

KZN farmer fined over R1.7m for illegal water use

Owner of Redlands Farm, Roy Clifford Braithwaite, in Estcourt, KwaZulu-Natal, has been fined over R1.7m by the Department of Water and Sanitation (DWS) for illegally abstracting water from Wagendrift Dam to irrigate his crops without a water use licence.



Source: Gallo/Getty

The dam, which is under Bushmans River Government Water Scheme in the Pongola-Mtamvuma Catchment Management Area, provides water for domestic water supply, agriculture (irrigation) and industrial demands for Estcourt and Weenan.

The department's director of compliance, monitoring and enforcement, Thandi Mopai, said the farmer was found to have contravened Section 21 of the Water Act after the department uncovered an abstraction point on the bank of a dam with no flow meter and that it was illegally pumping water into Redlands Farm for irrigation of crops using centre pivots.

Mopai said a Notice of Intention and a directive instructing the farmer to halt operation of abstracting water was issued after it was found that the farmer did not have permission to use the water. However, she said the farmer did not stop the activity, which necessitated the department to take legal steps, using the courts to force compliance.



SCA ruling allows for trade of water use entitlements

Garyn Rapson, Tendai Bonga and Daniella Ghillino 12 Nov 2021



Admission of guilt fine

"The farmer, through his legal representation, approached the department and agreed to pay an admission of guilt administrative fine of R1,770,392.75 within 45 days to avoid criminal charges. Through the Estcourt Magistrate Court, the farmer was issued with an order to pay the fine within the set period, counted from 24 November 2022.

“On 24 November 2022, the Estcourt Magistrate court issued the accused with an order to pay an administrative fine of R 1,770,392.75 to the department's main account, which was provided. A mediation agreement was signed after receiving proof of payment and the order made by the magistrate on the same day,” Mopai said.

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