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GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

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## DEPARTMENT OF WATER AND SANITATION

NO. 413

10 MAY 2017

**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 ABSTRACTING WATER FROM DAMS AND RIVER SYSTEMS SERVED BY THE WESTERN CAPE WATER SUPPLY SYSTEM**

I, Dan Metlana Gorbachev Mashitsho, in my capacity as Director-General of the Department of Water and Sanitation, on reasonable grounds believe that a water shortage may exist on/in the Western Cape Water Supply System (WCWSS) and/or including other areas in/of the Berg River, Palmiet River and Riviersonderend River catchment areas due to insufficient rains in the 2016 winter season and limited rainfall predictions for the oncoming four months as well as a high water demand, and therefore believe that it is necessary to limit the taking of water from the dams and rivers within the Western Cape Water Supply System.

The WCWSS comprises of several dams, mostly located in the upper regions of the Berg River and Breede River catchments. The system supplies raw water to the City of Cape Town, the Drakenstein Municipality Local Municipality (LM), the West Coast District Municipality (DM), Swartland Local LM, Saldanha Bay LM and Bergrivier LM, the Stellenbosch LM and Theewaterskloof LM for domestic water supply, and to agricultural users upstream and/or downstream of the Berg River Dam, Voëlvis Dam and Theewaterskloof Dam.

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 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 from the WCWSS, based on the measured water demand for domestic, industrial and agricultural sectors as per the five (5) years' average for the period 2010/11-2014/15 as follows:

1. At least 20% curtailment on all domestic and industrial water use in the aforementioned areas.
2. At least 30% curtailment on all agricultural water use in the aforementioned areas.
3. The limitation applies from the 1<sup>st</sup> March 2017.
4. The Western Cape Provincial Head is directed to lift the water restrictions should the dams recover to above 85% of the total weighted bulk storage capacity before the next decision date in November 2017.
5. The established system's annual operating analysis will be undertaken in November 2017 to determine the next season's annual operating rules and restrictions.

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.

In exercising the powers, I have given preference to the maintenance of the Reserve, treated all water users on a basis that it is fair and reasonable, considered the actual extent of the water shortage, the likely effects of the shortage on the water users, the strategic importance of any water use and any water rationing or water use limitations by a 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 to 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.

Moreover in my capacity as the Director General of the Department of Water and Sanitation, I hereby under delegated authority in terms of section 63 (1) (b) of the National Water Act of 1998 (Act 36 of 1998) (the Act) and in terms of item 6 (1) of Schedule 3 read with section 72(1) of the Act, direct that restricted releases from Berg River and Voelvlei dams into the Berg River further be limited to operating and applied rules agreed to by the National Water Resources Infrastructure Branch: Southern Region of the Department and the Berg River Main Irrigation Board reviewed on a weekly basis, and that individual abstraction from the Berg River by the members of the Berg River Main Irrigation Board be limited to a number of days per week, as well as that the Berg River Main Irrigation Board be authorised to determine the local operating, management and regulatory rules applicable to its members within defined river reaches in order to comply with the implementation of these water restriction measures from the 1<sup>st</sup> March 2017 until further notice.

Further hereto in my capacity as the Director General of the Department of Water and Sanitation, I hereby under delegated authority 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, direct that with effect from 1 June 2017 all water user sectors groups and individuals abstracting water from the catchment areas, directly from the Theewaterskloof Dam and along the Berg River system downstream of the Berg River Dam, should 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, which should be made available on the request of my delegated authority.

This notice overrides any other previous authorization on water restrictions issued by the Department relating to this area.



DIRECTOR-GENERAL

DATE:

4/03/2017