

## GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

## DEPARTMENT OF WATER AND SANITATION

NO. 1393

11 DECEMBER 2017

**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, INDUSTRIAL AND DOMESTIC PURPOSES FROM MHLATHUZE (GOEDERTROUW) WATER SUPPLY SYSTEM IN KZN**

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 uMhlathuze River upstream of Goedetrouw Dam catchment in KwaZulu-Natal due to insufficient rains and that it is necessary to limit the taking of water from this Dam/System.

The Minister of Water and Sanitation may in terms of item 6 (1) of Schedule 3 to 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 to the Act limit the taking of water from this System by all users as follows-

1. From Goedetrouw Dam

- a) 70% restriction on the use of water for irrigation purposes
- b) 20% restriction on the use of water for domestic use
- c) 10% restriction on the use of water for industrial 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, 1997 (Act No. 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, 2000 (Act No. 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.

  
DIRECTOR-GENERAL (Acting)  
DATE: 08/12/2017