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GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

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## DEPARTMENT OF WATER AND SANITATION

NO. 1331

03 DECEMBER 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, 1998 (ACT 36 OF 1998 AS AMENDED) FOR DOMESTIC,  
IRRIGATION AND INDUSTRIAL PURPOSES WITHIN THE CATCHMENT OF THE  
INTEGRATED WESTERN CAPE WATER SUPPLY SYSTEM**

I, Ms Deborah Mochotlhi, in my capacity as Acting Director-General of the Department of Water and Sanitation, on reasonable grounds believe that a water shortage still lingers in the Western Cape Water Supply System (WCWSS). Rains in the 2018 winter season improved the system's storage capacity to 73.64% on the decision date, 1 November 2018, compared with 37.44% on 1 November 2017. The groundwater resource also improved significantly due to the 2018 winter rainfall. However, it is still necessary to limit the taking of water from the (WCWSS) in order to build resilience for the already stressed water supply system.

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, 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, revise limits of taking water by users as follows:

1. Decrease restrictions from 45% to 10% on all domestic and industrial water use
2. Decrease restrictions from 60% to 10% on all Agricultural water use
3. The restrictions in (1) and (2) above are measured against lawful water allocations taken from surface and ground water resources of the WCWSS
4. The limitations apply from the date of publication of this notice.
5. Water abstractions from the system should be measured by a valid installed device as required by Government Notice No1394 of 12 January 2018.

Considering that the WCWSS is not yet fully out of drought conditions, and that the system resource is stressed, the promise by the City of Cape Town that they will employ extra measures in order to achieve restrictions of 30% is highly supported and commendable. Other users on the WCWSS are encouraged to also emulate this spirit shown by the City and employ all necessary measures of Water Conservation and Demand Management in order to achieve higher level of restrictions, so that water security of the system can be improved further.

Affected 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 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 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.



**Ms DG Mochotlhi**  
**DIRECTOR-GENERAL (ACTING)**  
**DATE: 28/11/2018**