



SHABBY FUFU S24G APPLICATION - INITIAL PUBLIC PARTICIPATION (February - March 2024)

Date	Comment	I&AP	Response	Respondent
Freshwater				
Monday, 18 March 2024	<p>Dear Mr Clinton Geysler,</p> <p>The Breede-Olifants Catchment Management Agency (BOCMA) received the notification and invitation to comment on the s24G application undertaken in terms of the National Environmental Management Act, 1998 (Act no. 107 of 1998) (NEMA) as amended prepared by Enviro Africa CC on 16/02/2024.</p> <p>Please find the attached BOCMA comments on the section 24G comments application for unlawful construction of a tourist facility, farm dam and associated infrastructure on Portion 4 of the Farm Harkerville no. 428, Plettenberg Bay for your attention.</p> <p>Thank you.</p> <p>Kind regards,</p> <p>Phumlani Mqondeki</p> <p>COMMENTS ON NEMA SECTION 24G APPLICATION FOR UNLAWFUL CONSTRUCTION OF A TOURIST FACILITY, FARM DAM AND ASSOCIATED INFRASTRUCTURE ON PORTION 4 OF THE FARM HARKERVILLE NO. 428, PLETTENBERG BAY</p> <p>1. The Breede-Olifants Catchment Management Agency (BOCMA) received the notification and invitation to comment on the s24G application undertaken in terms of the National Environmental Management Act, 1998 (Act no. 107 of 1998) (NEMA) as amended prepared by Enviro Africa CC on 16/02/2024.</p> <p>2. This office has noted that the applicant commenced with the construction of a tourist facility, farm dam and associated infrastructure on remainder portion 4 of the Farm Harkerville no. 428, Plettenberg Bay without the relevant authorisations.</p> <p>3. Kindly note that BOCMA Compliance Monitoring and Enforcement (CM&E) officials conducted an investigation at remainder portion 4 of the Farm Harkerville no. 428, Plettenberg on 27/02/2024 to ascertain compliance to the National Water Act, 1998 (Act no. 36 of 1998) (NWA).</p> <p>4. Based on the outcome of the investigation and information on the notification, the BOCMA would like to provide the following preliminary comments:</p> <p>4.1 The construction and storage of water within the in-stream dam at Farm Harkerville RE/4/428 triggers activities defined as water use in terms of sections 21(b) – storage of water, 21(c) – impeding or diverting the flow of water in a watercourse, and 21(i) – altering the bed, banks, course, or characteristics of a watercourse of the National Water Act, 1998 (Act no. 36 of 1998).</p> <p>4.2 Kindly note that the commencement of the abovementioned water use activities by the applicant without a water use authorisation is a contravention in terms of section 151(1)(a) of the National Water Act, 1998 (Act no. 36 of 1998) (NWA). The BOCMA through the CM&E will thus initiate the relevant Compliance Monitoring and Enforcement administrative processes on the matter in terms of the NWA.</p> <p>4.3 This office would like to further bring to your attention that no water use activities may commence without authorisation in terms of NWA as per section 22 of the Act, which reads:</p> <p>S22. (1) A person may only use water</p> <p>(a) without a licence if that water use is permissible under Schedule 1;</p> <p>(i) if that water use is permissible as a continuation of an existing lawful use; or</p> <p>(ii) if that water use is permissible in terms of a general authorisation issued under section 39;</p> <p>(b) if the water use is authorised by a licence under this Act; or</p> <p>(c) if the responsible authority has dispensed with a licence requirement under subsection (3)</p> <p>5. This office reserves the right to revise initial comments and request further information based on any additional information that may be received.</p>	<p>Jan van Staden - Chief Executive Officer - Breede Olifants Catchment Management Agency (BOCMA)</p>	<p>The comments are received and duly noted.</p>	<p>EnviroAfrica</p>
			<p>The comments are received and duly noted.</p> <p>1. The agency's comment is noted.</p> <p>2. The applicant did commence with construction of the tourist facility, farm dam and associated infrastructure on the remainder portion 4 of the Farm Harkerville no. 428, Plettenberg Bay without the relevant authorisations. A compliance notice was issued to the applicant on 04 January 2024, whereafter the applicant reached out to EnviroAfrica to start with a Section 24G application (this application).</p> <p>3. The agency's comment is noted.</p> <p>4.1. A WUL application is currently underway. In addition, kindly refer to the Freshwater Specialist Report (Appendix H1) for more details regarding the WUL.</p> <p>4.2. The agency's comment is noted.</p> <p>4.3. The EAP understand the comment from the agency. It should be noted that activities on the farm has already commenced, hence the S24G application currently underway.</p>	<p>EnviroAfrica</p>
General				

<p>Friday, 16 February 2024</p>	<p>Dear Clinton & Margaret</p> <p>Thank you for your notification below which was sent through to our General Manger at Hunter's Country House.</p> <p>Please could you register our company as an interested and affected party in this application and provide any additional documentation to assist us in understanding the processes followed prior to, and after this development being undertaken. Our preferred method of notification is by email (please address to me as your contact at Hunter Hotels and cc all the parties copied in above).</p> <p>Please could you also indicate the property/ies owned by Mrs Irene Vermeulen.</p> <p>Many thanks, look forward to hearing from you Kind regards, Ian</p>	<p>Ian Hunter - Hunter Hotels</p>	<p>Good morning Ian</p> <p>You have been registered as an I&AP.</p> <p>There is no further documentation available besides the notices sent out. These are just the initial notifications, and once the specialist studies and S24G Application and Impact Report is completed, you will be notified of it's availability for viewing and comment.</p> <p>I can't speak for any other properties of Mrs Vermeulen besides the property that we are doing the Application for.</p> <p>Best Regards, Clinton Geyser</p>	<p>EnviroAfrica</p>
<p>Friday, 16 February 2024</p>	<p>Hi guys,</p> <p>I only have positive things to say about shabby Fufu. I don't believe the dam is in a natural watercourse. Run-off from the N2 is not natural. If anything it has assisted the properties below them. We no longer have localised flooding and/or erosion on the roads.</p> <p>Kind regards Shaun vd Merwe</p>	<p>AllSure Storage Services</p>	<p>The comment is duly noted.</p>	<p>EnviroAfrica</p>