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**GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS**

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**DEPARTMENT OF WATER AND SANITATION**

NO. 1394

12 DECEMBER 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, 1998 (ACT NO. 36 OF 1998) FOR URBAN, IRRIGATION AND INDUSTRIAL (INCLUDING MINING) PURPOSES**

I, **SIFISO MKHIZE**, in my capacity as Acting Director-General of the Department of Water and Sanitation, on reasonable grounds believe that a water shortage exists in the Western Cape Water Supply System (WCWSS) due to insufficient rains in the 2017 winter season. Considering this, it is necessary to limit the taking of water from the Western Cape Water Supply System.

The Minister of Water and Sanitation may in terms of item 6 (1) of Schedule 3 of the National Water Act, 1998 (Act No. 36 of 1998) (the Act) limit the use of water 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 increase the limit of taking water by users as follows:

1. Increase curtailment from 40% to 45% on all domestic and industrial water use in the aforementioned areas.
2. Increase curtailment from 50% to 60% on all Agricultural Water Use in the aforementioned 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 01 November 2018.

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 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, 1997 (Act No. 108 of 1997).

Moreover, I hereby direct that restricted releases from the Berg River, Voëlvlei and Theewaterskloof Dams further be compliant with local weekly reviewed rules agreed to by the National Water Resources Infrastructure Branch: Southern Operations of the Department and the Water User Associations.

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, 2000 (Act No. 3 of 2000) (PAJA). After taking 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.

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

  
Mr Sifiso Mkhize  
DIRECTOR-GENERAL (Acting)  
DATE: 05/12/2017





