



IMPORTANT INFORMATION TO BE READ PRIOR TO COMPLETING THIS APPEAL FORM:

1. This appeal form must be submitted –
 - a. within **20 calendar days** from the date that the decision is sent by the decision-maker, or, where applicable, by the applicant to registered interested and affected parties; or
 - b. within **30 calendar days** from the date that the decision is received, where an appeal is submitted against a Directive in terms of section 43(8) of the *National Environmental Management Act, 1998*.
2. The appellant must submit the appeal –
 - a. to the appeal administrator;
 - b. to the applicant, where the appellant is not the applicant; and
 - c. where applicable, to any registered interested and affected party where the appellant is the applicant.
3. An appeal submitted must –
 - a. be in writing;
 - b. be on this form;
 - c. include supporting documentation, which is referred to in the appeal; and
 - d. include proof of payment of a non-refundable appeal fee, if prescribed.
4. An applicant must –
 - a. notify, and make a copy of the appeal available to, registered interested and affected parties where applicable, and to affected organs of state, within 5 calendar days of the expiry of the 20-day appeal period; and
 - b. submit proof of the notification to the appeal administrator within 5 calendar days of sending the last notification.
5. The applicant, where applicable, the decision maker and the registered interested and affected party or affected organs of state may within 20 calendar days from the date of receipt of the appeal, submit, in the form obtainable from the Department's website a statement responding to an appeal, to the appeal administrator and to the appellant/s.
6. This form is current as of **APRIL 2026**.
7. The required information must be inserted within the spaces provided in the form. The sizes of the spaces provided are not necessarily indicative of the amount of information to be provided. The spaces may be expanded where necessary.
8. Unless protected by law, all information contained in, and attached to this form, will become public information on receipt by the Department.
9. A digital copy of this form may be obtained from the Department's website at <https://www.westerncape.gov.za/eadp/environmental-governance>, or <https://www.westerncape.gov.za/eadp/service/processing-environmental-and-planning-appeals>.
10. The Appeal Form must be duly dated and originally signed (electronic signature is also accepted) by the Appellant and must be submitted to the Appeal Administrator at the details provided below.

Decision being appealed:

1. Reference Number of the Decision being appealed: 16/3/3/1/A1/18/3048/25 (NEAS REF: WCP/EIA/0001758/2025)

2. Type of Decision being appealed:

| | | | | | | |
|------------------------------------|--|--|---|--------------------------|---|------------------------------|
| Environmental Authorisation | 24G Administrative Fine | Amendment of Environmental Authorisation | Amendment of Environmental Management Programme | Waste Management Licence | Variation of a Waste Management Licence | Atmospheric Emission Licence |
| Exemption Notice | Environmental Conservation Act: Outeniqua Sensitive Coastal Areas Permit | Directive | Coastal Protection Notice | Coastal Removal Notice | Other | |

Brief description of the Decision: The proposal entails the dredging of a channel in the lower section of the Milnerton Lagoon on Erf No. 20315, Diep River Estuary and the development of structures on coastal public property. The Lagoon will be reshaped by placing dredged material on the sides of the new channel within the intertidal zone.

3. Date of the Decision: 15 May 2026 _____

4. Date of the Notification of the Decision: 18 May 2026 _____

Please note: The appellant in terms of the *National Appeal Regulations, 2025* must submit the appeal to the appeal administrator, to the applicant (where the appellant is not the applicant) and, where applicable, to all registered interested and affected party where the appellant is the applicant.

Appellant's Information:

Name: Gregory Joseph Nortje _____



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Grounds of Appeal (to be completed on this document)

1. Inadequate public participation process and poor presentation material .

It appears as if the minimum legal protocols for public participation were met. Whether met or not it is absolutely clear that the public participation process has been wholly inadequate as the majority of the general public in the area are either unaware of any proposal and those that are assume that the dredging process will entail removing and discarding the contaminated sludge from the lower lagoon bed. This lack of reach into the community must be attributed to poor communication and obscure advertising on the cities part resulting in very small numbers of attendees (normally fewer than ten) being attracted to the public meetings.

Most worrying though, is the poor visual documentation that the city presented to the public to explain their preferred version of dredging a rigid central channel and placing the sediment material on either side to form mud/sand banks. This is a radical alteration to the existing waterway and hence to the entire urban lagoon precinct and the only visual material ever presented was a very diagrammatic 'mark up' of an existing aerial photograph as their main site development plan (wholly inadequate) and an extremely basic generic section drawing showing a cut through the new canal profile without any indication of existing lagoon water levels or how the new man made banks meet the revetment walls on either side or to the extent of water coverage over the banks at different stages of the tidal exchange. Absolutely no detailed drawings or any indication of what the waterway would look like after the dredge were presented. Being an architect, I am completely aware of how the general public battle to understand drawings and it is up to the presenter to have sufficient documentation to explain a scheme properly. Any public presentation of this nature should include 3D representation (at the very least) especially for public interest projects. I produced a series of AI generated images (see below) which are more than sufficient to explain to anyone what the lagoon would look like after the dredging. The city should have presented and distributed similar material to the public to ensure that everyone understood things clearly.

For the above reasons it is absolutely clear that the public participation method was inadequate as it didn't achieve any reach into the general public whatsoever and that the preferred proposal was so poorly presented and explained to the affected parties that it was



impossible for the public to understand the actual scope of the proposal. As a result I request that the city are instructed to revisit this process to rectify the obvious flaws as pointed out.



Dredging SDP – a wholly inadequate drawing.

Current majority view throughout the tidal exchange.



Expected majority view of the lagoon after the dredge – banks exposed for 16hrs a day.

2. Total lack of public support.

After the final advisory meeting held on the 19/03/26, affected parties became more aware of the implications of the proposal due to one of the attendees at the meeting making information and visual material available on social media platforms. This sparked a wave of interest and as a result a general opposition to the proposal and especially to the idea of leaving the dredge material within the waterway to form side mud banks, which is by far the most contentious issue amongst affected parties.

As a result of this new discourse and more detailed visual information being available the Board of Trustees of the Woodbridge Island Body Corporate have submitted an appeal against this authorisation. Given that they represent all section owners on the island it must be accepted by the authorities as an appeal by every single section owner on Woodbridge Island and in particular the most effected ones who live directly on the west bank.

Similarly the Milnerton Rate Payers association have also submitted an appeal and they represent all residents in the Milnerton ward so it should be accepted that there is absolutely no support for this project, whatsoever, within the local community.

For the above reason, authorisation from DEA&DP should be suspended and the city should re-engage with the community to explore other alternatives.

3. Health/smell risk of new sand/mud banks.

For the record there are approximately 92 residences within the Woodbridge Island complex, that are situated on the West Bank of the lower lagoon. Some are built directly on the revetment wall and hence with a 0m set back from the lagoon edge, while the majority of the others are set back within a 3m range, on average. It is inconceivable that the city are prepared to place a 500mm thick layer of unwashed dredged material to form a continuous bank in front of these houses given that the lagoon has been subjected to, well documented, catastrophic bacterial pollution over many years.

The BAR points out that the dredged material will initially smell while the bacterial contaminants die off due to sun exposure during the drying and wetting process from tidal movement. Given the extremely high E. coli counts quoted in the BAR's own water quality monitoring results taken from the lagoon between Nov 24' and Feb 25' one must assume that these are the bacterial contaminants contained within the bed material. Surely these contaminants pose a smell and health hazard to the residents especially during the dredging and sediment placement process and on a more continuous basis as the natural tidal movement washes over the new man made banks and exposes layer after layer of fresh fill which hasn't been exposed to the sun.

For the above reasons I would ask for an independent health and safety consultant to collect more substantial bed samples of material from the dredge zone for testing so that an accurate smell/health risk assessment can be undertaken to ensure the ongoing safety of residents on the west bank and the recreational park users on the east bank. See illustrations below



Current majority view throughout the tidal exchange.



New majority view. Banks could be litter traps and health hazards.

4. Visual impact on the Milnerton lagoon precinct - degradation of the 'sense of place'.

In the BAR (pg 45) the author flippantly dismisses the need for a visual impact assessment which is completely nonsensical. “*The proposed dredging will not result in any permanent change in the landscape nor sense of place. A standalone Visual Impact Assessment is not required.*” Clearly the author doesn’t understand that the waterway is an integral part of an urban precinct within a world class city and if tampered with then a visual impact assessment is most certainly required.

The visual impact of changing the nature of the existing wide water way of the lower lagoon from Loxton bridge to the mouth is the most worrying aspect of the proposed project as absolutely no consideration has been given to this compositional arrangement of The Milnerton Lagoon Precinct. Currently (and historically) the water way is roughly 70 to 80m wide and full (mostly) and not effected by tidal movement as it moves up down against the two side bank walls so it would be fair to say that it feels and appears more like a lake or a river than a tidal lagoon. This consistently vast body of water sits very comfortable between the recreational park and the houses on Woodbridge Island and is the most dominant feature and primary positive contributor to the sense of place in the Milnerton lagoon precinct.

Reducing this wide body of water to a rigidly engineered, 20m wide central channel (a 75% reduction in water surface area) with two antisocial 30m wide mud/sand banks on either side (very apparent for 8 of the 12 hour tidal exchange) will completely alter the nature of this precinct in a very negative way. Architects, landscapers, urban planners and other professions involved in design or city planning generally try and introduce wide stretches of water within the urban context (especially alongside recreational spaces) as it is considered as being tranquil, relaxing, beautiful and beneficial to the human well being. In this case the palm site promenade along the lagoons east bank is the most used space in the area. People exercise, walk their children, their dogs, sit, meditate, pray, play and picnic along this waters edge as it is beautiful and consistently wide. If this water edge is replace by a 30m wide mud bank (could be stinky and often littered) it will completely change the user experience from being positive to negative? Similarly the 92 houses at Woodbridge Island on the opposite bank have a continuous view of a full body of water and should this change to mud banks and a channel for 16 out of 24 hours a day then it will have a negative effect on the inhabitants in so many ways such as health, psychology and financial due to an instant decrease in property values. This will also be true for all the apartment blocks and houses on the east bank that also overlook the lagoon precinct. Even motorist, pedestrians and cyclists passing through this space would be negatively effected by the reduced amount of water on view.

In my view, as an experienced architect who has lived next to this body of water for 30 years, I have absolutely no doubt that this proposed alteration to the water way will completely change the sense of place of this area in the most negative way possible.

For the above reasons, a visual impact assessment should be carried out by suitably qualified professionals, to establish the effects this project will have on the 'sense of place' in the greater Milnerton Lagoon Precinct. This should become a condition of authorisation.



The current majority view of the lagoon (all tides) within the precinct.



The expected majority view after the dredge – 16 hrs a day.

5. Heritage authorisation should be a requirement.

With regards to the Wooden Bridge Heritage Site the BAR (Pg 42) accepts the significance : *“The **Archaeological and Cultural Heritage Theme** is mapped as Very High sensitivity due to the proximity of the site to the Wooden Bridge, which is a provincial heritage site.”*

Yet concludes : *“Despite proximity to the Wooden Bridge, the proposed dredging will not impact on this heritage resource. Hence, no impact assessment is deemed necessary for this theme.”*

I completely disagree with this conclusion as dredging will take place under the bridge and solid material, up to 1m deep, will be disturbed and or removed from an area in the vicinity of the foundations under the main support posts of the structure. At the very least a structural engineer should be appointed to inspect the site and report on the potential effects on the structural integrity of the heritage structure.

A Heritage Professional should also be appointed to consider the Structural engineers findings and confirm, as a result, whether the dredging activities under the bridge triggers section **34 NHRA (structures older than 60 years)** and whether it is exempt from section 38 NHRA as claimed by the author of the BAR : *“Furthermore, the nature of the proposed dredging does not require any assessment of heritage NHRA impact in terms of Section 38 of the National Heritage Resources Act, 1999(Act No. 25 of 1999), as amended (NHRA).”* j

6. Dredging project (preferred version) - limitations and potential wastage of tax payers money.

The BAR is absolutely clear about the limitations of the project and even refers (a number of times) to the possibility of the proposed dredging project failing altogether *“winter flooding may cause the channel to revert to its current channel”*. This statement clearly indicates that there is a risk attached to completing this project so I would request that a modelling study be conducted to determine what level of storm it would take for the new arrangement to be significantly disturbed to ensure that tax payers money is not wasted as a result of a lack of due diligence.

In terms of the limitations of the project the BAR reports on the poor net improvement predictions in water quality by the dredging which will only result in an 11,6% increase in salinity near the mouth in the recreational summer season. This improvement is so marginal that it hardly justifies this extremely invasive and unnatural modification.

Another extract from the BAR is indicative of the general limitations of the dredging project and its worrying that such an invasive interaction will only result in an improvement in the tidal exchange for as long as the channel and banks remain undisturbed by winter rains : *“It must be clearly stated that dredging of the Milnerton Lagoon is not in itself expected to contribute significantly to improving water quality or amenity value of this waterbody other than by improving tidal exchange in the lower part of the lagoon”*.



When one measures the effects of the invasive modification to the waterscape of the lower lagoon, and in particular the proposal of retaining the dredged material in the water column, against the risk of total project failure and the anticipated lack of material benefits then it would make complete sense for DEA&DP to reconsider their authorisation accordingly.

7. Start date for dredging should be conditional on the completion of infrastructure upgrade projects.

At the final advisory meeting held on the 19/03/26, the city indicated that they intended starting the dredging project in June 2026 if authorisation were to be granted. This over eagerness to start dredging with little regard to logic and the recommendations contained in the BAR is confusing.

It is well documented in the BAR that the main cause for the poor state of the lagoons water quality is primarily due to the devastating sewage inflows into the water body from the cities infrastructure facilities such as The Potsdam WWTW and Koeberg Rd sewage pump station being the primary sources.

The BAR (EAP) also recommends that dredging should only proceed once the source pollution has been dealt with and sets targets in water quality results needing to be achieved over a 3 month period before proceeding with the dredging project. At the very least, this target recommendation on water quality readings should be made a condition of authorisation. In addition to this it makes absolute sense to add a further condition that no dredging is to proceed until all infrastructure upgrades have been completed to ensure that the controllable source pollution is no longer a risk. The list below (as quoted in the BAR) are the projects that need to be completed, as a condition to approval, prior to any dredging taking place.

1. The upgrading and expansion of the Potsdam Wastewater Treatment Works (completion December in 2027).
2. A capacity upgrade and construction of an overflow pond at the Koeberg Road pump Station (completion in 2027).
3. Construction of the new Montague Gardens Bulk Sewer (completion in 2026).
4. Rehabilitation of the Mantague Drive Bulk Sewer (2027).
5. Upgrades to the Phoenix Park Pump Station (2028).
6. Upgrades to the Sanddrif East Pump Station (June 2027).



Note:

- You are also requested to submit an electronic copy (Microsoft Word format) of the appeal and any supporting documents.
- The grounds of appeal and the facts upon which they rest must be clearly set out. The grounds of appeal must be formulated as averments and not as questions about the project (refrain from material or remarks which do not contribute towards the merits of the appeal).
- Make a particular issue the subject of a separate ground of appeal, avoiding overlaps as far as possible. Issues should be grouped logically and in a chronological order to provide the Provincial Minister with clear timelines of the events or facts in dispute.
- A recommended way of arranging issues is to divide the grounds of appeal into procedural grounds, (for example inadequate public participation) and substantive grounds (why the decision is seen as wrong).
- Before submitting the appeal, it is recommended that appellants familiarise themselves with the mandate of the department to avoid raising matters falling outside the competence of the Provincial Minister on appeal.

Please include any supporting documentation which is referred to in the appeal.

Submission address:

This appeal must be submitted to the Appeal Administrator at either of the addresses listed below:

By hand: Attention: Mr Marius Venter (Tel: 021-483 3721)
Room 809, 8th floor Utilitas Building
1 Dorp Street, Cape Town, 8000; or

By e-mail: DEADP.Appeals@westerncape.gov.za



Appellant's signature

Date 03/06/2026

