

DEPARTMENT OF WATER AND SANITATION

NO. 1057

16 SEPTEMBER 2016

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) PURPOSE IN THE CATCHMENT AREAS OF THE DAMS SUPPLYING THE WESTERN CAPE WATER SUPPLY SYSTEM AND FROM THE SYSTEM

I, **Margaret-Ann Diedericks**, 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/including other areas in/of the Berg River, Palmiet River and Riviersonderend River catchment areas due to insufficient rains and restricted rainfall predictions for the oncoming winter season and that it is necessary to limit the taking of water that feeds the major dams and is taken from 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 West Coast District Municipality (DM) for domestic supply to Swartland Local Municipality (LM), Saldanha Bay LM and Bergrivier LM, the Stellenbosch LM to augment the supply to Stellenbosch, and to agricultural users downstream of the Berg River Dam, Voëlmei 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 to the Act limit the taking of water from the Western Cape Water Supply System (including all areas within the Berg-Olifants and Breede - Gouritz Water Management Areas) by all users as follows:

1. 20% of curtailment on all water use in the aforementioned areas.
2. 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 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.

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



DIRECTOR-GENERAL

DATE: 13/05/16