



DEPARTMENT: WATER AFFAIRS AND FORESTRY

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📁 27/2/2/g522/1/2

REGISTERED MAIL

Regional Director: Western Cape
 Department of Water Affairs and Forestry
 Private Bag X16
BELLVILLE
 7530

Attention: Betrand van Zyl

**APPLICATION FOR A LICENCE IN TERMS OF THE NATIONAL WATER ACT, 1998
 (ACT 36 OF 1998) ON PORTIONS 13 AND 14 OF THE FARM VERGENOEG 653, DISTRICT OF
 STELLENBOSCH: DREAMWORLD MANAGEMENT COMPANY (PTY) LTD**

1. Attached is a copy of a licence for your records.
2. The original copy is been forwarded to the applicant.

Dreamworld Management Company (Pty) Ltd
 c/o Target Projects
 P.O. Box 6853
 ROGGEBAAI CAPE
 8012

➤ ACTING DIRECTOR-GENERAL



LICENCE No. 27/2/2/G522/1/2

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**LICENCE IN TERMS OF CHAPTER 4 OF THE NATIONAL WATER ACT, 1998
 (ACT 36 OF 1998)**

I, **Cain Mfana Chunda**, in my capacity as Acting Chief Director: Water Use, in the Department of Water Affairs and Forestry by the powers delegated to me by the Minister of Water Affairs and Forestry, hereby authorise the following water uses in respect of the licence issued herewith, subject to the conditions set in the licence for the water uses.

Signature

Date

LICENCE**1. Water User**

The water user authorised in terms of this licence is:

Licensee : Dreamworld Management Company (Pty) Ltd
 Postal address : c/o Target Projects
 P.O. Box 6853
ROGGEBAAI CAPE
 8012

2. Water Uses

This licence is issued for the following water uses in terms of the National Water Act, 1998 (Act 36 of 1998)(hereinafter referred to as the Act).

- (a) The storing of a maximum quantity of 20 000m³, in 5 separate ponds, in terms of section 21(b) for domestic purposes,
- (b) Impeding or diverting the flow of water in a watercourse, for the development of a filming studio in terms of section 21(c) of the Act; and

- (c) Altering the beds, banks, course or characteristics of a water course in terms of section 21(i) of the Act for filming studio development

3. (a) The Properties on which the water will be, stored and utilised

Portions 13 and 14 of the farm Vergenoegd 653, in extent 4 9028 and 193 0980 ha, district of Stellenbosch, Western Cape Province.

(b) Allocated quantity of water:

The storing of a maximum quantity of 20 000m³, impeding or diverting the flow of a watercourse and altering the beds, banks, course or characteristics of a water course in respect of the properties mentioned in paragraph 3(a)

(c) Registered owner of the properties

Dreamworld Management Company (Pty) Ltd

(d) Water Resource

Kuils River is a water resource as defined by section 1(1) (xxvii) of the Act.

4. (a) Licence Period

This licence is valid for a period of twenty (20) years from the date of issuance.

(b) Review Period

As provided by section 49 of the Act this licence may be reviewed at intervals of 5 years.

5. CONDITIONS

- 5.1 The responsibility for complying with the provisions of the licence is vested in the licensee and may not be ceded to any other person or body.
- 5.2 The licence is subject to sections 43, 45 and 54 of the Act.
- 5.3 In terms of section 151 of the Act any contravention of or failure to comply with any condition of the licence constitutes an offence.
- 5.4 In terms of section 124 of the Act the Minister and any person authorised by him/her in writing may at any time enter upon the premises of the licensee to perform the functions contemplated in sections 125(1), 2 and 3 of the said Act.

- 5.5 In terms of section 148 (1)(f) of the Act any person who has timeously lodged a written objection against the application of the licence may appeal to the Water Tribunal and the Tribunal may confirm, amend or withdraw the licence or make any other order as it deems appropriate.
- 5.6 The licence shall not be construed as exempting the licensee from compliance with any other applicable Act, Ordinance, Regulation or By-law.
- 5.7 Any incident that causes or may cause water pollution must be reported to the Regional Director: Western Cape or his/her representative.
- 5.8 The licensee must inform the Regional Director of any change in his name, address and / or premises and legal status within 60 days from the date of change.
- 5.9 The licensee shall be responsible for any water use charges imposed from time to time by a responsible authority or the Department in terms of the Raw Water Pricing Strategy of the Department.
- 5.10 The water uses may only be utilised on the properties mentioned in paragraph 3(a).
- 5.11 No additional storage or abstraction works by means of which water can be abstracted and/or impounded may be constructed on the property without the prior written consent of the Minister of Water Affairs and Forestry or a responsible authority.
- 5.12 This licence is subject to any ruling or apportionments by a court or the water tribunal.
- 5.13 The licensee is not indemnified in respect of any detrimental effect that the dam and the works may have on other property. The State does not accept any responsibility for or liability in respect of any damages or losses that may be suffered in consequence of the construction and utilization of the dam.
- 5.14 The quality or availability of the water is not guaranteed by the Department.
- 5.15 The waterworks must be equipped by the licensee at his own cost with a Departmental approved self registered water meter(s) which meter(s) must be maintained and kept in a working condition to the satisfaction of the Regional Director and the meter(s) can at any time be sealed by the Department and it can be requested from the licensee to keep an accurate record of the readings, as well as the dates and periods that abstraction took place and such records must be made available to any authorized official of the Department if the Department or a responsible authority needs the information.
- 5.16 Due to possible over-allocation of water in this water resource when compulsory licensing is required in future in terms of Chapter 4 of the Act this licence may be subject to a reduction in the allocated volume in order to comply with the requirements of the Act.
- 5.17 The licensee is not exempted from compliance with the provisions of the Dam Safety Regulations published by Government Notice R. 1560 of 25 July 1998, read with Chapter 12 of the Act. **Construction of new or alteration of existing dams with a safety risk may not commence unless the required licence to construct has been issued by this Department.**

- 5.18 The Department reserves the right to review the licence at any time if it is determined by the Department or brought to the attention of the Department that existing lawful water users downstream of the dam are being negatively impacted by this activity.
- 5.19 The Department accepts no liability for any damage, loss or inconvenience, of whatever nature, suffered as a result of:-
- Shortage of water
 - Inundation or flood
 - Siltation of the river or dam basin
 - Required reserve releases
- 5.20 If a water user association is established in the area to manage the resource, membership of the licensee to this association is compulsory and rules, regulations and/or surface water management stipulation of this association must be adhered to.
- 5.21 If the properties mentioned in paragraph 3(a) are subdivided, sold or consolidated the Department must be notified within 60 days after the transaction took place.
- 5.22 If the properties mentioned in paragraph 3(a) are subdivided, sold or consolidated the owner(s) of the new property(ies) must enter into a written mutual agreement to determine each separate property's share in the allocated water.
- 5.23 To prevent increased sediment generate during and shortly after construction:
- (i). stream flow must be diverted well away from construction activities
 - (ii). access roads must be well maintained
 - (iii). the stream-bank at the spillway and downstream of the dam must be well protected against flood damage and erosion
- 5.24 Riparian vegetation and dead trees may not be removed from the area also snags in the river must be protected. In particular, snags (fallen trees and branches) in the river must be protected (i.e. not collected for fire wood or any other purpose).
- 5.25 A copy of layout plan must be available for scrutiny when required.
- 5.26 Plants that are indigenous to the immediate surroundings must be used for rehabilitation.
- 5.27 The licensee must determine and demarcate the 1:100 year flood line on the property.
- 5.28 No development (temporary or permanent including services) will occur within the 1:100 year flood line.
- 5.29 Alien vegetation must not be allowed to colonise the area and must be controlled.
- 5.30 Soil that have become compacted through the activities of the destruction activities must be loosened to an appropriate depth to allow seed germination.

- 5.31 Any materials removed from the in stream or riparian zone may not be stored within the riparian zone and may not be stored in such a way that may cause damming or wash-away.
- 5.32 The licensee may be required to phase in additional measures to address any non-compliance to the reserve.
- 5.33 The licensee must carry out and complete all the activities according to all relevant objectives, designs, construction and provisions contained in Environmental Management Plan compiled by the Environmental Partnership dated May 2006.
- 5.34 The impeding or diverting of flow of water must not impact negatively on a water resource or on another persons land.
- 5.35 The impeding or diverting the flow of water in a watercourse is not detrimental to the health and safety of the public in the vicinity of the activity.
- 5.36 The natural migration patterns of aquatic biota and the sustainable ecological functioning of the system are not interfered.
- 5.37 An aquatic scientist approved by the Regional Director must be appointed by the applicant to submit a monitoring programme for habitat integrity. Habitat integrity must be assessed using rapid method described by the Department of Water Affairs and Forestry (1999).
- 5.38 Water quality must not be detrimentally affected.
- 5.39 All necessary measures must be taken to stabilise the diversion structure and surrounding area. This will include rehabilitation of the riparian habitat integrity by ensuring that during rehabilitation of indigenous shrubs and grasses are used in restoring the biodiversity.
- 5.40 Removal of alien vegetation and all new alien vegetation recruitment must be controlled.
- 5.41 Analyses must be carried out in accordance with methods prescribed by and obtainable from the South African National Standards (SANS) in terms of the Standards Act of 2004.
- 5.42 The methods of analysis must not be changed without prior notification to and written approval by the Minister.
- 5.43 The Department reserves the right to audit and inspect the site at any time and at such a frequency as the Minister may decide or to have the site audited or inspected.
- 5.44 Waste must be disposed off in accordance with the provisions of Section 20(1) of the Environment Conservation Act (Act 73 of 1989).
- 5.45 Proposed activities must not increase the bank instability and the erosive potential of a stream. If stream diversions lead to a shorter length of the river the corresponding increase in gradient must be compensated with a corresponding increase in stream width and when it lead to a narrow river or floodplain, steps must be taken to ensure that the new channel is able to withstand the most probable maximum flood events without undue instability or erosion.

- 5.46 A 40 m buffer around wetland area must be demarcated. This area must be rehabilitated with appropriate indigenous vegetation to protect it from water quality contamination, hydrological changes and anthropogenic disturbances. This inner 25 m zone must be considered a “no go” zone while the outer 15 m zone could accommodate infrastructure such as boardwalks for low intensity recreational usage. No other form of built structure must be considered in the buffer area and the boardwalks would need to be designed to the satisfaction of a freshwater ecologist.
- 5.47 Future film related industry earmarked for the area immediately west of wetland area 1 may pose a risk of water quality and quantity related impacts and thus a 40 m buffer along its western margin must be demarcated. A buffer of 25 m on the remaining wetland boundary must be sufficient to protect this system. A buffer to the inundated portion of the site that may be used by sensitive aquatic fauna may accommodate boardwalks for low intensity recreational use. However the buffer area must be rehabilitated with indigenous vegetation typical of this habitat type so as to maximise its ability to buffer against impacts.
- 5.48 The Department must approve the final layout of the site before any development may start. Specialist comment from freshwater and geohydrological specialists will also be required. A re-alignment of the outdoor back lots, in order to avoid the dune slack wetland (wetland area 2) and the required buffers and links to the required wetlands on site, must occur.