



forestry, fisheries & the environment

Department:
Forestry, Fisheries and the Environment
REPUBLIC OF SOUTH AFRICA

P. O. Box 52126, Victoria and Alfred, Waterfront, Cape Town, 8002

Ref No.: 2023/Milnerton Lagoon Remediation
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Mr Jeremy Rose
Infinity Environment
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Dear Mr. Rose

THE APPLICABILITY OF THE COASTAL WATERS DISCHARGE PERMIT REGULATIONS, 2019 WITH RESPECT TO THE PROPOSED DREDGING OF THE MILNERTON LAGOON, DIEP RIVER ESTUARY, CAPE TOWN

1. The Department refers to your letter dated 16 May 2023.
2. This Department has reviewed the information contained in your letter and has noted the following:
 - The material will be dredged using a barge-mounted cutter suction dredger and pumped via a floating pipeline to a dewatering site.
 - Geotextile tubes will be used to dewater the dredged material.
 - Drained water from the geotextile tubes will be allowed to flow back into the lagoon.
 - Dried dredged material will be transported to and disposed of at the Visserhoek landfill site.
3. This Department is of the opinion that the proposed activities will not require a Coastal Waters Discharge Permit ("CWDP") in terms of section 69 of the National Environmental Management: Integrated Coastal Management Act, 2008 (Act No. 24 of 2008) (the "ICM Act"). Written authorisation from this Department will thus not be required prior to the commencement of the said proposal.
4. This determination is based on the following:
 - The exact volumes that will be discharged cannot be confirmed by the Applicant and

- The constituents of the effluent from the geotextile bags would be unknown as it would be beyond the control the Applicant.
5. The Applicant is reminded of the duty of care towards the environment imposed on all persons in terms of the National Environmental Management Act, 1998 (Act No. 107 of 1998) (“**NEMA**”). Section 28(1) of NEMA specifically states that *“Every person who causes, has caused or may cause significant pollution or degradation of the environment must take reasonable measures to prevent such pollution or degradations from occurring, continuing or recurring, or in so far as such harm to the environment is authorised by law or cannot reasonably be avoided or stopped, to minimise and rectify such pollution or degradation of the environment”*. Section 58 of the ICM Act in turn provides that section 28 of NEMA applies to any impact caused by any person that has an adverse effect on the coastal environment which means that there is a general duty to avoid adverse effects on the coastal environment. Please note that the ICM Act defines “adverse effect” as any actual, potential or cumulative impact on the environment that impairs, or may impair, the environment or any aspect of it to an extent that is more than trivial or insignificant.
 6. The Applicant must comply with any other statutory requirements that may be applicable to the Remediation Plan of the Milnerton Lagoon.
 7. The Department reserves the right to revise initial comments and request further information from you based on any new or revised information received.
 8. Kindly quote the above-mentioned reference number in any future correspondence regarding this letter.



Acting Director: Coastal Pollution Management

Ms. Nontsasa Tonjeni

Department of Forestry, Fisheries & the Environment

Date: 30 May 2023.....