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Contents

<i>No.</i>		<i>Gazette No.</i>	<i>Page No.</i>
GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS			
Water and Sanitation, Department of/ Water en Sanitasie, Departement van			
1152	National Water Act of 1998: Olifants/Doorn River of the Berg -Olifants Water Management Area: Limiting the use of water in the catchment area above and below Clanwilliam Dam	41216	4

GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF WATER AND SANITATION

NO. 1152

31 OCTOBER 2017

OLIFANTS/DOORN RIVER OF THE BERG –OLIFANTS WATER MANAGEMENT AREA: LIMITING THE USE OF WATER IN THE CATCHMENT AREA ABOVE AND BELOW CLANWILLIAM DAM IN TERMS OF ITEM 6 OF SCHEDULE 3 OF THE NATIONAL WATER ACT OF 1998 FOR URBAN, IRRIGATION AND INDUSTRIAL (INCLUDING MINING) PURPOSE

1. 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 Clanwilliam Dam and above the dam due to insufficient rains in the 2017 winter season and limited rainfall predictions for the oncoming months as well as a high water demand that it is necessary to limit the taking of water from the Olifants River Catchment.
2. 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.
3. 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, limit the taking of water by all users as follows:
 - (a) At least 40% curtailment on all industrial water use in the aforementioned areas,
 - (b) At least 50% curtailment on all domestic water use in the aforementioned areas, and
 - (c) At least 60% curtailment on all agricultural water use in the aforementioned areas.
4. All of the curtailments above are based on the measured amounts as per the recent past five (5) year's average (for 2010/11-2014/15).
5. 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.
6. 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 on the water users, the strategic importance of 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.

7. Further hereto in my capacity as the Acting Director General of the Department of Water and Sanitation, I hereby, under delegated authority in terms of section 63(1) (b) of the Act, direct, in terms of Item 4 of Schedule 3 read with section 72(1) of the Act, that, within a months of publication of this notice, all water user sector groups and individuals abstracting water from the Olifants River catchment area, dams and/or rivers that form part of the system, must install electronic recording, monitoring or water measuring devices to enable monitoring of abstraction, storage and use of existing lawful water and establish links with any monitoring or management system as well as keeping of records of the water use be exercised.
8. Moreover in my capacity as the Acting Director General of the Department of Water and Sanitation, I hereby under delegated authority in terms of section 63(1)(b) of the Act and in terms of item 6(1) of Schedule 3 read with section 72(1) of the Act, direct, in terms of item 6(1) of Schedule 3 read with section 72(1) of the Act, that the restricted releases from the Clanwilliam Dam be further limited to operating and applied rules agreed to by the National Water Resources Infrastructure Branch: Southern Operations of the Department, and/or delegated officials and the Lower Olifants River Water User Association, be reviewed on a weekly basis.
9. 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.
10. This notice is effective from the date of its publication in the Gazette and shall remain in force until the Clanwilliam Dam recovers to above 85% at which point the Western Cape Regional Head must lift the water restrictions.
11. This notice overrides any other previous authorization on water restrictions issued by the Department relating to this area.


DIRECTOR-GENERAL (ACTING)
DATE: 23/10/2017

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