

DEPARTMENT OF WATER AND SANITATION

NO. 1039

22 SEPTEMBER 2017

PONGOLA-MTAMVUNA WATER MANAGEMENT AREA – LIMITING THE USE OF WATER IN TERMS OF ITEM 6 OF SCHEDULE 3 OF THE NATIONAL WATER ACT OF 1998 FOR IRRIGATION, DOMESTIC AND URBAN PURPOSES FROM GOEDERTROUW, MGENI, KLIPFONTEIN, HLUHLUWE, AND LAKE MERTHELY SYSTEMS IN KWAZULU-NATAL

I, **MR S. MKHIZE**, in my capacity as the acting Director-General of Water and Sanitation, on reasonable grounds believe that a water shortage exists in the catchments of the Goedertrouw Dam, the Mgeni System's Dams, the Klipfontein Dam, the Hluhluwe Dam and the Lake Merthley in KwaZulu-Natal due to insufficient rains and that it is necessary to limit the taking of water from these dams/systems.

I may in terms of item 6 (1) of Schedule 3 to the Act limit the use of water in the area concerned if there are reasonable grounds to believe that a water shortage exists within the area concerned. This power has been vested in me in terms of section 63 (1) (b) of the Act.

Therefore in my capacity as the Director-General of Water and Sanitation, in terms of item 6 (1) of Schedule 3 to the Act, I hereby limit the taking of water from these dams/systems and corresponding catchments of the dams/systems by all users as follows-

1. Goedertrouw Dam and Mhlathuze River System to the Mhlathuze Water Weir
 - a) 40% restriction for domestic usage
 - b) 15% restriction for industrial usage
 - c) 80% restrictions for irrigation usage
2. Mgeni System including the Mooi River and Little Mooi River to the Mearns Weir
 - a) 15% restriction for domestic and industrial usage
 - b) 50% restriction for irrigation usage
3. Klipfontein Dam and White-Mfolozi River System to the Ulundi Weir
 - a) 15% restriction for domestic usage
 - b) 50% restriction for irrigation usage
4. Hluhluwe Dam and river system
 - a) 10% restriction for domestic usage
 - b) 20% restriction for irrigation usage
5. Lake Merthley System
 - a) 50% restriction for domestic usage

The limitations apply from the date of this notice until the next system's water allocation decision date in May 2018, or until water levels in the dams/systems has recovered to acceptable levels and the Department of Water and Sanitation has issued another notice lifting the restrictions.

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 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.



MR S MKHIZE
DIRECTOR-GENERAL (ACTING)

DATE: 23/08/2017