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GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF WATER AND SANITATION

NO. 15

12 JANUARY 2018

**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**

I, **Lindiwe Lusenga**, 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.

This notice is supplementary and must be read together with Government Notice 1394 published on 12 December 2017 (Government Gazette no. 41317).

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.

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 and storing in terms of section 21(a) and 21(b) by all users as follows:

1. Taking water from groundwater resources for domestic and industrial water use is curtailed by 45% in the Berg-Olifants and Breede-Gouritz water management areas
2. Taking water from groundwater resources for agricultural water use is curtailed by 60% in the Berg-Olifants and Breede-Gouritz water management areas.
3. The curtailments in points (1) and (2) above are measured against the water demand of the users as per their five (5) year average for the period 2010/11-2014/15.
4. The limitation applies from the date of publication.
5. The Western Cape Provincial Head is delegated power to lift the water restrictions should the WCWSS recover to above 85% before the next decision date on 1 November 2018.
6. I hereby direct the Western Cape Provincial Head to cease any further releases from the system dams once an agricultural bulk water user association, irrigation board and/or individual water users have depleted their curtailed seasonal bulk volumes.
7. All water use sectors groups and individuals taking water from any water resource (surface or groundwater) regardless of authorisation type, in the Berg Olifants and

Breede Gouritz Water Management Areas, shall install electronic water recording, monitoring or measuring devices to enable monitoring of abstractions, storage and use of water by existing lawful users and establish links with any monitoring or management system as well as keeping of records of the water used.

8. Records of metered volumes abstracted shall be provided with effect from the date of publication of this notice in a format specified by the Department and continue such recording, and reporting data weekly to the Department by Monday 12h00 to metering@dws.gov.za.

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 108 of 1997

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), 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) and instituted this limitation without allowing the water users affected and other role players to comment on the matter before I institute the limitation.


Ms Lindivwe Lusenga
ACTING DIRECTOR-GENERAL
DATE: 08/01/2018

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