

**Re: Appeal Reference No 16/3/3/1/A1/18/3048/25**

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**From** Monica Hendricks <monicagracehendricks@gmail.com>

**Date** Fri 6/5/2026 10:15 AM

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

**Cc** rudsw@icloud.com <rudsw@icloud.com>; jgcoetzee@gmail.com <jgcoetzee@gmail.com>; Julia.Wood@capetown.gov.za <Julia.Wood@capetown.gov.za>; Chandre.Rhoda@capetown.gov.za <Chandre.Rhoda@capetown.gov.za>

 1 attachment (157 KB)

Lagoon Appeal 4 June 2026.docx;

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**Dear Ms Julia Wood and Ms Chandre Rhode,**

Please find attached our appeal on procedural and substantive grounds against the proposed dredging / bed reshaping of the Milnerton Lagoon.

We are submitting this appeal to you as the applicant representatives, as required.

We have copied Mr Marius Venter and DEADP Appeals as proof that the appeal has also been submitted to the applicant within the appeal period.

Yours sincerely,  
Fred and Monica Hendricks

On Fri, Jun 5, 2026 at 8:11 AM DEADP Appeals <[DEADP.Appeals@westerncape.gov.za](mailto:DEADP.Appeals@westerncape.gov.za)> wrote:

Dear Mr & Ms Hendricks,

For an appeal to be valid, it must comply with Regulation 4 of the *National Appeal Regulations, 2025*. In particular, the appeal must:

- be submitted within the applicable appeal period;
- be submitted to the appeal administrator;
- be submitted to the applicant;
- be in writing;

- be submitted on the official appeal form obtainable from the appeal authority's website; and
- include any supporting documentation referred to in the appeal.

The appeal must also comply with the requirements of the appeal form, 2025, specifically that the Appeal Form must be duly dated and originally signed (electronic signature is also accepted).

A valid appeal must be submitted within the applicable 20-calendar-day appeal period. Based on the notification date of 18 May 2026, the appeal period expires at the end of day on **8 June 2026**.

Please note that the appeal must be submitted to the applicant, namely the representatives of the City of Cape Town as contained in the Environmental Authorisation. Copying the Environmental Assessment Practitioner does not replace the requirement to submit the appeal to the applicant, although the Environmental Assessment Practitioner may also be copied.

**Thus, please submit proof that a copy of the appeal was also submitted to the applicant within the appeal period.**

The *National Appeal Regulations, 2025* are attached for ease of reference.

Kind regards,

**Marius Venter**

Pr.Sci.Nat (Natural Scientist) / EAPASA

**Deputy Director: Environmental and Planning Appeals Coordinator**

**Office of the HOD**

Department of Environmental Affairs and Development Planning

8<sup>th</sup> Floor, Utilitas Building, 1 Dorp Street, Cape Town

Tel: 021 483 3721

E-mail: [Marius.Venter@westerncape.gov.za](mailto:Marius.Venter@westerncape.gov.za)

Website: [www.westerncape.gov.za/eadp](http://www.westerncape.gov.za/eadp)



Be 110% Green. Read from the screen.

Should you not be able to contact the numbers above, please call +27 (0)21 483 4091 between 07:30-16:00.

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**From:** Monica Hendricks <[monicagracehendricks@gmail.com](mailto:monicagracehendricks@gmail.com)>

**Sent:** Thursday, 04 June 2026 13:45

**To:** DEADP Appeals <[DEADP.Appeals@westerncape.gov.za](mailto:DEADP.Appeals@westerncape.gov.za)>

**Cc:** [rudsw@icloud.com](mailto:rudsw@icloud.com); [jgcoetzee@gmail.com](mailto:jgcoetzee@gmail.com)

**Subject:** Appeal Reference No 16/3/3/1/A1/18/3048/25

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

Dear Mr Marus Venter,

Attached, please find our appeal on procedural and substantive grounds against the proposed dredging of the Milnerton Lagoon.

We look forward to hearing from you in this regard.

Yours sincerely,

Fred and Monca Hendricks

43 Chandos Close

Woodbridge Island

7441

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**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	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: Decision: Environmental Authorisation issued for the proposed dredging of the Milnerton Lagoon, including dredging and placement/spreading of dredged material within the lagoon system
4. Date of the Decision:15<sup>th</sup> May 2026
5. Date of the Notification of the Decision: 18<sup>th</sup> 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: Professors Fred and Monica Hendricks

Address: 43 Chandos Close, Woodbridge Island, 7441

Telephone number: \_\_\_\_\_

Cell phone number: 0828983615

Email address: [Fred.T.Hendricks@gmail.com](mailto:Fred.T.Hendricks@gmail.com) and [monicagracehendricks@gmail.com](mailto:monicagracehendricks@gmail.com)

Grounds of Appeal (to be completed on this document)

1. PUBLIC PARTICIPATION: We are appealing primarily on the grounds that we have not been properly consulted about the details of the plans to dredge the lagoon and especially to deposit the dredged material alongside a new 20metre channel in the lagoon. The city has our contact details since we are rate-payers and yet we received no direct communication about this matter which has a material effect on our health, our home and the circumstances of our daily lives. Our house is situated on the banks of the Diep River, between Loxton Road and the river mouth. The BAR Report indicates that "(T)he proposal has been revised to avoid placing material along the western bank immediately downstream of the Loxton Road bridge to address visual and security concerns raised by Woodbridge Island residents". It is not clear from this statement exactly how far down the river from the Loxton Road Bridge this revision to the plans will apply.

According to the Public Participation Guidelines in terms of the National Environmental Management Act of 1998 (<https://www.dffe.gov.za>) "Over and above the placement of general notices on site or in the media inviting I&APs to participate in the application process, certain stakeholders should be specifically approached (organs of state, the owner or person in control of the land etc. are automatically regarded as I&AP's)"

As Interested and Affected Persons, owners of the property on the banks of the Diep River, we can state quite categorically that we were not approached by the city and we saw no general notices about the city's plans. For these reasons, in our view, the public participation process did not meet the minimum requirement of the Act. **Our appeal is therefore that the public participation process needs to be rerun to ensure the kind of informed participation envisaged in the legislation.**

These Guidelines also indicate that "(A)dditional PP may be required if an amendment of an EA results in a change to the scope of a valid EA, (where such change will result in an increased level or nature of impact ) and such level or nature of impact was not assessed and included or taken into consideration during the initial EA". The initial proposal was that the dredged material would be moved to an off-site landfill. There has been a substantial departure from this plan since it is now proposed that the dredged material will be deposited alongside the dredged channel in the lagoon itself. **Our appeal for the rerun of the public participation process is also premised on this fundamental change to the plans.**

2. ABSENCE OF SPECIALIST REPORT ON GEOTECHNICAL IMPACT ON WOODBRIDGE ISLAND RESIDENTS: The BAR draws on estuarine and avifaunal specialist inputs, and hydrodynamic modelling. However, there is no geotechnical specialist nor coastal geomorphology specialist report addressing the physical geomorphology of the lagoon system under altered conditions - resulting from the dredging activities. **We are also appealing on the basis that the risks of the planned dredging have not been properly assessed in the absence of an independent structural, geotechnical or coastal engineering review of impacts on our properties,**

**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)

[www.westerncape.gov.za](http://www.westerncape.gov.za)  
Private Bag X9186, Cape Town, 8000.

Room 809, 8th floor Utilitas Building  
1 Dorp Street, Cape Town, 8000; or

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

*M. Hendricks*

*[Handwritten signature]*

Appellant's signature

4th June 2026

Date