

DEPARTMENT OF WATER AND SANITATION

NO. 369

24 MARCH 2016

PONGOLA-MZIMKHULU 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 INDUSTRIAL PURPOSES FROM VARIOUS DAMS AND RIVER SYSTEMS IN KWAZULU-NATAL

I, **Sifiso Mkhize**, in my capacity as Director-General (Acting) of the Department of Water and Sanitation, on reasonable grounds believe that a water shortage exists in the dams and river systems listed below and that it is necessary to limit the taking of water from these Dams/Systems.

- Hluhulwe Dam and River system
- The Klipfontein Dam and White Mfolozi River system
- The Goedertrouw Dam and Mhlathuze River system
- The Buffalo River system downstream of Zaaihoek Dam, the Ntshingwayo Dam and Ngagane River system
- The Tugela River system downstream of the Driel Barrage and Spionkop Dam, the Mooi River system downstream of the Mearns Weir and the Bushmans River system downstream of the Wagendrift Dam
- Lake Merthely
- The Hazelmere Dam and Mdloti River system including the oThongathi River
- The Mgeni River system including the Mooir River system and the Little Mooir River system to Mearns Weir
- The EJ Smith and Umzinto Dams and the Umzinto River system and the Mpambanyoni River system
- The Ixopo Farm Dam and river system upstream of the Ixopo Farm Dam
- The Chrystal Springs Dam

The Minister of Water and Sanitation may in terms of item 6 (1) of Schedule 3 of the National Water Act (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 (Acting) of the Department of Water and Sanitation, I hereby under delegated authority in terms of item 6 (1) of Schedule 3 of the Act to limit the taking of water from these Systems by all users as follows-

- a) Hluhluwe Dam and river system
 - 20% Restriction on domestic water use
 - 80% restriction on irrigation water use
- b) Klipfontein Dam and White Mfolozi System
 - 50% Restriction on domestic and industrial water use
 - 100% restrictions on irrigation use
- c) Goedertrouw Dam and Mhlathuze River System
 - a. 40% restriction on water use for domestic purposes
 - 15% restriction on industrial supply
 - 80% restrictions on use of water for irrigation purposes

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- d) The Buffalo River System downstream of Zaaihoek Dam, and the Ntshingwayo Dam
 - a. 30% restriction on Domestic supply
 - b. 100% restriction on Irrigation water use
- e) Tugela River system downstream of the Driel Barrage and Spionkop Dam, the Mooi River downstream of the Mearns Weir and the Bushmans River system downstream of the Wagendrift Dam
 - a. 15% restriction on domestic water use
 - b. 40% restriction on irrigation water use
- f) Lake Merthley System
 - 50% restriction on domestic water use
- g) Hazelmere Dam and Mdloti river system including the oThangathi river system
 - 50% restrictions on Domestic and Industrial use
 - 100% restrictions on irrigation use
- h) Mgeni System including the Mooi River and Little Mooi River to the Mearns Weir.
 - 15% restrictions on domestic and industrial use
 - 50% restrictions on irrigation use
- i) EJ Smith and Umzinto Dams, the Umzinto river system and the Mpokonyoni river system
 - a. 30% restriction on domestic water use
 - b. 50% restriction on irrigation water use
- j) The Ixopo Farm Dam and river system upstream of the Ixopo Farm Dam
 - 50% Restriction on domestic water use
 - 100% restrictions on irrigation use
- k) Chrystal Springs Dam
 - a. 50% restriction on domestic water use

The limitations apply from the date of this notice until further notice.

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) of PAJA, 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) of PAJA 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.


DIRECTOR-GENERAL (Acting)
DATE: 25/02/2016