

## DEPARTMENT OF WATER AND SANITATION

NO. 958

26 AUGUST 2016

**OLIFANTS WATER MANAGEMENT AREA – 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) PURPOSE FROM THE MIDDELBURG DAM**

I, **Trevor Balzer**, in my capacity as Director-General (Acting) of the Department of Water Affairs, on reasonable grounds believe that a water shortage exists in the Klein Olifants River upstream of the Middelburg Dam catchment due to insufficient rains and that it is necessary to limit the taking of water from the Klein Olifants River upstream of the Middelburg Dam and including the Middelburg Dam.

The Minister of Water and Environmental Affairs may in terms of item 6 (1) of Schedule 3 to 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 (Acting) of the Department of Water Affairs, I hereby under delegated authority in terms of item 6 (1) of Schedule 3 to the Act limit the taking of water from the Klein Olifants River upstream and including Middelburg Dam by all users as follows-

- (a) 15% to 30ML per day.
- (b) The limitation applies from the date of this notice until further notice.

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 are 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.

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



**Mr Trevor Balzer**  
**DIRECTOR-GENERAL (Acting)**