

DEPARTMENT OF WATER AND SANITATION

NO. 1365

07 DECEMBER 2018

MZIMVUBU-TSITSIKAMMA WATER MANAGEMENT AREA (WMA 7) IN THE EASTERN CAPE PROVINCE: AMENDING AND LIMITING THE USE OF WATER IN TERMS OF ITEM 6 OF SCHEDULE 3 OF THE NATIONAL WATER ACT OF 1998; FOR URBAN, AGRICULTURAL AND INDUSTRIAL (INCLUDING MINING) PURPOSES

The Minister of Water and Sanitation has, in terms of item 6(1) of Schedule 3 of the National Water Act of 1998 (Act 36 of 1998) (The Act), empowered to 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, I, Deborah Mochotlhi, in my capacity as the Acting Director-General of the Department of Water and Sanitation hereby under delegated authority, in terms of item 6 (1) of Schedule 3 read with section 72(1) of the Act, publish a notice in the gazette to amend and limit the taking and storing of water in terms of section 21(a) and 21(b) by all users in the geographical areas listed and described below, as follows:

1. The Algoa Water Supply System (WSS) and associated primary catchments:

- a. Decrease the curtailment from 30% to 25% on all taking of water from surface or groundwater resources for domestic and industrial water use from the Algoa WSS and the relevant parts of the catchments within which the Algoa WSS occurs.
- b. Decreased the curtailment from 80% to 60% on all taking of water from surface or groundwater resources for agricultural water use from the Algoa WSS and the relevant parts of the primary catchments within which the Algoa WSS occurs.
- c. The taking of water from individual sub-systems and dams in the Algoa WSS be limited to the reduced allocations as specified in Table 1.

Table 1: Dams & sub-systems of the Algoa WSS with restricted allocations for 2018/9, (based on Annual Operating Analysis and Algoa WSS Operating Forum meeting decisions of 14th June 2018)

Scheme / Dam	River catchment	Restricted Allocation Availability
Kouga & Loele Dams Scheme	Kouga River	13.41 Mm ³ /a for domestic use (NMBM), 23.82 Mm ³ /a for irrigation use, 0.88 Mm ³ /a for domestic use (Kouga LM)
Churchill & Impofu Dams	Kromme River	36.56 Mm ³ /a for domestic use (NMBM, including 3.38 Mm ³ /a for domestic use at Kouga LM) 0.8 Mm ³ / for irrigation use.
Nooitgedagt	Sundays River	50 Mm ³ /a for domestic use (NMBM)
Groendaal Dam	Kwazunga River	6.50 Mm ³ /a for domestic use (NMBM) and 1.44 Mm ³ /a for irrigation use
Van Stardens, Sand & Bulk Dams	various	3.33 Mm ³ /a for domestic use (NMBM)

- d. The Eastern Cape Provincial Head is delegated the power to lift the water restrictions should the Algoa WSS recover to above 65% before the next decision date on 1 June 2019.
- e. I hereby direct the Eastern Cape Provincial Head to cease further releases from any system dams once an agricultural bulk water user association, irrigation board and /or individual water users have depleted their curtailed annual bulk volumes.
2. Other water schemes / dams and their catchments affected by drought, listed in table 2 below:
- The taking of water from the water schemes/dams listed in Table 2 below for domestic, industrial and irrigation use be restricted by the percentages shown in the corresponding rows,
 - The taking of surface or ground water for domestic, industrial and irrigation water use within the catchments above the schemes/dams listed in table 2 be restricted at the same percentage level (as in Table 2) applicable to the scheme/dam in the corresponding catchment.

Table 2: Other Water Schemes with restricted use, (based on Dam Operating Rules and risk assessments).

Scheme / Dam	River catchment	DM / LM	Restriction Required
Nqweba Dam	Sundays River	Dr Beyers Naude LM	10% of allocation for domestic use
Oxkraal Dam	Oxkraal River	CHDM	30% of allocation for irrigation use
Howiesonspoort & Settlers Dams	Palmiet River	Makana LM	10% of allocation for domestic use & 70% of irrigation use
Jameson & Milner Dams	New Years River	Makana LM	10% of allocation for domestic use & 70% of irrigation use
Xillnxa & Gcuwa Dams	Xillnxa River	Amathole DM	10% of allocation for domestic use
Toleni Dam	Toleni River	Amathole DM	10% of allocation for domestic use
Mhlanga Dam	Mhlanga River	ORTambo DM	10% of allocation for domestic use
Ntenetyana	Ntenetyana River	Alfred Nzo DM	15% of allocation for domestic use

- The curtailments in points (1) and (2) above are measured against the water allocations / water registrations or water demand of the users as per projected annual water use.
- The limitation applies from the date of publication of this gazette until the next decision month of June 2019, or they are reviewed again.
- All water use sectors groups and individuals taking water from any water resource (surface or groundwater) regardless of their authorisation type, in the geographical areas listed and described above in the Mzimvubu to Tsitsikamma Water Management Area, shall 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.

6. Records of metered volumes abstracted shall be provided, with effect from 30 days following the date of publication of this notice, in a format specified by the Department and shall continue such recording and reporting data monthly to the Department by the 5th day of each month to metering.mzitsidws.gov.za

All the affected Water Service Authorities must ensure that all domestic water users, at least, have access to basic water service and that potable water supply to all domestic water users is not completely restricted.

In exercising these 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 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 these amendments and limitation without allowing the water users affected and other role players to comment on the matter before I institute the amendment / limitation.

This Notice replaces any other previous authorization on water use issued by the Department relating to water users from systems, dams and schemes specified in this Notice.


ACTING DIRECTOR-GENERAL
DATE: 07/11/2018