

POMA CHAIRMANS REPORT 2025

INTRODUCTION:

It is with pleasure that I present the annual POMA Chairman's report for 2025. It has been another very busy, and in some ways difficult year for POMA as the organization has navigated the very narrow path between financial and regulatory constraints and client/stakeholder expectations. I remind stakeholders that POMA Memorandum of Incorporation recognizes five members organizations i.e. Port Owen Yacht Club (POYC), Port Owen Property Owners Association (POPOA), Port Owen Waterways Association (POWA), Waterways Action Group (WAG) and Admiral Island & Pelican Bay Home Owners Association.

These member organizations have a long, complex and somewhat fraught history but, all POMA stakeholders are reminded that the way to affect the decision making and direction of POMA is active involvement and participation in the activities of the member organizations. These organizations appear to struggle to reach a quorum at meetings and are therefore limited in their ability to influence the strategic direction and day to day activities of POMA. The POMA Board consists of people nominated by the member organizations to represent their interests and does not operate in isolation. I appeal to all stakeholders, many of whom have great ideas and energy, to get more actively involved in POMA.

In my report, I will cover some of the more important issues facing the organization at present.

LEGAL ISSUES:

POMA has approached the law firm of Cliffe, Dekker, Hofmeyr (CDH) for advice regarding POMA's legal position while executing its responsibilities and to assist with three current legal disputes between POMA and owners of property under POMA's administration.

CDH's view is that POMA derives its authority from both statutory and contractual frameworks, including the delegation of certain functions to POMA by the Berg Rivier Municipality as contained in the Memorandum of Agreement (MOA) between POMA and the Municipality signed on the 2nd July 2019.

The first paragraph of this agreement states; *"the said company having as its main object, the maintenance and control of the waterways, boating and ancillary facilities at Port Owen Marina"*. "Annexure A". paragraph 2 of the MOA confirms all the erven, all the waterways, the private open spaces, parking areas and servitudes, jetties in the main basin, walkways, slipway at POMA Office and ancillary facilities that POMA must manage and control.

“Annexure A“. paragraph 3 of the MOA refers to the legal action that POMA is entitled to institute against non-payers of levies referred to in Paragraph 2 and to apply for and execute demolition orders in respect of jetty owners failing to pay levies in respect thereof. To apply for, and execute, removal orders in respect of boats of owners failing to pay berthing fees in respect of such boats.

In addition, POMA's decisions, as administrative actions under the Promotion of Administrative Justice Act, carry legal authority and require compliance from property owners within its jurisdiction. The legal obligations of stakeholders are further reinforced by agreements such as the Private Jetty Rights/Ramp Agreement and title deed provisions binding property owners to POMA's rules.

Consequently, POMA's decisions remain legally effective and enforceable until reviewed and set aside by a competent court. Given the legal strength of its position, POMA has adopted a strategic approach to dispose of the matters, the nature of that approach is at POMA's discretion.

POMA's exercise of its duties constitutes administrative action requiring compliance by all stakeholders within its jurisdiction. Consequently, property owners subject to POMA's administration are legally obligated to adhere to its decisions, as these derive from valid statutory and contractual authority. This is always under the *proviso* that the administrative action must be fair.

Based on the above considerations, POMA decided to proceed with the following matters:

- 1) The matter regarding the application to extend a jetty into the main channel at the West Entrance, which was rejected by POMA. The applicant subsequently referred this matter to his lawyers. This left POMA with no choice but to get legal assistance from CDH.
- 2) The matter dating back to 28th July 2015, which was the last time that this client paid his jetty fees. The client claimed that he was not paying his fees because POMA was not dredging. The outstanding balance is R 169 074.12. POMA employed Faure & Faure in the first instance, to deal with this matter. POMA received a judgement against the client after which the clients' lawyer and Faure & Faure tried to reach an agreement. This continued for months with POMA getting updates every 2 months of no progress. Late last year, 2 POMA Directors went to the Faure and Faure's offices for a meeting. At this meeting, POMA was informed that the lawyer handling this matter had left Faure and Faure and taken the case dockets with him. In March 2025, CDH agreed to deal with this matter on behalf of POMA. To date this client still has his vessel attached to his jetty, and

has not made any communication with POMA but via the lawyers, wants to make a settlement

- 3) The client who has not paid their jetty fees since 31st October 2022. Their current outstanding balance is R16 684.29. The reason for the non-payment is due to the fact that POMA has not dredged alongside their jetty. CDH have issued a summons in this regard.

DREDGING IN THE PORT OWEN MARINA WATERWAYS

The MOA between The Berg Rivier Municipality and Port Owen Marina Authority has no reference to POMA being responsible for dredging in the Port Owen Waterways. However, stated in annexure “D”, dated 15th August 2013, Paragraph 3.2 Refers:

“Pursuant to its maintenance obligations, POMA undertakes, subject to the financial means at its disposal, to execute the following maintenance work: a) Dredging of the waterways to facilitate the passage of vessels.”

It is important to distinguish between POMA's obligations under the agreement and its administrative action when exercising a function delegated to it by the Berg Rivier Municipality. It is important to note that dredging of the waterways to facilitate the passage of vessels is very different to dredging alongside jetties. POMA has prioritized the dredging of the main channels / waterways as key importance. What annexure “D” fails to note is that dredging is not only subject to financial means, but it is also subject to authorizations from provincial and national authorities.

It is critical to note that the dredging programme operates according to the conditions described in two permits issued by the Department of Forestry Fisheries and Environment (DFFE)

1. A **Dumping at Sea Permit** which authorizes the discharge of material from the dredging operation directly back into the river and under closely defined conditions.
2. A **Discharge Permit**, which authorizes the discharge of undersized material (fines) back into the river from the sedimentation pond.

Apart from the above two permits from DFFE, POMA is required to comply with the conditions contained in the **Environmental Authorization** issued by the Western Cape Government.

Restrictions and requirements outlined by these permits are somewhat onerous and include the following:

- 1) Dredging is limited to between sunrise and sunset.

- 2) Dredging can only take place when the velocity of the river is greater than 0.43M/s
- 3) Dredging can only proceed when the level of the river is below the marsh area.
- 4) Dredging is only permitted on outgoing tides.
- 5) Dredging is not permitted on weekends and public holidays.
- 6) There is no dredging between the third week in Dec and the second week in Jan.
- 7) Dredging may not take place between the 1st September and the 30th November. This is due to fish spawning up river.
- 8) Dredging must stop 6hr 20min after hightide. This allows suspended material an opportunity to be taken out to sea.
- 9) No material greater than 0.5mm in size may be discharged into the river.
- 10) No material may be discharged into the river, either from the dam or directly from the dredger without the monitoring system in place.

The results of POMA's dredging effort for 2025, are shown below. While POMA is not happy with the progress that we have made during 2025, this is beyond POMA's control. What is within POMA's control - we have ensured that from an availability point of view, we have done everything possible to ensure that when the permits allow us to dredge, we are dredging. You will note that there are 4 windows in July and 2 windows in August that we gained by monitoring the flow in the river before the planned start up times.

Table 1: Allowed vs Achieved Dredging Windows (2025)

Month	Dredge Windows			
	Allowed	Achieved	Lost	Late Start
January	21	19	2	1
February	23	20	3	1
March	18	17	1	3
April	12	11	1	1
May	11	9	2	
June	7	6	1	
July	9 + 4	7 + 4	2	
August	12 + 2	12 + 2	0	
December	12		12	
	131	107	24	6

Reason for lost sessions/late starts:

January	<ul style="list-style-type: none"> 6 & 7 January dredge session cancelled due to prep work done 15th late start, forgot dredger key in container before starting up
February	<ul style="list-style-type: none"> 5 & 6 Feb. dredge sessions cancelled, dredger was moved from Flamingo Cove and back to Eastern entrance 12th late start due to low velocity reading... 28th afternoon cancelled due to tide being too high
March	<ul style="list-style-type: none"> Late starts (3) due to low velocity reading 20th dredge session cancelled due to hydraulic leak
April	<ul style="list-style-type: none"> Late start due to tide being too high 15th dredge session cancelled due to shortage of staff
May	<ul style="list-style-type: none"> 26th dredge session cancelled due to shortage of staff 29th Electrical problem with engine ignition
June	<ul style="list-style-type: none"> 11th dredge session cancelled, barge transom broke
July	<ul style="list-style-type: none"> 11th dredging cancelled due to electrical problem with Engen ignition 29th Dredge pipe damage

Table 2: Allowed vs Achieved Dredging Hours (2025)

Month	Time (hours)					
	Allowed	Achieved	(%)	Stoppage s	Lost	Gained
January	48:01:00	47:59:00	99,93%	01:04	0:02:00	
February	47:37:00	45:26:00	95,41%	01:13	2:11:00	
March	41:37:00	39:17:00	94,39%	01:57	2:20:00	
April	30:02:00	29:27:00	98,06%	00:10	0:35:00	
May	19:35:00	19:08:00	97,70%	00:10	0:27:00	
June	12:29:00	12:13:00	97,86%		0:16:00	
July	15:01:00	23:05:00	153,72%			8:04:00
August	24:49:00	35:41:00	143,79%			10:52:00
December	32:11:00		0:00:00			
	271:22:00	252:16:00	92,96%	04:34	5:51:00	18:56:00

Bathymetry Surveys.

08 January – 28 March 2025 = total solids = 2100m³

29 March – 29 August 2025 = total solids = 2618 m³ Total of 4 718m³ for 2025 thus far.

According to our records:

Slurry 35875.4 m³ 10% Solids 3587.54 m³ 30% Solids 10762.62 m³

Recalculated comes to 13% solids.

Table 3: Dredged Materials Volumes (2025) excluding December 2025

Month	Slurry (m ³)	10% Solids (m ³)	30% Solids (m ³)
January	6 545,4	654,54	1 963,62
February	6 349,3	634,93	1 904,79
March	5 609,3	560,93	1 682,79
April	3 936,9	393,69	1 181,07
May	2 701,9	270,19	810,57
June	1 523,5	152,35	457,05
July	3 655,5	365,55	1 096,65
August	5 553,6	555,36	1 666,08
	35 875,4	3 587,54	10 762,62

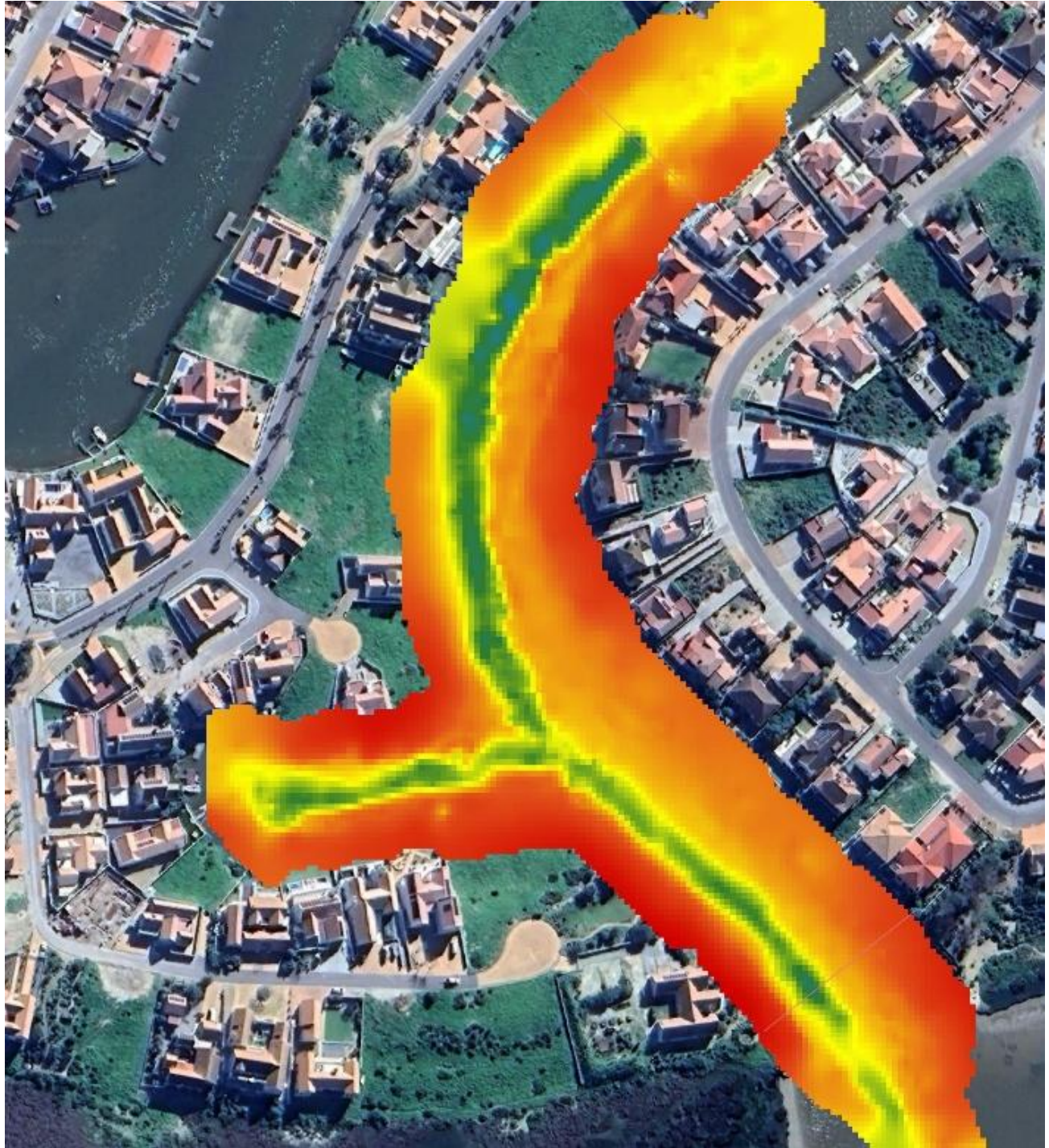
Table 4: Year on year dredge comparison.

Annual Dredge			
Month	2023	2024	2025
January		68,18%	99,93%
February	24,36%	82,20%	95,41%
March	61,01%	47,95%	94,39%
April	69,42%	43,96%	98,06%
May	80,36%	90,34%	97,70%
June	167,79%	80,08%	97,86%
July	120,53%	74,07%	153,72%
August	100,11%	91,08%	143,79%
December		131,44%	

Maintenance Manager	R36 438,25				
Assistant Dredger Operator	R14 553,46				
Maintenance Labour	R26 153,96				
ECO Tech	R253 445,02				
Dredger - ECO Sampling & Monitoring	R30 091,91				
Dredger - Fuel	R69 166,66				
Dredger - Insurance	R14 237,37				
Dredger - Maintenance	R65 382,67				
Protective Clothing	R13 743,05				
SAMSA - LGSC Survey	R1 288,71				
SAMSA - Hull Survey	R1 273,00				
Blue Crane - Eoad test Knuckleboom Crane	R3 795,00				
Sonometric (hull inspection)	R19 500,00				
Total Dredging cost - actual expenses (January - November 2025)	R549 069,07	Total cost per m³ - slurry	R15,30	Total cost per m³ - solids (10%)	R153,05
Dredger - Bathymetric	R105 438,08				
Dredger - Consultants - Environmental Control Officer	R105 670,50				
Waste Prevention Audit	R41 896,80				
Fish study and Benthic assessment	R214 049,00				
Total actual expenditure (January - November 2025) - permit application	R467 054,38	Total cost per m³ - slurry	R13,02	Total cost per m³ - solids (10%)	R130,19
Combined total - expenditure to dredge	R1 016 123,45	Total cost per m³ - slurry	R28,32	Total cost per m³ - solids (10%)	R283,24

[illegible]

Bathymetry Survey 17/11/2025.



Key to colour code:

Blue -3.m Green -2.63m Yellow – 1.75m Orange – 0.88 Red -0.00

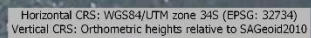
233400

2618 cubic meters



Marina Bathymetry
Thickness (m) of material removed during the
period:
31 March, 2025 to 29 August, 2025

Data collected, processed and imaged by:
BroadBand Geophysical



233400

POMA is currently preparing our application for a new disposal at sea authorization as the current authorization expires on 20th March 2026. The process usually takes 3 months if there are no major changes to the application. POMA will be requesting that DFFE consider allowing us to dredge during the months of September, October and November, even if the volumes are restricted. POMA will base this request on the modelling that was done by Roy van Ballegooyen of WSP. This modelling was a specific requirement of the original authorization, and the results have been presented to DFFE. The consequence of the modelling proved that what POMA was discharging into the river, was having very little effect on the river. The other factor is that the discharge is a very short period of time on an outgoing tide, while fish going up river to spawn usually go up the river on a rising tide.

ALGAE IN PORT OWEN MARINA

Algae typically grow faster and become more abundant when conditions are warm and sunny, and when they have an ample supply of nutrients. In summer the warm shallow waters in Port Owen Marina offer the perfect conditions for growth of Ulva (otherwise known as sea lettuce) and other fine filamentous algae (e.g. those of the genus Ecotcarpus). The warm nutrient rich conditions can cause blooms as these plants flourish with excess nutrients. In winter, the blooms dissipate and the algae become less abundant as temperatures cool, days shorten and sunlight becomes less direct (weaker). Additionally, once the winter rain floods the marina with freshwater, these algae drop to very low abundance and may even appear to die off as a consequence of their low tolerance to freshwater. Once the marina again becomes filled with sea water, and conditions warm with the onset of summer, the cycle starts again.

Similar blooms are known to happen in Knysna. Scan here to find out more:



The collection and removal of Ulva in the marina and waterways is an ongoing job. There is respite during the winter months, but during the summer months, it is very demanding. The Ulva is collected using hay forks and placed on a working platform and later dumped off either in the East Basin or at the POMA jetty. From here it is transported to the local dump site. To remove the vegetation from below the surface, would require an EIA. Clearing of indigenous vegetation is governed by the National Environmental Management Act (NEMA) and Environmental Impact Assessment regulations. So, an EIA would be required to determine the impact such an activity would cause on indigenous fauna and flora.

Ulva Collection- 2025

January

06/01/2025 – Monday – Waterways

14/01/2025 - Tuesday – Waterways

24/01/2025 – Friday – Flamingo cove & Keets

29/01/2025 - Wednesday – Skip area & East Basin

30/01/2025 – Thursday – Flamingo Cove & Keets

February

05/02/2025 – Wednesday – Flamingo Cove

06/02/2025 – Thursday – West Basin

10/02/2025 – Monday – Waterways

11/02/2025 – Tuesday – West basin & Marina Point & Harbour lights

17/02/2025 – Monday – Waterways

19/02/2025 – Wednesday – Skip area

20/02/2025 – Thursday – Waterways

21/02/2025 – Friday – West basin & skip area & east basin

24/02/2025 – Monday – Waterways

26/02/2025 – Wednesday – West basin

March

03/03/2025 – Monday – Flamingo Cove

06/03/2025 – Thursday – West basin & waterways

07/03/2025 – Friday – West basin& skip area

10/03/2025 – Monday – Echo Jetty & west basin

11/03/2025 – Tuesday – Flamingo Cove

12/03/2025 – Wednesday – West basin & waterways

13/03/2025 – Thursday – East basin & Harbour lights & Marina Point

18/03/2025 – Tuesday – Waterways

19/03/2025 – Wednesday – skip area

31/03/2025 – Monday – West basin

April

01/04/2025 – Tuesday – East & west basin

03/04/2025 – Thursday – Waterways
16/04/2025 – Wednesday – Flamingo Cove & Jetty in loop
17/04/2025 – Thursday – West basin & marina point & loop
22/04/2025 – Tuesday – Waterways
23/04/2025 – Wednesday – Waterways
24/04/2025 – Thursday – Loop island side
25/04/2025 – Friday – Waterways

May

05/05/2025 – Monday – Waterways
06/05/2025 – Tuesday – Waterways & loop
07/05/2025 – Wednesday – Waterways
08/05/2025 – Thursday – Flamingo Cove
14/05/2025 – Wednesday – Waterways
16/05/2025 – Friday – West basin & waterways

June

23/06/2025 – Monday – East loop

August

20/08/2025 – Wednesday – Waterways & Kelp & plastic

September

30/09/2025 – Tuesday – Waterways

October

02/10/2025 – Thursday – Waterways
08/10/2025 – Wednesday – West basin & waterways
09/10/2025 – Thursday – Waterways
16/10/2025 – Thursday – West basin
17/10/2025 – Friday – West basin
20/10/2025 – Monday – West basin
21/10/2025 – Tuesday – Waterways
29/10/2025 – Wednesday – Flamingo Cove
30/10/2025 – Thursday – loop west side
31/10/2025 – Friday – West basin & East basin & waterways

November

03/11/2025 – Monday – Waterways
05/11/2025 – Wednesday – West basin
06/11/2025 – Thursday – West basin
10/11/2025 – Monday – Slip area
14/11/2025 – Friday – Flamingo Cove
17/11/2025 – Monday – Loop north/island side
18/11/2025 – Tuesday – East basin
19/11/2025 – Wednesday – West basin
20/11/2025 – Thursday – West basin & loop

REPAIRING OF RETAINING WALLS THROUGHOUT THE MARINA.

The causes of embankment failure can be generally summarized as: wave and tidal action causing undermining, water run off or actions of property owners. All repairs are subject to available budget finance.

The following repairs were done during the past year:

A total of 5 property embankments in the loop were repaired covering 89m of embankments.

A total cost of R401 534.00 was spent on these repairs.

REPLACEMENT OF JETTIES IN THE MAIN BASIN.

This year the POMA Board replaced the old wooden India jetty with a new floating jetty. This replacement was agreed to at the last AGM. As POMA does not have excess money available and the POMA Board must ensure that what money is available must be spread evenly across all our areas of responsibility. To this end, POMA financed the new India jetties as POMA did with the Juliette jetties. Berthing space was sold to clients, and this raised the funds for the individual fingers. POMA funded the center spine, the water supply and the power supply to each jetty. After following due process, POMA decided to install Candock hardware, which is what has been installed in all positions where POMA has replaced old wooden jetties in the main basin. The hardware belongs to POMA as POMA is responsible for the maintenance and warranties. These jetties are an asset of POMA, and it is the responsibility of the POMA Board to ensure that the most suitable system is purchased, and not necessarily the cheapest system.

We have had numerous requests to replace Golf jetty the same way that India was replaced. The Marina Manager has a list of people that have applied for jetties, should they become available. The POMA Board has agreed to the extension of Foxtrot jetty by 2 fingers (4 - 12m berths). This extension will take place on the main channel side of the existing Foxtrot jetty. The hardware has been purchased and will be financed the same way as was done with the other floating jetties.

WALKWAYS AROUND THE MAIN BASIN

The walkway at the West Entrance of the marina has been repaired during the year. A total cost of R206 340.00 was spent on this repair – this section was 76m in total length.

THE FINANCIAL REPORT FOR 2025 AND THE BUDGET FOR 2026.

These two items will be dealt with by John de Meillon. I want to thank John and Anwill for the very professional way in which they have handled the POMA finances over the last year. It is my opinion that the reason for POMA's sound financial situation is due to Abe Uys and John de Meillon, dating back 6 years, and the way John has continued since Abe retired.

The audited financial statements were accepted by the POMA Board and signed off on the 18th July 2025. In line with POMA's MoU and POMA's agreement with the Berg River Municipality, POMA undergoes an annual audit. Without this audit, POMA would not receive its annual grant from the Berg River Municipality. These financial statements have been available to all POMA members and clients since that date.

OPERATIONS.

It was a sad loss to POMA when John Titterton passed away a year ago. Unfortunately, his replacement did not work out, and it was decided to put Anwill in the position of Marina manager as he had been successfully doing the work of the Marina Manager for the previous three months. Anwill certainly lacks sailing experience but more than makes up for it in all the other departments.

Fazlin Bester has taken over from Anwill as the Office Administrator and is proving an asset to the POMA organization.

Shadley Savill, our ECO Technologist, has taken control of the dredging and a consequence of his diligent attitude is seen in our dredging results. Punctuality is key to the success of the dredging operation.

Tiaan Moore once again, has shown his versatility by not only operating the dredger, also maintaining it.

CLOSING.

I would like to thank all the POMA Board members for their support over the past 2 years. I am proud to be associated with you. Being a POMA Board member is a thankless task which very few volunteers are prepared to take on.

It needs to be noted that there are members of our community that are an endless source of criticism, mostly unwarranted and/or ill informed. POMA is a community-based organization, with management operating primarily for the benefit of the community. Positive interaction and constructive intervention are always welcome. The community is encouraged to engage positively so that it can be well informed in its interactions with the POMA Board Members. Positive interaction, as opposed to negative criticism, may well lead to an increase in the number of individuals prepared to serve on the POMA Board.

Derek Robinson.