

## DEPARTMENT OF WATER AND SANITATION

NO. 4800

10 May 2024

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

I, Dr Sean Philips, in my capacity as Director-General of the Department of Water and Sanitation (DWS), on reasonable grounds believe that a water shortage exists in Algoa Water Supply System (WSS) of the Mzimvubu-Tsitsikamma Water Management Area in the Eastern Cape Province; due to Impofu Dam level still being <45%, despite the good rains in 2023 rainfall season and the apparent over allocation of the Kouga Dam, following the updated hydrology which has reduced the Kouga Dam's yield. In addition, rainfall predictions for the oncoming months are poor due to the developing El Nino condition. As there still is a high water demand for domestic, industrial and agricultural use, it is necessary to limit the taking of water from the Algoa WSS, with annual water restrictions described here-in.

The Minister of Water and Sanitation may, in terms of section 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 section 6 (1) of Schedule 3 read with section 72(1) of the Act, limit the taking and storing of water in terms of section 21(a) and 21(b) by all users in the geographical areas and schemes listed and described below, as follows:

1. The Algoa Water Supply System, its associated primary catchments and its footprint area of supply, as indicated in Table 1:

*Table 1: Dams & sub-systems of the Algoa WSS with restricted allocations for 2023/24, (based on operation risk assessments and presented at the Algoa WSS Operating Forum meeting of 22<sup>nd</sup> November 2023)*

<b>Scheme / Dam</b>	<b>River catchment</b>	<b>Restricted Allocation Availability</b>	<b>Curtailment %</b>
Churchill & Impofu Dams	Kromme River	22,86 million m <sup>3</sup> /for domestic use (NMBM & Kouga LM),	40%
		1,0 million m <sup>3</sup> / for irrigation use.	50%
Kouga & Loerie Dams Scheme	Kouga River	21,85 million m <sup>3</sup> /a for domestic use (NMBM),	5%
		51.26 million m <sup>3</sup> /a for irrigation use, (GW)	15%
		0.86 million m <sup>3</sup> /a for domestic use (Kouga LM)	5%

- a. Curtailment of 40% on all taking of water from Impofu & Churchill Dams for domestic & industrial water use, and 50% on all taking water for agricultural use from Churchill & Impofu Dams and the relevant parts of the primary catchments upstream of the dams.
- b. Curtailment of 5% on all taking of water from Kouga & Loerie Dams for domestic & industrial water use, and 15% on all taking of water for agricultural use from Kouga & Loerie Dams and the relevant parts of the primary catchments upstream of the dams.
- c. Other sub-schemes and groundwater use within the Algoa WSS and the relevant parts of the primary catchments within which the Algoa WSS occurs, do not require

restriction, so the overall average curtailment on NMBM use of water from all water resources for domestic and industrial water is calculated to average 13%.


- d. 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.
  - e. The DWS Eastern Cape Provincial Head is delegated the power to review the water restrictions, should the Algoa WSS recover adequately or deteriorate further, as informed by systems models and amend the water restrictions, otherwise the operating rules/restrictions stand until the next year's analysis and decisions.
2. The curtailments in point 1 above are measured against the water allocations / water registrations or water demand of the users as per projected annual water use.
  3. The limitation applies to the annual water year commencing 1<sup>st</sup> November 2023 (for scheme members and those consulted) or from the date of publication of this gazette.
  4. All water use sector 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 monitoring or measuring and recording devices to enable monitoring of abstractions, storage and use of water by existing lawful users.
  5. 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 must
    - a. take records of water abstracted on a daily basis.
    - b. establish links with any monitoring or management system designated by the responsible authority.
    - c. submit monthly totals of metered volumes abstracted 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 5<sup>th</sup> day of each month to *metering.mzitsi@dws.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 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 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 use issued by the Department relating to water users from systems, schemes, dams and catchments specified in this Notice.

  
**DR SEAN PHILIPS**  
**DIRECTOR-GENERAL**  
**DATE:** 14/02/24