

Milnerton Lagoon Proposed Dredging - Appeal to EA Decision 16/3/3/1/A1/18/3048/25

From Milnerton Central Residents Association <milnertoncentralresidentsassoc@gmail.com>

Date Mon 6/8/2026 9:56 PM

To DEADP Appeals <DEADP.Appeals@westerncape.gov.za>

Cc Julia.Wood@capetown.gov.za <Julia.Wood@capetown.gov.za>; milnertondredging@infinityenv.co.za <milnertondredging@infinityenv.co.za>; Chandre.Rhoda@capetown.gov.za <Chandre.Rhoda@capetown.gov.za>; Rondine Isaacs <Rondine.Isaacs@westerncape.gov.za>; ctmarx1@gmail.com <ctmarx1@gmail.com>; Bouwe van der Eems(MCRA) <bouwe@diemoot.net>; Rethinkthestink1@gmail.com <Rethinkthestink1@gmail.com>

 2 attachments (608 KB)

2026-04-appeal-form_0.docx; Lagoon Dredging MCRA Appeal.pdf;

You don't often get email from milnertoncentralresidentsassoc@gmail.com. [Learn why this is important](#)

Dear Sir / Madam

Please find attached our appeal form and appeal letter in relation to the above proposal and submitted on behalf of Milnerton Central Residents Association.

Regards

Stuart Hofmeyr

Milnerton Central Residents Association

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
2. Type of Decision being appealed:

Environmental Authorisation X	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	

3. Brief description of the Decision: **Proposed dredging of the Milnerton Lagoon**
4. Date of the Decision: **15 May 2026**
5. Date of the Notification of the Decision: **18 May 2025**

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: **Milnerton Central Residents Association**

Address: **Milnerton**

Telephone number: **082 7283960**

Cell phone number: 082 7283960

Email address: **milnertoncentralresidentsassoc@gmail.com**

Grounds of Appeal (to be completed on this document)	
1.	THE SAND BERM - CREATION OF A LAND BRIDGE TO A BIRD REFUGE ISLAND
2.	THE DREDGING AND IN-LAGOON MATERIAL PLACEMENT - IRREVERSIBLE DEGRADATION OF VISUAL AND RECREATIONAL CHARACTER
3.	REQUEST FOR DEFERRAL PENDING COMPLETION OF POTSDAM WWTW UPGRADE
4.	
5.	

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



For Milnerton Central Residents Association
Appellant's signature

08.06.2026
Date

Milnerton Central Residents Association

8 June 2026

milnertoncentralresidentsassoc@gmail.com

To: The Appeal Administrator

Attention: Mr. Marius Venter

Room 809, 8th Floor Utilitas Building

1 Dorp Street, Cape Town 8001

E-mail: DEADP.Appeals@westerncape.gov.za

Dear Mr. Venter

**APPEAL AGAINST ENVIRONMENTAL AUTHORISATION: REF. 16/3/3/1/A1/18/3048/25
/ NEAS REF. WCP/EIA/0001758/2025 – PROPOSED DREDGING OF THE MILNERTON
LAGOON, DIEP RIVER ESTUARY**

We hereby submit this appeal in terms of Chapter 2 of the National Appeal Regulations, 2025 (Government Notice No. R. 5985, Government Gazette No. 52269, 13 March 2025) against the Environmental Authorisation issued on 15 May 2026 by the Department of Environmental Affairs and Development Planning (DEA&DP) to the City of Cape Town in respect of the proposed dredging of the Milnerton Lagoon on Erf No. 20315, Diep River Estuary.

We are a registered Interested and Affected Party (I&AP) in respect of this matter.

1. SCOPE OF THIS APPEAL

This appeal is directed at three related aspects of the authorised activities:

(A) The construction of a sand berm upstream of the small island at the Wooden Bridge, which will create a land bridge to an ecologically sensitive bird refuge island;

(B) The broader dredging and in-lagoon material placement proposal, which will fundamentally and negatively alter the visual and recreational character of the Milnerton Lagoon; and

(C) A request that commencement of the dredging be deferred until the Potsdam Wastewater Treatment Works (WWTW) upgrade has been substantially completed, on the basis that the root cause of the Lagoon's degradation will otherwise remain

unaddressed and the environmental and social costs of dredging will be incurred without the corresponding benefit.

2. GROUNDS OF APPEAL

2.1 THE SAND BERM - CREATION OF A LAND BRIDGE TO A BIRD REFUGE ISLAND

2.1.1 The Sand Berm Will Create a Physical Land Bridge to a Protected Bird Refuge Island

The island situated just north of the Wooden Bridge currently functions as an important refuge and nesting site for bird species that rely on the surrounding water body as a natural barrier against terrestrial predators. The island's ecological value as a refuge is directly and critically dependent on it remaining physically inaccessible from the surrounding banks.

The proposed sand berm, connecting the eastern bank to this island using approximately 600 m³ of dredged material, will effectively create a land bridge across what is currently open water or shallow wetland. While the berm is presented in the Environmental Authorisation and the Basic Assessment Report (BAR) dated January 2026 purely as a hydrodynamic intervention — to direct flow around the western side of the island — its physical consequence is the elimination of the water-body barrier that currently protects the island's nesting bird populations.

2.1.2 The Threat from Terrestrial Predator and Human Access Has Not Been Adequately Assessed

Once a continuous sand surface connects the eastern bank to the island, the island will become accessible on foot to:

- (a) Domestic animals, in particular dogs and cats, which are regularly present in the adjacent public open space and beach areas;
- (b) Small wild predators, in particular the Cape grey mongoose (*Galerella pulverulenta*) and other small mammals known to prey on ground-nesting birds and their eggs; and
- (c) Members of the public, including those who may disturb nesting sites, whether deliberately or inadvertently.

The risk from domestic animals and mongooses is particularly acute during the bird nesting season. Even partial or seasonal drying of the berm surface during low-water or summer low-flow periods would be sufficient to permit access. Ground-nesting waterbirds are acutely sensitive to disturbance and predation pressure during breeding, and the loss of even one or two nesting seasons can have a significant impact on local population dynamics.

2.1.3 This Risk Does Not Appear to Have Been Identified or Assessed in the Specialist Studies or the BAR



Aerial image showing position of Island



Extract from BAR showing position of proposed sand berm

We have reviewed the Environmental Authorisation, including Annexure 3 (Reasons for the Decision) and the summaries of specialist inputs contained therein. The Avifaunal Compliance Statement (AVISENSE Africa (Pty) Ltd., 26 March 2025) and the Estuarine Impact Assessment (Anchor Environmental Consultants (Pty) Ltd., April 2025) are

referenced extensively. However, neither the Environmental Authorisation nor the BAR appears to contain any assessment of the specific risk of terrestrial predator or human access to the island via the proposed sand berm.

The avifaunal assessment appears to have focused on disturbance and habitat degradation during the construction phase and habitat improvement during operation. The question of whether the berm permanently eliminates the predator-exclusion function of the surrounding water body does not appear to have been raised, addressed, or mitigated. This constitutes, in our submission, a material omission in the specialist assessment and the BAR, and therefore in the competent authority's consideration of this aspect of the proposal.

2.1.4 Proposed Mitigation Measures Are Inadequate

The Environmental Authorisation does not impose any condition specifically addressing this risk. Fencing of the berm or island perimeter has not been required. Even if fencing were imposed as a condition, it is submitted that it would be insufficient: low fencing would not prevent mongoose or cat access; higher fencing would require ongoing maintenance in a tidal and estuarine environment and would likely fail within a short period due to sand movement and tidal scour undermining fence posts.

2.2 THE DREDGING AND IN-LAGOON MATERIAL PLACEMENT - IRREVERSIBLE DEGRADATION OF VISUAL AND RECREATIONAL CHARACTER

2.2.1 The Milnerton Lagoon is presently, despite its water quality difficulties, a visually striking and publicly valued stretch of open water. It is used and appreciated daily by residents, walkers, cyclists, kayakers and other members of the public as an amenity of significant social, recreational and aesthetic value. This amenity value is also directly relevant to property values in the surrounding area, as acknowledged in the BAR itself.

2.2.2 The authorised dredging design will excavate a channel approximately 20 metres wide and 1 metre deep along the 1.12 km lower section of the Lagoon, with excavated material deposited on either side at 0.5 metres above land levelling datum. The practical effect of this design, particularly at low tide and during the summer low-flow season when the Lagoon mouth may be partially or fully closed, will be to transform what is currently an open water body into a narrow ditch of water flanked by exposed mud and sand banks.

2.2.3 The BAR and the Environmental Authorisation acknowledge that at low tide the sandbanks will be visible, but characterise them as appearing similar to existing natural sandbanks already present in the system. We respectfully submit that this characterisation understates the scale of the transformation. The proposed design does not create incidental sandbanks within a functioning lagoon; it converts the greater part of the Lagoon's surface area into intertidal mudflat, with a comparatively narrow

channel running through it. During dry summer months, when freshwater inflow is reduced, these banks will not be periodically inundated but will remain as exposed, drying mud and sand surfaces for extended periods.

2.2.4 The negative visual, recreational and social impacts of this outcome do not appear to have been fully assessed in the BAR. The assessment of visual impacts focuses primarily on the concern raised by Woodbridge Island residents about walkable sandbanks forming along the western bank adjacent to their properties. The broader question of how the dredging design will alter the appearance and public amenity of the Lagoon as a whole — and whether this is an acceptable and proportionate trade-off — does not appear to have received adequate independent assessment.

2.2.5 The NEMA principles require that the social, economic and environmental impacts of activities be considered, assessed and evaluated, and that the best practicable environmental option be selected. It is submitted that the selection of a dredging design that will fundamentally and likely irreversibly alter the public amenity character of the Lagoon, in circumstances where the primary cause of the Lagoon's degradation (upstream pollution) remains unaddressed, does not represent the best practicable environmental option and is not proportionate to the benefits anticipated.

2.3 REQUEST FOR DEFERRAL PENDING COMPLETION OF POTSDAM WWTW UPGRADE

2.3.1 The Environmental Authorisation, the BAR, and the Annexure 3 reasons all explicitly acknowledge that the mitigation of upstream pollution is the primary determinant of the long-term health of the Milnerton Lagoon. The BAR states that long-term recovery depends on upstream interventions currently underway, specifically including major upgrades at the Potsdam Wastewater Treatment Works and the associated pump station.

2.3.2 The City of Cape Town has confirmed that the Potsdam WWTW upgrade is already underway and that incremental improvements in the quality of effluent discharged will occur progressively as the upgrade proceeds. The City has further acknowledged that partially treated sewage and polluted stormwater from upstream sources are the primary causes of poor water quality and odour in the Lower Lagoon.

2.3.3 The Estuarine Impact Assessment modelling (Anchor Environmental Consultants, April 2025), as cited in the Environmental Authorisation itself, concluded that the proposed dredging is unlikely to result in a significant improvement in tidal forcing in the Diep Estuary as a whole, and is unlikely to result in a change to the estuarine health score of the system. The anticipated benefits of the dredging are therefore localised and modest in the context of the wider estuarine system.

2.3.4 Against this background, we submit the following:

(a) The Lagoon has demonstrated a significant capacity for natural self-recovery. The flood events of 2023 and 2024 naturally scoured approximately 110 000 m³ of accumulated sediment from the system — a volume approaching the total volume of material contemplated for dredging under this authorisation. This natural flushing capacity is acknowledged in the BAR and is a material consideration that supports the case for a watchful waiting approach.

(b) If the Potsdam WWTW is upgraded to the point where effluent discharged into the Diep River upstream meets acceptable water quality standards, and the discharge of partially treated sewage is halted, the natural hydrology of the Lagoon — including periodic flood events — may be sufficient to maintain or restore estuarine health without the need for mechanical dredging and the attendant environmental, social and aesthetic costs described above.

(c) Proceeding with dredging now, before the upstream pollution source is adequately controlled, means that the environmental disruption, visual degradation and risks described in this appeal will be incurred while the primary cause of the Lagoon's poor condition continues unabated. The anticipated improvements in tidal exchange and dissolved oxygen levels may be substantially negated by continued pollution inputs, and the City may find itself required to undertake repeated maintenance dredging in perpetuity — as the MMP itself contemplates — without ever achieving lasting recovery.

2.3.5 We therefore respectfully request that commencement of the dredging be deferred for a defined period — suggested as a minimum of 24 months — to allow the Potsdam WWTW upgrade to reach a stage at which its impact on Lagoon water quality can be meaningfully assessed, and to allow the competent authority to reassess whether dredging remains necessary and proportionate in light of any improvement in upstream conditions. This deferral would not require the Environmental Authorisation to be withdrawn; it could be achieved by way of a condition suspending commencement until specified upstream water quality benchmarks are met.

3. RELIEF SOUGHT

We respectfully request that the Appeal Authority:

(a) In respect of the sand berm: uphold this ground of appeal and suspend or set aside that component of the Environmental Authorisation pending a specific avifaunal impact assessment addressing the risk of terrestrial predator and human access to the island via the proposed berm. Any revised assessment should consider alternatives that achieve the stated hydrodynamic objective without creating a land connection to the island, for example a submerged flow-directing structure that does not emerge above the waterline at any state of the tide;

(b) In respect of the dredging and in-lagoon material placement: require a supplementary independent assessment of the visual, recreational and social amenity impacts of the dredging design on the Lagoon as a whole, including a realistic assessment of the appearance of the Lagoon during low-tide and low-flow conditions following completion of the works; and

(c) In respect of the timing of the dredging: impose a condition deferring commencement of the dredging activities until such time as the Potsdam WWTW upgrade has reached a defined milestone of compliance with applicable effluent quality standards, and require the competent authority to reassess the necessity and proportionality of the dredging in light of upstream water quality improvements at that point.

4. CONCLUSION

The Milnerton Lagoon is a cherished and ecologically significant public asset. The concerns raised in this appeal are not directed at obstructing remediation efforts, but at ensuring that the remediation chosen is genuinely the best practicable environmental option, that its full costs and risks have been properly assessed, and that it is not pursued prematurely when the root cause of the problem, namely upstream pollution, is in the process of being addressed by the City itself. Spending public money on an intervention that may deliver modest and temporary hydrodynamic benefits while permanently degrading the visual and ecological character of the Lagoon is not a proportionate or responsible use of the environment or public resources.

We confirm that we are in a registered I&AP and respectfully request that this appeal be considered in accordance with the National Appeal Regulations, 2025.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Stuart Hofmeyr', written in a cursive style.

Stuart Hofmeyr

For Milnerton Central Residents Association