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GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF WATER AND SANITATION

NO. 1056

28 SEPTEMBER 2017

TO ALL WATER USER ASSOCIATIONS AND LOCAL AUTHORITES SUPPLIED WITH WATER FROM THE WESTERN CAPE WATER SUPPLY SYSTEM: IMPLEMENTATION OF INCREASED WATER RESTRICTIONS

The Department has reasonable grounds to believe that a water shortage exists within the supply area of the Western Cape Water Supply System (WCWSS) that supplies water to both agricultural and domestic industrial users.

Concerns were also raised during the recent System Operating Forum (SOF) meeting on 8 September 2017 by the major water users that even with an application of effective demand management and notwithstanding anticipated below average rainfall in the catchment areas to the major dams of the WCWSS, it may be anticipated that there is a risk of not meeting the unmitigated demands in 2018/19 and the next few years thereafter.

Therefore in my capacity as the Acting Director General of the Department of Water and Sanitation, I hereby under delegated authority in terms of item 6 (1) of Schedule 3 read with section 72(1) of the Act limit the taking of water by all users as follows:

1. At least a 40% of curtailment on all domestic and industrial water use in the aforementioned areas.
2. At least a 50% of curtailment on all agricultural water use in the aforementioned areas.
3. Measured against the water demand of the users as per the five (5) year average from 2010/11-2014/15.
4. The limitation applies from the 1st October 2017.
5. The Western Cape Provincial Head is directed to lift the water restrictions should the WCWSS recover to above 85% before the next decision date.

The Water Services Authorities must ensure that all domestic users at least have access to basic water services and that potable water supply to all domestic water users is not completely restricted.

Further hereto in my capacity as the Acting Director General of the Department of Water and Sanitation, I hereby under delegated authority, a power that been delegated to me in terms of section 63 (1) (b) of the Act, in terms of Item 4 of Schedule 3 read with section 72(1) of the Act and Government Notice 131 of 2017, published in Government Gazette 40621, direct that with effect from 1 November 2017, require all water user sectors groups and individuals abstracting water from the Berg River catchment area, dams and/or rivers that form part of the system to install electronic recording, monitoring or water measuring devices to enable monitoring of abstraction, storage and use of existing lawful water and establish links with any monitoring or management system as well as keeping of records of the water use exercised.

I trust that these directives will enable your represented boards and municipalities to implement and comply with the restrictions imposed as a precautionary measure to prevent a more severe failure of the Western Cape Water Supply System next season.

Yours faithfully

DIRECTOR-GENERAL (ACTING)
SIGNED BY: SQUIRE MAHLANGU
DATE:

DEPARTMENT OF WATER AND SANITATION**BREED-GOURITZ AND BERG-OLIFANTS WATER MANAGEMENT AREAS:
LIMITING THE USE OF WATER IN TERMS OF ITEM 6 OF SCHEDULE 3 OF THE
NATIONAL WATER ACT OF 1998 FOR URBAN, IRRIGATION AND INDUSTRIAL
(INCLUDING MINING) PURPOSES**

1. I, **Squire Mahlangu**, in my capacity as Acting Director-General of the Department of Water and Sanitation, on reasonable grounds believe that a water shortage may exist in the Western Cape Water Supply System (WCWSS) due to insufficient rains in the 2017 winter season and restricted rainfall predictions for the oncoming months as well as a high water demand that it is necessary to limit the taking of water from the Western Cape Water Supply System.
2. The Minister of Water and Sanitation may in terms of item 6(1) of Schedule 3 of the National Water Act of 1998 (Act 36 of 1998) (The Act) limit the use of water in the area concerned if the Minister on reasonable grounds believes that a water shortage exists within the area concerned. This power has been delegated to me in terms of section 63(1)(b) of the Act.
3. Therefore in my capacity as the Acting Director General of the Department of Water and Sanitation, I hereby under delegated authority in terms of item 6(1) of Schedule 3 read with section 72(1) of the Act limit the taking of water by all users as follows:
 - (a.) From 20% to 40% of curtailment on all domestic and industrial water use in the aforementioned areas;
 - (b.) From 30% to 50% of curtailment on all agricultural water use in the aforementioned areas;
 - (c.) Measured against the water demand of the users as per the five (5) year average from 2010/11-2014/15.
4. This notice is effective from the date of publication in the Gazette and shall remain in force until the WCWSS recovers to above 85% at which point the Western Cape Regional Head must lift the restrictions.
5. The Water Services Authorities must ensure that all domestic users at least have access to basic water services and that potable water supply to all domestic water users is not completely restricted.
6. In exercising the powers, I have given preference to the Maintenance of the Reserve, treated all water users on a basis that is fair and reasonable, considered the actual extent of the water shortage, the likely effects of the shortage of the water users, the strategic importance of any water use and any water rationing or water use limitations by a service water services institution having jurisdiction in the area concerned under the Water Services Act, Act no. 108 of 1997.

7. Furthermore, I direct that restricted releases from the Berg River, Voëlvlei and Theewaterskloof Dams further be limited to operating and applied rules agreed to by the National Water Resources Infrastructure Branch: Southern Operations of the Department and the Water User Associations, and that these rules be reviewed on a weekly basis.
8. Placing limitation on the taking of water use as set out in this notice is an administrative action affecting the rights of the public as contemplated in section 4 of the Promotion of Administrative Justice Act 3 of 2000 (PAJA). After I have taken into consideration all relevant factors, including those referred in section 4(4)(b) of PAJA, I have decided that it is reasonable and justifiable in the circumstances to depart from the requirements referred to in section 4(1)(a) to (e), (2) and (3) of PAJA and instituted this limitation without allowing the water users affected and other role players to comment on the matter before I institute the limitation.
9. This notice overrides any other previous authorization on water restrictions issued by the Department relating to this area.

MR S MAHLANGU
DIRECTOR-GENERAL (ACTING)
DATE: 22/09/2017

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