



BREDE-GOURITZ
CATCHMENT MANAGEMENT AGENCY

101 York Street 3rd Floor Rm 302 George 6530, P.O. Box 1205 George 6530

Enquiries: R Mphahlele Tel: 023 346 8000 Fax: 044 873 2199 E-mail: rmphahlele@bgcma.co.za

REFERENCE: 4/10/2/ K70A /KEURBOOMSTRAND 296/5, BITOU

Date: 29/03/2022

Cape Environmental Assessment Practitioners (Pty) Ltd
PO Box 2070
GEORGE
6530

Dear Sir/Madam

RE: DBAR PROPOSED REDEVELOPMENT OF THE EXISTING ARCH ROCK SEASIDE ACCOMMODATION ON PORTION 5 OF FARM 296 KEURBOOMSTRAND, BITOU

Reference is made to the above mentioned subject matter submitted to this office for comments.

The following are BGCMA comments which should be adhered to:

1. The activities associated with the proposed development which encroaches on the regulated area of a watercourse are regarded as water uses in terms of section 21 (c) & (i) of the National Water Act, 1998 (Act 36 of 1998) (NWA); and require a water use authorization prior commencement in terms of section 22 of NWA.

"Regulated area of a watercourse" refers to:

(a) The outer edge of the 1 in 100-year flood line and /or delineated riparian habitat, whichever is the greatest distance, measured from the middle of the watercourse of a river, spring, natural channel, lake or dam;


(b) In the absence of a determined 1 in 100-year flood line or riparian area the area within 100m from the edge of a watercourse where the edge of the watercourse is the first identifiable annual bank fill flood bench (subject to compliance to section 144 of the Act); or(c) A 500 m radius from the delineated boundary (extent) of any wetland or pan.

2. Please note that commencement with water uses contemplated in section 21 of NWA without an authorisation as required in terms of section 22 of NWA, constitute an offense in terms of section 151(1) (a) of NWA. Further, in terms of section 151 (2) of NWA, any person who contravenes is guilty of an offense and liable on first conviction to a fine or imprisonment of a period not exceeding five years or both such a fine and imprisonment.
3. The onus remains with the property owner to adhere to the above provision of NWA prior commencement with any water use activities contemplated in section 21 of NWA.
4. This office can be contacted for further information relating to requirement for, and/or application for a water use authorization.

**RE: DBAR PROPOSED REDEVELOPMENT OF THE EXISTING ARCH ROCK SEASIDE
ACCOMMODATION ON PORTION 5 OF FARM 296 KEURBOOMSTRAND, BITOU**

This office reserves the right to amend and revise its comments as well as to request any further information,

Yours faithfully,


pp MR. JAN VAN STADEN
CHIEF EXECUTIVE OFFICER (ACTING)



Melissa Mackay

From: Rabokale Mphahlele <rmphahlele@bgcma.co.za>
Sent: Wednesday, 06 April 2022 12:18
To: jackie@confluent.co.za; Melissa Mackay
Subject: Re: DBAR PROPOSED REDEVELOPMENT OF THE EXISTING ARCH ROCK SEASIDE ACCOMMODATION ON PORTION 5 OF FARM 296 KEURBOOMSTRAND, BITOU

Good day

Thank you, Jackie

I apologize for the confusion caused by my comments. Please note that the comments do not suggest that an application should be lodged for this development in particular but are generally inform that authorization should be secured before the commencement of any activities within the regulated area of a watercourse, and the consequences thereof if this legal requirement is not complied with.

In respect of Jackie's email below, sections 21 (c) & (i) will not be required for this development hence there is no need to apply for a water use authorization.

From: jackie@confluent.co.za <jackie@confluent.co.za>
Sent: Tuesday, April 5, 2022 9:13 AM
To: 'Melissa Mackay' <melissa@cape-eaprac.co.za>; Rabokale Mphahlele <rmphahlele@bgcma.co.za>
Subject: RE: DBAR PROPOSED REDEVELOPMENT OF THE EXISTING ARCH ROCK SEASIDE ACCOMMODATION ON PORTION 5 OF FARM 296 KEURBOOMSTRAND, BITOU

Good morning Mel and Rabokale,

Please see attached again the freshwater compliance statement compiled in response to the DFFE screening tool. It confirms that the development site is already highly modified, and most importantly has no freshwater features on it, or within 500 m from it.
I inspected the full site, as well as the surrounding area.
There should therefore be no Section 21 c and i water uses as it is not within the regulated area of a watercourse as defined in GN509.

Thanks and regards,
Jackie

From: Melissa Mackay <melissa@cape-eaprac.co.za>
Sent: 05 April 2022 08:22 AM
To: rmphahlele@bgcma.co.za; jackie@confluent.co.za
Subject: FW: DBAR PROPOSED REDEVELOPMENT OF THE EXISTING ARCH ROCK SEASIDE ACCOMMODATION ON PORTION 5 OF FARM 296 KEURBOOMSTRAND, BITOU

Good morning

Many thanks for your comment. I am a little confused by the content of the letter, as Confluent confirmed that there were no regulated watercourses in or near the site. Your correspondence is not clear on whether you agree that there is no WUL required. Your comments were requested as the Screening Tool called for an aquatic specialist report and DEA&DP insisted that BGCMA must be a registered stakeholder.

I look forward to your response.

Please Note: When registering as an Interested and Affected Party (I&AP), you consent to the lawful processing of personal information for the intended purposes, as described by the Protection of Personal Information Act, 2013 (Act no. 4 of 2013). Your information will be used for this project, including the initial application as well as subsequent related appeals, amendments or audits, or any future project where you are identified as an I&AP. You also agree that by submitting comment to inform this process, your contact details will, where required by a public body, be reflected in our regulated reports that must be compiled and submitted to the general public, registered stakeholders, organs of state as well as the competent authority for consideration and decision-making.

Kindly view our [Privacy Statement](#) for more information.

Regards

Melissa Mackay | 084 584 7419

SENIOR CONSULTANT | ECO | GIS

BTech Nat. Con. (NMMU)

Reg. EAP (EAPASA)



Cape EAPrac



T: 044 874 0365

F: 044 874 0432

17 Progress Street, George

PO Box 2070, George 6530

From: Rabokale Mphahlele <rmphahlele@bgcma.co.za>

Sent: Wednesday, 30 March 2022 09:20

To: Melissa Mackay <melissa@cape-eaprac.co.za>

Subject: RE: DBAR PROPOSED REDEVELOPMENT OF THE EXISTING ARCH ROCK SEASIDE ACCOMMODATION ON PORTION 5 OF FARM 296 KEURBOOMSTRAND, BITOU

Good day

Please see attached BGCMA comments on the above-referenced subject matter.

Kind regards,