated by a suitable qualified person and if investigations prove that the Licensee has impaired the rights of other water users, the Licensee must initiate suitable compensative measures.

7. POLLUTION PREVENTION, INCIDENTS AND MALFUNCTIONS

- 7.1 Pollution incidents shall be dealt with in accordance with the Act.
- 7.2 Any incident that may cause pollution of any water resource shall immediately be reported to the Provincial Head, during the construction, operation and decommissioning phases of the activity.
- 7.3 If surface and/or groundwater pollution has occurred or may possibly occur, the Licensee must conduct, and/or appoint specialists to conduct the necessary investigations and implement additional monitoring, pollution prevention and remediation measures to the satisfaction of the Provincial Head.
- 7.4 The Licensee or his/her delegated authority must ensure that no waste is stored close to crossings.
- 7.5 The Licensee shall keep all records relating to the compliance or non-compliance with the conditions of this licence in good order. Such records shall be made available to the Provincial Head within 14 (fourteen) days of receipt of a written request by the Department for such records.
- 7.6 The Licensee shall keep an incident report and complaints register, which must be made available to any external auditors and the Department.

8. BUDGETARY PROVISIONS

- 8.1 The Licensee must ensure that there is a budget sufficient to complete and maintain the water use and for successful implementation of the rehabilitation programme as set out in this licence.
- 8.2 The Provincial Head may at any stage of the process request proof of budgetary provisions for rehabilitation and closure of project.

9. SITE SPECIFIC CONDITIONS

- 9.1 The wetland identified to have a moderate ecological importance and sensitivity (wetland 3) is to be zoned as a private open space and all rehabilitation and maintenance of this wetland is the responsibility of the Developer. Prior to any future rehabilitation and maintenance work the Provincial Head must be notified with the relevant interventions and methods prior commencement.

- 9.2 The area zoned for the proposed corridor between wetland 3 and the private open space, which will be obtained for the Eskom power lines, is the responsibility of the Developer for all rehabilitation and maintenance. No future developments are subjected to this area.
- 9.3 The proposed effective buffer zone around the wetland should be gravel and/or wood-chipped path with the use of wooden planks/bark/stumps on the outer boundary.
- 9.4 All proposed mitigation measures that are recommended in the freshwater assessment report and the Offset report are supported and must be incorporated into the Environmental Management Plan and rehabilitation plan before commencement of development.

[END OF LICENCE]