



water & sanitation

Department:
Water and Sanitation
REPUBLIC OF SOUTH AFRICA

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

I, Boniswa Debbi Hene, in my capacity as Acting Regional Head: Western Cape, Acting under authority of the powers delegated to me by the Acting Director General of the Department of Water and Sanitation, hereby authorise the following water uses in respect of this licence.

Signed:.....

Date: 22/04/2021

LICENCE NO: 02/K50B/BCI/10066

FILE NO: 27/2/2/K250/4/3

REF. NO: WU9330

1. Licensee: Jazz Spirit 130 (Pty) Ltd: George Rex Wetland Development

Postal Address: PO Box 479
KNYSNA
6570

2. Water Uses

- 2.1 Section 21 (b) of the Act: Storing water
- 2.2 Section 21 (c) of the Act: Impeding or diverting the flow of water in a watercourse
- 2.3 Section 21 (i) of the Act: Altering the bed, banks, course or characteristics of a watercourse

3. Properties in respect of which this licence is issued

3.1 ERF 12403, Knysna RD

4. Registered owners of the Properties B10066

Table 1: Registered owners of the Properties

Property Name	Property Owner	Title deeds number
Land Parcel 12403 of the Minor Region KNYSNA,	Jazz Spirit 130 (Pty) Ltd	T000074672/2005

5. Licence and Review Period

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 (5) years.

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.

"The Chief Executive Officer" means the Head of Breede-Gouritz Catchment Management Agency - Worcester.

"Extent of the watercourse" means the outer edge of the 1:100 year floodline or the delineated riparian habitat, whichever is the greatest.

"Regulated area of a wetland" is the use of water for section 21 c and i water uses within 500m radius from the boundary of any wetland.

A wetland means land which is transitional between terrestrial and aquatic systems where the water table is usually at or near the surface, or the land is periodically covered with shallow water, and which land in normal circumstances supports or would support vegetation typically adapted to life in saturated soil.

The characteristics of a watercourse/s mean the flow regime, water quality, habitat (including the physical structure of the watercourse/s and associated vegetation) and biota found within the extent of the watercourse/s. The Resource Quality characteristics as defined in the National Water Act, 1998 (Act 36 of 1998).

7. Description of activity

This licence authorises **Jazz Spirit 130 (Pty) Ltd** for the water uses in terms of section 40 of the National Water Act, 1998 (Act 36 of 1998). The water use application is for storing of harvested rainwater from roof tops into a dam, and for a construction of mixed-use development within a wetland.

The high confidence Reserve by Rountree and Scherman (2017) determined that development of 40 % of the wetland and rehabilitation of the remaining 60 % of the wetland would still allow for an improvement in the PES from C/D to the Recommended Ecological Category (REC) of C. The Department of Water and Sanitation has approved the reserve on 1 March 2021 based on the 40/60 percent scenario.

The applicant indicated that off-site mitigation is not possible within this catchment as the vast majority of wetlands in the catchment and surrounding area have been lost to catchment development or are already protected and in good condition. Rehabilitation within the site is however recommended to improve the condition and functionality of the wetlands.

The applicant intends to develop a mixed-use development which will have sport, adventure and tourism focus. The proposal will consist of a high-performance aquatic centre, a sport's village (for accommodation for athletes and supporters), sports-orientated retail and professional services (physio-therapists, biokineticists, gym, massage, sport psychology, etc.

The proposed development will consist of the following mixed uses:

- 2 x "General Residential Zone" portions;

- 5 x "Business Zone" portions;
- 1 x "Business Zone" with consent use for a 'Place of Entertainment' portion;
- 4 x "Private Open Space" portions;
- 2 x "Special Zone" portions. (Two (2) "Special Zone" portions, portions "11" and "12", are proposed as Private Roads. The Knysna Zoning Scheme Regulations does not have a demarcated zoning for Private Roads, thus a Special Zone is created to accommodate the Private Roads.)

The proposed access road will circle through the site and also egress on Howard Street on the eastern side of the existing wetland. This access to Howard Street is specifically necessary to accommodate the residential traffic (general residential development). The egress on Howard Street is also required to serve as emergency egress during disasters or during sporting events that attract high levels of traffic.

The activity is located in quaternary catchment K50B which falls within Breede-Gouritz 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 Chief Executive Officer of any change of name, address, premises and/or legal status.
4. If the property in respect of which this licence is issued is subdivided or consolidated, the Licensee must provide full details of all changes in respect of the properties to the Chief Executive Officer within 60 days of the said change taking place.
5. If a Water User Association is established in the area to manage the resource, membership of the Licensee to the Association is compulsory. Rules, regulations and water management stipulation of such association must be adhered to.
6. The Licensee shall be responsible for any water use charges and/or levies imposed by a Responsible Authority.
7. While effect must be given to the Reserve as determined in terms of the Act, where a lower confidence determination of the Reserve has been used in issuance of this licence, the licence conditions may be amended should a higher confidence reserve be conducted.
8. 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.
9. The licence and amendment of this licence are also subject to all the applicable procedural requirements and other provisions of the Act, as amended from time to time.
10. 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 Chief Executive Officer within one month of the finalization of the audit.
11. The Licensee shall appoint an independent external auditor to conduct an annual audit on compliance with the conditions of this licence. Both these audits may be subjected to external audit.
12. Any incident that causes or may cause water pollution must be reported to the Chief Executive Officer or a designated representative within 24 hours.
13. The Department accepts no liability for any damage, loss or inconvenience, of whatever nature, suffered as a result of / amongst other things.
 - 13.1 Shortage of water;
 - 13.2 Inundation of flood;
 - 13.3 Any *force majeure* event;
 - 13.4 Siltation of the river or dam basin; and
 - 13.5 Required Reserve releases.

APPENDIX II

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

1. Storing of water

1.1 The Licensee is authorised to store roof tops harvested rainwater into 4 000 m³ dam.

Table 2: Water use activities

Activity	Purpose / Description	Properties	Demission/ Capacity	Co-ordinates
Storing roof tops harvested rainwater into a dam	To be used for domestic purpose	Erf 12403, Knysna Rd	4 000 m ³	Lat: 34.052525 Lon: 23.072551

1.2 The Licensee is not exempted from compliance with any applicable Dam Safety Regulations.

2. Monitoring Requirements

2.1 To compile a water balance to manage the use of water optimally the Licensee shall monitor the quantity of water transferred into and from the dam set out in Condition 1.1 of Appendix II on a daily basis and submit this to the Chief Executive Officer bi-annually.

2.2 The Licensee shall provide information on the method on the flow measurement within one year from the date of issuance the licence

2.3 All flow gauging devices shall be maintained in a sound state of repair.

2.4 All flow gauging devices shall be calibrated by a competent person, at intervals not exceeding three years.

2.5 The installation of flow meters shall comply with the specifications of the manufacturer with regard to distance from obstructions in the pipeline upstream and downstream of the meter to ensure accurate measurements.

2.6 Records confirming proof of the calibration must be kept and made available to the Chief Executive Officer upon request.

APPENDIX III

Section 21(c) of the Act: Impeding or diverting the flow of water in a watercourse and

Section 21(i) of the Act: Altering the bed, banks, course or characteristic of a watercourse

1. GENERAL

1.1 This licence authorises George Rex Wetland Development for Section 21(c) and (i) water use activities for the construction facilities as set out in Table 3 within quaternary catchment K50B and in the water use licence application reports submitted to the Department (refer to condition 1.2).

Table 3: Water Use Activities

Activity	Purpose / Description	Properties	Co-ordinates	
Section 21 (c)				
Impeding or diverting the flow of water in a watercourse	Stormwater outlets divert surface runoff into undeveloped wetland area	Erf 12403, Knysna Rd	-34.052151	23.074206
	Sports complex impedes infiltration of rainfall into wetland		-34.052248	23.071929
	Culvert diverting stormwater out of wetland		-34.051054	23.073682
	Culvert diverting estuarine water into the wetland		-34.050311	23.073619
Section 21 (i)				
Altering the Bed, Banks, Course or Characteristics of a Watercourse	Construction of sports complex and rehabilitation of the wetland will alter the bed of the wetland	Erf 12403, Knysna Rd	-34.051020	23.071545
	Construction of access road will alter the bed of the wetland		-34.052812	27.073337
	Installation of sewer reticulation network within the delineated area of the wetland		-34.051020	23.071545

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 Chief Executive Officer, specifically:

#	Report	Author	Date
i	Aquatic Rehabilitation Plan for George Rex Wetland, Knysna	Confluent Environmental	July 2019
ii	Water Use Licence Application Technical Report	Confluent Environmental	July 2019
ii	George Rex Wetland Reserve (including the conditions of the approved reserve dated 1 March 2021)	Scherman Colloty & Associates cc	March 2017
iii	Historical and present wetland distribution of Erf 12403, Knysna	T.G. Bormman	February 2006
iv	Preliminary report on provision of bulk civil services to proposed development	Nieuwoudt & Kie Consulting Engineers	September 2018
v	Draft EMP for the Proposed Construction of a	Eco Route Environmental	1/7/2019

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#	Report	Author	Date
	Mixed Use, Sport, Adventure and Tourism Development on Erf 12403, George Rex, Knysna	Consultancy	
vi	Master layout plan	M Vreken	April 2018

- 1.3 Conditions of this licence; and
- 1.4 Any other written direction issued by the Chief Executive Officer in relation to this licence.
- 1.5 No activity must take place within the 1:100 year flood line or the delineated riparian habitat, whichever is the greatest, or within 500 m radius from the boundary of any wetland unless authorised by this licence.
- 1.6 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.
- 1.7 A copy of the water use licence and reports set out under condition 1.2 of this Appendix must be on site at all times.
- 1.8 A suitably qualified person(s), appointed by the Licensee, 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 Chief Executive Officer and the conditions of this licence.

2. FURTHER STUDIES AND INFORMATION REQUIREMENTS

- 2.1 For water use activities in Table 3:
 - 2.1.1 No fundamental alterations of the site design plan(s) and drawings are allowed, unless a modification is requested and granted by the Chief Executive Officer in writing; and
 - 2.1.2 No site activities must occur beyond the proposed site location of the erosion and sedimentation controls and marked limits of disturbance.
- 2.2 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 issuance of this licence.
- 2.3 Storm Water management plan should be designed in a way that aims to ensure that post-development run-off does not exceed pre-development values in:
 - 2.3.1 Peak discharge for any given storm,
 - 2.3.2 Total volume of run-off for any given storm,
 - 2.3.3 Frequency of run-off volumes,
 - 2.3.4 Pollutant and debris concentrations reaching watercourses,
 - 2.3.5 Demonstrate minimal soil and vegetation clearance practices,
 - 2.3.6 Demonstrate an effective re-vegetation campaign for bare areas,
 - 2.3.7 Velocity of outgoing storm water shall not exceed the velocities of incoming water in order to reduce erosion impacts, and

2.3.8 Increase in run-off due to a higher water table resulting from tree clearing practices.

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 (promoting limiting vegetation clearance at all times) 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, access roads, linear infrastructure and reptile ponds and must be managed in such a manner as to disperse runoff and to prevent the concentration of storm water flow; and

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

3.2 Structures and Materials

3.2.1 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 Any access roads, bridges, pathways or other linear crossings should be:

3.2.6.1 Non-erosive, structurally stable and should not induce any flooding or safety hazard;

3.2.6.2 Any damage is repaired immediately to prevent further damage;

3.2.6.3 Non-polluting with respect to silt and litter that can be deposited into a watercourse;

3.2.6.4 Watercourse crossings to facilitate the movement of aquatic and non-aquatic organisms and fauna;

3.2.6.6 Crossing surfaces must be tarred, paved or concreted along the extent of the watercourse and extent at least 100m beyond the extent of the watercourse to minimise impacts on the characteristics of the watercourse;

3.2.6.7 Where any road is within the 100m buffer zone of the watercourse, this portion of the road shall be concreted, paved or tarred; and

3.2.6.8 Not consist of any polluting material.

3.2.7 Landscape maintenance plan must be submitted for approval by Chief Executive Officer within 6 months of licence being issued.

4. REHABILITATION AND MANAGEMENT

- 4.1 The Licensee must embark on a systematic long-term rehabilitation programme to restore the watercourse to environmentally acceptable and sustainable conditions, 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 All disturbed areas must be re-vegetated with an indigenous seed mix in consultation with an indigenous plant expert, ensuring that during rehabilitation only indigenous shrubs, trees and grasses are used in restoring the biodiversity.
- 4.3 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.
- 4.4 Rehabilitation must be concurrent with construction.
- 4.5 Topsoil must be stripped and redistributed.
- 4.6 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.
- 4.7 The Chief Executive Officer must sign a release form indicating that rehabilitation was done satisfactory according to specifications as per this license.
- 4.8 A photographic record must be kept as follows and submitted with reports as set out in section 5:
 - 4.8.1 Dated photographs of all the sites to be impacted before construction commences;
 - 4.8.2 Dated photographs of all the sites during construction on a monthly basis; and
 - 4.8.3 Dated photographs of all the sites after completion of construction, seasonally.
- 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 Rehabilitation Plan must be updated and drawn on a drawing for approval by Chief Executive Officer within 6 months of licence being issued.
- 4.11 Experienced environmental rehabilitation personnel as well as the correct equipment for environmental rehabilitation must be available.

5. MONITORING AND REPORTING

- 5.1 A comprehensive and appropriate environmental assessment and monitoring programme (including bio-monitoring and eco-toxicology) to determine the impact, change, deterioration and improvement of the aquatic system associated with the activities listed under condition

1.1 and other existing activities as well as compliance to these water use licence conditions must be developed and submitted to the Chief Executive Officer for a written approval before commencement and must subsequently be implemented.

- 5.2 A qualified and responsible scientist must be retained by the Licensee who must give effect to the various licence conditions and to ensure compliance thereof pertaining to all activities impeding and/or diverting flow of watercourses as well as alterations to watercourses on the property as set out in condition 1.1.
- 5.3 The Licensee shall conduct an internal and external audit as per condition 11 and 12 of Appendix 1 and the audit report must include:
- 5.3.1 Reporting in respect of the monitoring programme referred to in condition 5.1 of Appendix III and all other reporting and compliance conditions outlined in this licence;
- 5.3.2 A record of implementation of all mitigation measures including a record of corrective actions; and
- 5.3.3 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.
- 5.4 5.5 The Licensee must apply in writing to the Chief Executive Officer for alternative reporting arrangements for which written approval must be provided.

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 If surface and/or groundwater pollution has occurred or may possibly occur, the Licensee must conduct, and/or appoint specialists to conduct necessary investigations and implement additional monitoring, pollution prevention and remediation measures to the satisfaction of the Chief Executive Officer.
- 7.2 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 Chief Executive Officer within 14 (fourteen) days of receipt of a written request by the Department for such records.
- 7.3 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 water user 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 Department may at any stage of the process request proof of budgetary provisions for rehabilitation and closure of project.

9. SPECIAL CONDITIONS

9.1 Construction Phase Mitigation measures

- 9.1.1 Any exposed earth must be rehabilitated by planting suitable vegetation to protect the exposed soil;
- 9.1.2 The footprint area of the construction should be kept a minimum. The footprint area must be clearly demarcated to avoid unnecessary disturbances to adjacent areas;
- 9.1.3 The scenario 3b of the approved wetland reserve (60% wetland and 40% development) that will meet the Recommended Ecological Category must be adhered to in order to reduce and minimise the impacts so as to protect the ecological integrity of the water resources.
- 9.1.4 Installation of culverts under George Rex drive must avoid disturbance of wetland vegetation as far as possible. Culverts should ideally be installed during the dry season;
- 9.1.5 No dumping of construction material on-site may take place. All waste generated on-site during construction must be adequately managed. Separation and recycling of different waste materials should be supported; and
- 9.1.6 An emergency spill response procedure must be formulated and staff is to be trained in spill response. All necessary equipment for dealing with spills of fuels/chemicals must be available at the site. Spills must be cleaned up immediately and contaminated soil/material disposed of appropriately at a registered site;

9.2 Operational Phase

- 9.2.1 All stormwater outlets should be monitored regularly to ensure that no preferential flow paths form which may lead to erosion of wetland habitat.
- 9.2.2 Existing offsite stormwater infrastructure must be upgraded to ensure better management of peak runoff and prevent or minimize the current localized flooding experienced in the immediate vicinity of the site.
- 9.2.3 Access points and routes into the wetland should be carefully planned to minimize excessive traffic through and disturbance to the wetland.
- 9.2.4 Any activities requiring vehicular access (e.g. removal of berms and clearing of felled alien invasive trees) should ideally be undertaken during the dry season to minimize disturbance to the wetland.
- 9.2.5 Openings in the existing stormwater drainage channel should be made in locations with abundant alien vegetation, causing minimal disturbance to indigenous plants;
- 9.2.6 Cleared vegetation must be removed from the site and dumped at a municipal waste site;
- 9.2.7 Mowing of the wetland vegetation must be ceased;

- 9.2.8 Retain a network of mown paths from which to access areas of regenerating vegetation as well as established vegetation to control alien plants; and
- 9.2.9 The wetland should be monitored annually to ensure that a trajectory towards and improved PES is achieved. Monitoring must be done according to the monitoring plan in the George Rex Wetland Rehabilitation Plan.
- 9.2.10 The developer must ensure that their wetland rehabilitation plan/program for bigger area incorporate work with other property owners and the municipality to improve the status of wetlands and rivers in the town. This is in line with the DWS no net loss principle for wetlands and to manage the resources at Recommended Ecological Category of at least a C.
- 9.2.11 The mitigation and rehabilitation measures proposed in the July 2019 Technical Report, aquatic rehabilitation plan and previously suggested should be carried out, e.g., enlarging the culvert underneath George Rex drive to improve water exchange with the estuary etc.

END OF LICENCE

BH