



Port Owen Marina Authority (NPC)

Reg # 1999/010199/08

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POMA Newsletter: June 2019

1) Governance

- 1.1) John Scudder and George Breeze were re-elected as Director and Alternate Director on the POMA Board at the POYC AGM held on 22 June 2019.

We wish to congratulate and welcome them back and are looking forward to their positive contributions as in the past.

- 1.2) Projects:

The project report on maintenance of the Public Open Spaces was received and the Board has decided to use a contractor for this function, going forward.

The Marina Manager will draft the contract and a suitable contractor will be appointed in due course.

- 1.3) The contractual situation between POMA and Berg River Municipality has been reviewed after some discrepancies/shortcomings were pointed out to us. A new agreement has been drafted and will be signed shortly. The matters addressed include, inter alia, the term of the Notarial Lease, the actual erven making up the waterways of the Marina and the detailed listing of the POMA areas of responsibility.

2) Dredging

We received the formal response to our letter requesting clarity from DEA&DP on 13 June 2019.

They concurred with the following legal interpretations set out in our legal opinion from Werksmans:

- 2.1) That we do not need a coastal waters discharge permit in terms of section 69 of the National Environmental Management: Integrated Coastal Management Act, 2008 (Act No. 24 of 2008) (ICMA) as the dredged fines do not constitute "effluent" or originate from a source on land.

DIRECTORS

A J Uys (Chairman); D Robinson; S Joubert; S Crafford; J Scudder
B Van Rensburg(Alt); G Breeze (Alt); J de Meillon (Alt); H Lambrechts (Alt)

- 2.2) A water use licence is only required in terms of the National Water Act, 1998 for the taking of water from an estuary and the discharging of waste or water containing waste into an estuary. The dredging activities will involve neither.
- 2.3) DEA&DP reiterates that in terms of the requirements of the environmental impact assessment (EIA) regulations promulgated in terms of the National Environmental Management Act, 1998 (Act No. 107 of 1998) (NEMA), the dredging may be undertaken in accordance with the environmental authorisation (EA) as amended on 7 August 2018.
- 2.4) What is the Plan?
 - 2.4.1) We continue engaging with them to have the Marina recognised as an integral part of the Estuary. Inclusion of the Marina maintenance requirements in the Berg Estuarine Management Plan will define clearer definition in terms of the required authorisations.
 - 2.4.2) We continue with the joint project with the Berg River Municipality to obtain authorisation for the use of dredging spoils as filler /covering material and to repair eroded river banks. This is a long-term project, needing a full EIA process.
 - 2.4.3) We start dredging operations in terms of our Amended Authorisation with our own dredger, ensuring that no spoils or fines will be deposited on land. The fines will be released directly into the river on outgoing tides of sufficient strength. Spoils will be retained in the marina waterways.
 - 2.4.4) We do this work, recognising the “Duty of Care” principle, by religiously adhering to the permit conditions as set out in the Amended Authorisation.
- 2.5) Why not use a Contractor?
 - 2.5.1) We are restricted to working on outgoing tides with a flow of > 200 m³/s only during daylight hours and weekdays. This allows only 2-3 hours of dredging per day.
 - 2.5.2) The above causes high contractor cost due to low utilisation of machinery.

Your Board has confirmed that the first priorities will be to open up the two waterway entrances to the river and then to commence with dredging the Eastern Loop. We are busy with preparations and will start dredging as soon as all the testing equipment has been procured.

Further reporting on dredging will be done via the monthly Dredging News publication, which can be viewed on the POMA website.

3) General

- 3.1) The POMA Website is active. Please visit the site for all the information you need. If you have comment or a need for additional features, please engage with Blommie Koen at the POMA office.
- 3.2) Clients wishing to make an annual payment for jetty/berthing fees in order to secure the 7.5% discount must please confirm with Blommie Koen. She needs to generate an invoice reflecting the annual fee.
- 3.3) POMA can now accept payment by debit/credit card at the Office.

Winter is here and we enjoyed the first winter rains. Please keep an eye on the weather and be extra careful and safe on the water.

Abe Uys