Western Cape Government

Department of Environmental Affairs and Development Planning
Rondine Isaacs
Directorate: Development Management, Region 1
Rondine.Isaacs@westerncape.gov.za | Tel: 021 483 4098

REFERENCE: 16/3/3/1/A1/18/3048/25
NEAS REFERENCE: WCP/EIA/0001758/2025
DATE OF ISSUE: 15 May 2026

The Municipal Manager
City of Cape Town
Environmental Management Department
Biodiversity Management Branch
Civic Centre, Hertzog Boulevard
CAPE TOWN
8000

Attention: Ms. Julia Wood / Ms. Chandre Rhoda

E-mail: Julia.Wood@capetown.gov.za
Chandre.Rhoda@capetown.gov.za

Dear Madam

APPLICATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) ("NEMA") AND THE ENVIRONMENTAL IMPACT ASSESSMENT ("EIA") REGULATIONS, 2014 (AS AMENDED): PROPOSED DREDGING OF THE MILNERTON LAGOON ON ERF NO. 20315, DIEP RIVER ESTUARY.

1. With reference to the above application, the competent authority hereby notifies you of its decision to **grant** Environmental Authorisation, attached herewith, together with the reasons for the decision.

2. In terms of Regulation 4 of the EIA Regulations, 2014 (as amended), you are instructed to ensure, within 14 days of the date of the Environmental Authorisation, that all registered interested and affected parties are provided with access to and reasons for the decision, and that all registered interested and affected parties are notified of their right to appeal.

3. Your attention is drawn to Chapter 2 of the Appeal Regulations, 2025, which prescribes the procedure to be followed in the event of appeals being lodged. This procedure is summarised in the attached Environmental Authorisation.

Yours faithfully

Digitally signed
by Zaahir Toefy
Date: 2026.05.15
14:53:13 +02'00'

MR. ZAAHIR TOEFY
DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)
DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

CC: (1) Mr. Jeremy Rose (Infinity Environmental) E-mail: jeremy@infinityenv.co.za
(2) Ms. Sonja Warnich-Stemmet (City of Cape Town) E-mail: sonja.warnichstemmet@capetown.gov.za
(3) Mr. Achmad Bassier (DEA&DP: ELE) E-mail: Achmad.Bassier@westerncape.gov.za

Western Cape Government

Department of Environmental Affairs and Development Planning
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REFERENCE: 16/3/3/1/A1/18/3048/25
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ENVIRONMENTAL AUTHORISATION

APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) ("NEMA") AND THE ENVIRONMENTAL IMPACT ASSESSMENT ("EIA") REGULATIONS, 2014 (AS AMENDED): PROPOSED DREDGING OF THE MILNERTON LAGOON ON ERF NO. 20315, DIEP RIVER ESTUARY.

With reference to your application for the abovementioned, find below the outcome with respect to this application.

DECISION

By virtue of the powers conferred on it by the NEMA and the EIA Regulations, 2014 (as amended), the competent authority herewith grants Environmental Authorisation to the applicant to undertake the list of activities specified in Section B below with respect to the preferred alternative as included in the Basic Assessment Report ("BAR") dated January 2026.

In terms of the NEMA and the EIA Regulations, 2014 (as amended), the competent authority hereby adopts the Maintenance Management Plan ("MMP") dated 28 January 2026 for the proposed maintenance of the lower section of the Milnerton Lagoon, which forms part of the Diep River Estuary.

The granting of this Environmental Authorisation (hereinafter referred to as the "Environmental Authorisation") is subject to compliance with the conditions set out in Section E below.

A. DETAILS OF THE HOLDER OF THIS ENVIRONMENTAL AUTHORISATION

City of Cape Town: Environmental Management Department
Biodiversity Management Branch
c/o Ms. Julia Wood
Civic Centre, Hertzog Boulevard
CAPE TOWN
8000

Tel.: (021) 444 7793
E-mail: Julia.Wood@capetown.gov.za

The abovementioned applicant is the holder of this Environmental Authorisation and is hereinafter referred to as "the holder".

B. LIST OF ACTIVITIES AUTHORISED

Listed Activity	Activity/Project Description
Listing Notice 1 of the EIA Regulations, 2014 (as amended): **Activity 15:** "*The development of structures in the coastal public property where the development footprint is bigger than 50 square metres, excluding -* *(i) the development of structures within existing ports or harbours that will not increase the development footprint of the port or harbour;* *(ii) the development of a port or harbour, in which case activity 26 in Listing Notice 2 of 2014 applies;* *(iii) the development of temporary structures within the beach zone where such structures will be removed within 6 weeks of the commencement of development and where coral or indigenous vegetation will not be cleared; or* *(iv) activities listed in activity 14 in Listing Notice 2 of 2014, in which case that activity applies*".	Temporary or semi-permanent structures bigger than 50m^2 in size will be developed within the Milnerton Lagoon/Diep River Estuary. Such structures could include, *inter alia*, platforms, slipways, or other access and support infrastructure required to enable dredging operations and the safe movement of equipment and personnel.
Activity 19A: "*The infilling or depositing of any material of more than 5 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 5 cubic metres from -* *(i) the seashore;* *(ii) the littoral active zone, an estuary or a distance of 100 metres inland of the highwater mark of the sea or an estuary, whichever distance is the greater; or* *(iii) the sea; -* *but excluding where such infilling, depositing, dredging, excavation, removal or moving -* *(f) will occur behind a development setback;* *(g) is for maintenance purposes undertaken in accordance with a maintenance management plan;* *(h) falls within the ambit of activity 21 in this Notice, in which case that activity applies;* *(i) occurs within existing ports or harbours that will not increase the development footprint of the port or harbour; or* *where such development is related to the development of a port or harbour, in which case activity 26 in Listing Notice 2 of 2014 applies*".	The development proposal entails the removing or moving, dredging, excavation, infilling or depositing of material of more than 5m^3 from the lower section of the Milnerton Lagoon which forms part of the Diep River Estuary.

The abovementioned list is hereinafter referred to as "the listed activities".

The holder is herein authorised to undertake the following related to the listed activities:

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 dredging a channel and placing material on the sides of the dredged channel within the intertidal zone. Approximately 30 000m^3 of sediment will be dredged during the initial dredging phase of the project, to reshape the lagoon and establish a channel that enhances tidal flushing and helps maintain an open mouth. Up to 120 000m^3 of material may be dredged in total to allow for future maintenance of an open Estuary mouth, as and when needed, to ensure the hydrodynamic function of the Lower Lagoon is maintained.

The dredged channel will be approximately 20m wide, with its bottom at 1m below land levelling datum and side slopes with a 1:5 slope. Excavated material will be placed and spread at 0.5m above land levelling datum to create flats in the intertidal zone on either side of the channel. This is expected contribute to improved hydrodynamic functioning and create intertidal sandbanks and will not require off-site disposal. Dredged material will not be deposited in the area adjacent to the Loxton Road Bridge to prevent access across this area.

A sand berm will be created upstream of the small island at the Wooden Bridge, to concentrate flows west of the existing vegetated island to protect the island from erosion, aid in the restriction of spreading of polluted water and sludge build-up in the Lower Lagoon and increase flow velocities to aid in flushing. Approximately 600m^3 of sand from the bed of the Estuary will be moved to create the sand berm.

Access may be obtained via the following site accesses:

Access 1: Access off Lagoon Beach Drive (at Boundary Road) – Access off Lagoon Beach Drive via the parking lot and lies adjacent to the restaurant property is the preferred access option. This access to the site will be via the beach directly from the ramp, using a designated drive route that avoids the dune vegetation as much as possible. The route predominantly follows the intertidal zone of the estuary mouth before entering the lagoon, thereby limiting ecological disruption.

Access 2: Direct access via existing slipway at Woodbridge Island – This option involves access via the Loxton Road bridge and existing slipway between the Loxton Road bridge and Wooden Bridge, thus requiring plant or equipment to pass under the Loxton Road bridge to reach the downstream parts of the site.

Access 3: Direct access at the corner of Kei Road and Esplanade Street – This option involves access to the lagoon via an unstabilised section of bank between two engineered structures stabilising the lagoon bank. This access route might require the establishment of infrastructure to ensure access – such a temporary slipway or ramp.

Upon completion of the works, all areas along the access route that were impacted on will be rehabilitated.

Access route 4 is herewith refused authorisation.

C. LOCATION AND SITE DESCRIPTION

The listed activities will be undertaken within the Milnerton Lagoon, Diep River Estuary. The Milnerton Lagoon is the lower part of the Diep River Estuary, where the Diep River enters the sea at Lagoon Beach and extends from the Otto du Plessis Road Bridge over the Estuary to the mouth between Woodbridge Island and Lagoon Beach. Rietvlei Wetland is located north of the Milnerton Lagoon.

The Estuary is confined to a channel stabilised by road embankments and bridges with a maximum width of 150m. The Estuary mouth naturally migrates between a gabion structure and a concrete wall to the south and the Woodbridge Island, a naturally raised area approximately 250m north of the mouth.

The proposed dredging of the approximately 1.12km lower section of the lagoon is located on Erf No. 20315, that extends from the lagoon mouth, south-west of Woodbridge Island, extending just north of the Wooden Bridge.

The SG 21-digit code is: C01600340002031500000

Co-ordinates:

Centre co-ordinates:
Latitude: 33° 53' 06.87" S
Longitude: 18° 29' 20.72" E

Access 1 (access off Lagoon Beach Drive - preferred access):
Latitude: 33° 53' 25.27" S
Longitude: 18° 29' 07.75" E

Access 2 (direct access via existing slipway at Woodbridge Island):
Latitude: 33° 52' 54.35" S
Longitude: 18° 29' 23.02" E

Access 3 (direct access at the corner of Kei Road and Esplanade Street):
Latitude: 33° 53' 15.96" S
Longitude: 18° 29' 16.08" E

Refer to Annexure 1: Locality Plan and Annexure 2: Site Plan.

hereinafter referred to as "the site".

D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER ("EAP")

Infinity Environmental
c/o Mr. Jeremy Rose
Suite 17
Private Bag X11
MOWBRAY
7705

Tel.: (021) 834 1602
E-mail: jeremy@infinityenv.co.za

E. CONDITIONS OF AUTHORISATION

Scope of authorisation

1. The holder is authorised to undertake the listed activities specified in Section B above in accordance with and restricted to the preferred alternative, described in the BAR dated January 2026 on the site as described in Section C above.

2. Authorisation of the activities is subject to compliance with the conditions set out in this Environmental Authorisation. The holder must ensure compliance with the conditions by any person acting on his/her behalf, including an agent, sub-contractor, employee or any person rendering a service to the holder.

3. The holder must commence with, and conclude, the listed activities within the stipulated validity period which this Environmental Authorisation is granted for, or this Environmental Authorisation shall lapse and a new application for Environmental Authorisation must be submitted to the competent authority.

   This Environmental Authorisation is granted for–
   (a) A period of five (**5**) years, from the date of issue, during which period the holder must commence with the authorised listed activities; and

   (b) A period of ten (**10**) years, from the date the holder commenced with an authorised listed activity, during which period the authorised listed activities relating to development, must be concluded.

4. The activities that have been authorised may only be carried out at the site described in Section C above in terms of the approved Environmental Management Programme ("EMPr").

5. Any changes to, or deviations from the scope of the description set out in Section B and Condition 2 above must be accepted or approved, in writing, by the competent authority before such changes or deviations may be implemented. In assessing whether to grant such acceptance/approval or not, the competent authority may request such information to evaluate the significance and impacts of such changes or deviations, and it may be necessary for the holder to apply for further authorisation in terms of the applicable legislation.

Notification of authorisation and right to appeal

6. The holder of the authorisation must in writing, within 14 (fourteen) calendar days of the date of this decision –

   6.1 notify all registered interested and affected parties ("I&APs") of –
   6.1.1 the outcome of the application;
   6.1.2 the reasons for the decision;
   6.1.3 the date of the decision; and
   6.1.4 the date the decision was issued;

6.2 draw the attention of all registered I&APs to the fact that an appeal may be lodged against the decision in terms of the National Appeal Regulations, 2025, detailed in Section F below;

6.3 draw the attention of all registered I&APs to the manner in which they may access the decision; and

6.4 provide the registered I&APs with:
- 6.4.1 the name of the holder (entity) of this Environmental Authorisation,
- 6.4.2 name of the responsible person for this Environmental Authorisation,
- 6.4.3 postal address of the holder,
- 6.4.4 telephonic and fax details of the holder,
- 6.4.5 e-mail address, if any, of the holder;
- 6.4.6 the contact details (postal and/or physical address, contact number, facsimile and e-mail address) of the decision-maker and all registered I&APs in the event that an appeal is lodged in terms of the National Appeal Regulations, 2025.

Commencement

7. The listed activities, including site preparation, must not commence within 20 (twenty) calendar days from the date the applicant notified the registered I&APs of this decision.

8. In the event that an appeal is lodged with the Appeal Administrator, the effect of this Environmental Authorisation is suspended until such time as the appeal is decided. In the instance where an appeal is lodged, the holder may not commence with the activities, including site preparation, until such time as the appeal has been finalised and the holder is authorised to do so.

Written notice to the competent authority

9. A minimum of 7 (seven) calendar days' notice, in writing, must be given to the competent authority before commencement of development activities. Commencement for the purpose of this condition includes site preparation.

9.1 The notice must make clear reference to the site details and EIA Reference number given above.

9.2 The notice must also include proof of compliance with the following conditions described herein:

Conditions: 6, 7 and 14.

Management of activity

10. The draft EMPr and MMP dated 28 January 2026 (as compiled by Infinity Environmental) and submitted as part of the application for Environmental Authorisation are hereby approved and must be implemented.

11. An application for amendment to the EMPr must be submitted to the competent authority in terms of Chapter 5 of the EIA Regulations, 2014 (as amended) if any amendments are to be made to the outcomes of the EMPr, and these may only

be implemented once the amended EMPr has been authorised by the competent authority.

12. The EMPr and MMP must be included in all contract documentation for all phases of implementation.

13. A copy of the Environmental Authorisation, EMPr and MMP must be kept at the site where the listed activities will be undertaken. Access to the site referred to in Section C above must be granted and the Environmental Authorisation, EMPr and MMP must be produced to any authorised official representing the competent authority who requests to see it for the purposes of assessing and/or monitoring compliance with the conditions contained herein. The Environmental Authorisation, EMPr and MMP must also be made available for inspection by any employee or agent of the applicant who works or undertakes work at the site.

Monitoring

14. The holder must appoint a suitably experienced Environment Control Officer ("ECO"), for the duration of the development phase to ensure compliance with the provisions of the EMPr and the conditions contained in this Environmental Authorisation.

    The ECO must–
    14.1 be appointed before the commencement of any development activities;
    14.2 ensure compliance with the EMPr and the conditions contained herein;
    14.3 keep a record of all activities on site; problems identified; transgressions noted, and a task schedule of tasks undertaken by the ECO;
    14.4 remain employed until all rehabilitation measures, as required for implementation due to development damage, are completed;
    14.5 provide the competent authority with copies of the ECO reports within 30 days of the project being finalised; and
    14.6 conduct site inspections during the development phase as indicated in the EMPr.

Environmental audit reports

15. The holder must, for the period during which the Environmental Authorisation and EMPr remain valid –
    15.1 ensure that the compliance with the conditions of the Environmental Authorisation and the EMPr is audited;
    15.2 submit an environmental audit report four (4) months after the commencement of the development phase to the relevant competent authority;
    15.3 submit an environmental audit report six (6) months after completion of the development phase to the relevant competent authority; and
    15.4 submit an environmental audit report every five (5) years while the Environmental Authorisation remains valid.

16. The environmental audit reports must be prepared by an independent person with the relevant expertise and must address the objectives and contain all the information set out in Appendix 7 of the EIA Regulations, 2014 (as amended).

    In addition to the above, the environmental audit report, must -

16.1 provide verifiable findings, in a structured and systematic manner, on–
(a) the level of compliance with the conditions of the Environmental Authorisation and the EMPr and whether this is sufficient or not; and
(b) the extent to which the avoidance, management and mitigation measures provided for in the EMPr achieve the objectives and outcomes of the EMPr and highlight whether this is sufficient or not;
16.2 identify and assess any new impacts and risks as a result of undertaking the activity;
16.3 evaluate the effectiveness of the EMPr;
16.4 identify shortcomings in the EMPr;
16.5 identify the need for any changes to the avoidance, management and mitigation measures provided for in the EMPr;
16.6 indicate the date on which the construction work was commenced with and completed or in the case where the development is incomplete, the progress of the development and rehabilitation;
16.7 include a photographic record of the site applicable to the audit; and
16.8 be informed by the ECO reports.

17. The holder must, within 7 days of the submission of the environmental audit report to the competent authority, notify all potential and registered I&APs of the submission and make the report available to anyone on request and where the holder has such a facility, be placed on a publicly accessible website.

Specific conditions

18. Surface or ground water must not be polluted due to any actions on the site. The applicable requirements with respect to relevant legislation pertaining to water must be met.

19. An integrated waste management approach, which is based on waste minimisation and incorporates reduction, recycling, re-use and disposal, where appropriate, must be employed. Any solid waste must be disposed of at a waste disposal facility licensed in terms of the applicable legislation.

20. Should any heritage remains be exposed during excavations or any actions on the site, these must immediately be reported to the Provincial Heritage Resources Authority of the Western Cape, Heritage Western Cape (in accordance with the applicable legislation). Heritage remains uncovered or disturbed during earthworks must not be further disturbed until the necessary approval has been obtained from Heritage Western Cape. Heritage remains include archaeological remains (including fossil bones and fossil shells); coins; indigenous and/or colonial ceramics; any articles of value or antiquity; marine shell heaps; stone artifacts and bone remains; structures and other built features; rock art and rock engravings; shipwrecks; and graves or unmarked human burials.

    A qualified archaeologist must be contracted where necessary (at the expense of the applicant and in consultation with the relevant authority) to remove any human remains in accordance with the requirements of the relevant authority.

21. The holder of the Environmental Authorisation must, at all times, ensure that the activities comply with the Noise Regulations in terms of the relevant legislation.

22. Dredged material may not be deposited in the area adjacent to the Loxton Road Bridge to prevent access across this area.

23. The wooden pedestrian bridge that crosses the Lower lagoon from Marine Drive to Woodbridge Island, which is a Provincial Heritage Site, may not be altered or damaged in any way due to the proposed dredging activities.

24. The sand dunes along the south-eastern section of the Lagoon near the mouth may not be disturbed during dredging activities.

General matters

1. Notwithstanding this Environmental Authorisation, the holder must comply with any other statutory requirements that may be applicable when undertaking the listed activities.

2. If the holder does not commence with the listed activities within the period referred to in Condition 3, this Environmental Authorisation shall lapse for the activities, and a new application for Environmental Authorisation must be submitted to the competent authority. If the holder wishes to extend the validity period of the Environmental Authorisation, an application for amendment in this regard must be made to the competent authority prior to the expiry date of the Environmental Authorisation.

3. The holder must submit an application for amendment of the Environmental Authorisation to the competent authority where any detail with respect to the Environmental Authorisation must be amended, added, substituted, corrected, removed or updated. If a new holder is proposed, an application for amendment in terms of Part 1 of the EIA Regulations, 2014 (as amended) must be submitted.

   Please note that an amendment is not required if there is a change in the contact details of the holder. In this case, the competent authority must only be notified of such changes.

4. The manner and frequency for updating the EMPr is as follows:
   Amendments to the EMPr, other than those mentioned above, must be done in accordance with Regulations 35 to 37 of the EIA Regulations,2014 (as amended) or any relevant legislation that may be applicable at the time.

5. Non-compliance with a condition of this Environmental Authorisation or EMPr may render the holder liable to criminal prosecution.

F. APPEALS

Appeals must comply with the National Appeal Regulations, 2025 (Government Notice No. R. 5985 in Government Gazette No. 52269 of 13 March 2025). Please note the provisions of Regulation 1(2) and (3) of the National Appeal Regulations, 2025, when calculating the period of days.

1. The holder (applicant) of this decision must submit an appeal to the Appeal Administrator, any registered I&APs and the decision maker (Competent Authority who issued the decision) within **20 calendar days** from the date this decision was sent by the decision maker.

2. The I&APs (not the holder of this decision) must submit an appeal to the Appeal Administrator, the holder (applicant) of the decision and the decision maker within **20 calendar days** from the date this decision was sent to the registered I&APs by the holder (applicant) of the decision.

3. All appeals submitted must:

   3.1 be in writing in the appeal form obtainable from the Departmental website;
   3.2 include supporting documents referred to in the appeal; and
   3.3 include proof of payment of the prescribed non-refundable appeal fee, if prescribed.

4. The holder (applicant) of the decision must:

   4.1 notify registered I&APs and affected organs of state of any appeal received, and make the appeal available to them, within **5 calendar days** after the 20-day appeal period ends; and

   4.2 submit proof of this notification to the Appeal Administrator within 5 calendar days after sending the last notification.

5. The applicant, where applicable, the decision-maker, or any person notified under Regulation 4 of the National Appeal Regulations, 2025 may submit a Responding Statement within 20 calendar days from the date they received the appeal, in the form obtainable from the Departmental website to the Appeal Administrator and to the appellant, where the appellant is not the applicant.

6. Appeals, Responding Statements and supporting documents must be submitted to the Appeal Administrator by means of one of the following methods:

   6.1 **By e-mail**: DEADP.Appeals@westerncape.gov.za; or

   6.2 **By hand**, where that person submitting does not hold an electronic mail account:
   Attention: Mr. Marius Venter
   Room 809
   8th Floor Utilitas Building,
   1 Dorp Street
   CAPE TOWN
   8001

Note: You are also requested to submit an electronic copy (Microsoft Word format) of the appeal, responding statement and any supporting documents to the Appeal Administrator via email or to the address listed above.

A prescribed appeal form, responding statement form as well as assistance regarding the appeal processes are obtainable from the relevant website of the appeal authority: http://www.westerncape.gov.za/eadp or the office of the Minister at:
Tel.: (021) 483 3721; or
E-mail: DEADP.Appeals@westerncape.gov.za.

G. DISCLAIMER

The Western Cape Government, the Local Authority, committees or any other public authority or organisation appointed in terms of the conditions of this environmental authorisation shall not be responsible for any damages or losses suffered by the holder, developer or his/her successor in any instance where construction or operation subsequent to construction is temporarily or permanently stopped for reasons of non-compliance with the conditions as set out herein or any other subsequent document or legal action emanating from this decision.

Your interest in the future of our environment is appreciated.

Yours faithfully

Digitally signed by
Zaahir Toefy
Date: 2026.05.15
14:53:50 +02'00'

MR. ZAAHIR TOEFY
DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)
DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

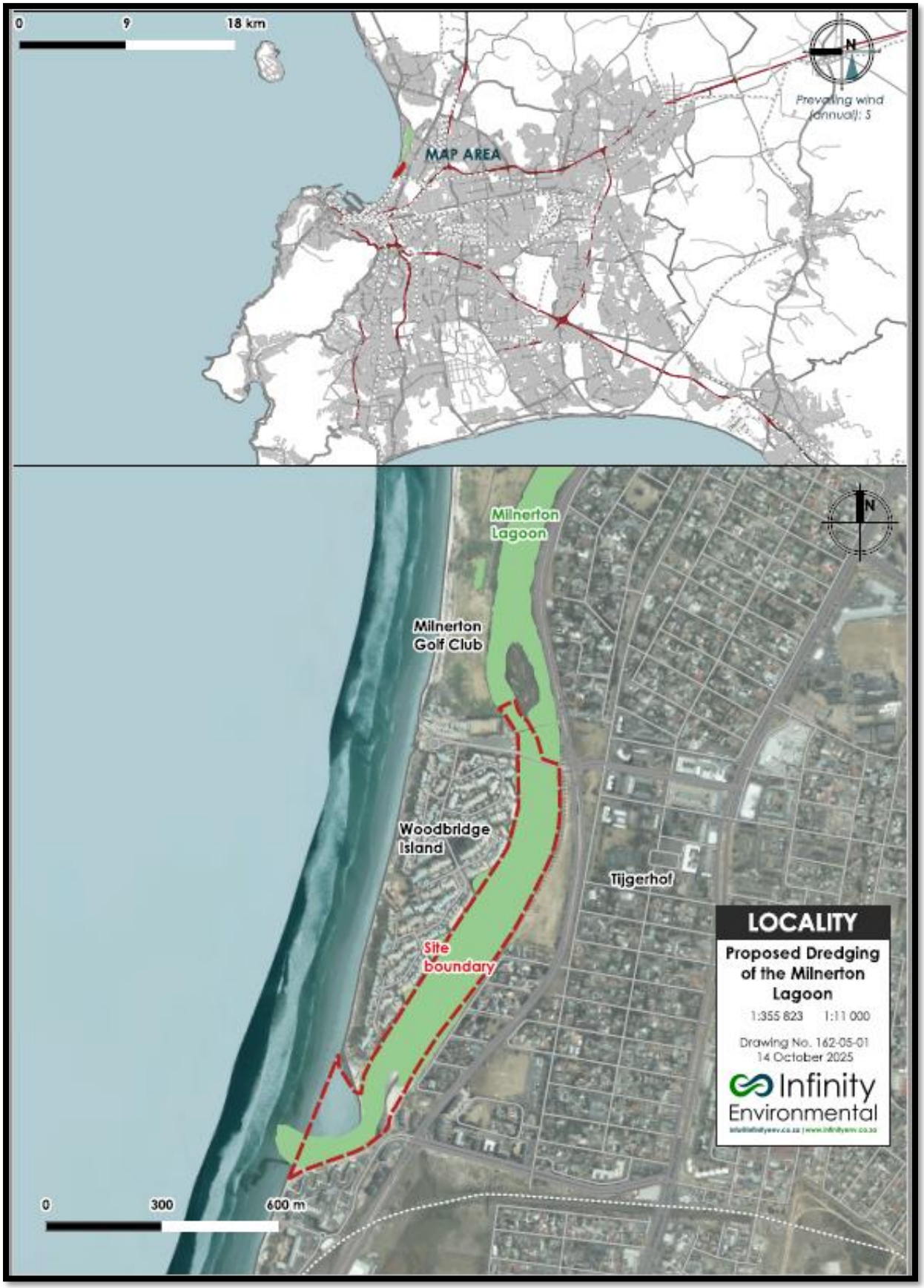
DATE OF DECISION: 15 MAY 2026

CC: (1) Mr. Jeremy Rose (Infinity Environmental) E-mail: jeremy@infinityenv.co.za
(2) Ms. Sonja Warnich-Stemmet (City of Cape Town) E-mail: sonja.warnichstemmet@capetown.gov.za
(3) Mr. Achmad Bassier (DEA&DP: ELE) E-mail: Achmad.Bassier@westerncape.gov.za

FOR OFFICIAL USE ONLY:

EIA REFERENCE NUMBER: 16/3/3/1/A1/18/3048/25
NEAS EIA REFERENCE NUMBER: WCP/EIA/0001758/2025

ANNEXURE 1: LOCALITY PLAN



ANNEXURE 2: SITE PLAN

The proposed dredging area is indicated in blue, with the excavated material (yellow polygons) placed on either side of the channel. The proposed sand berm is highlighted in orange, while the dotted outline depicts the precise footprint of the dredged area. This design will maintain deeper water along the western bank immediately downstream of the Loxton Road Bridge.

ANNEXURE 3: REASONS FOR THE DECISION

In reaching its decision, the competent authority, *inter alia,* considered the following:

a) The information contained in:
   - The application form received by the competent authority via electronic mail correspondence on 04 November 2025;
   - The BAR dated January 2026, as received by the competent authority via electronic mail correspondence on 29 January 2026;
   - The EMPr submitted together with the BAR;
   - The additional information received by the competent authority via electronic mail correspondence on 09 April 2026; and
   - The additional information received by the competent authority via electronic mail correspondence on 11 May 2026 and 15 May 2026.

b) The objectives and requirements of relevant legislation, policies and guidelines, including section 2 of the NEMA.

c) The comments received from I&APs and the responses provided thereon, as included in the BAR dated January 2026.

d) The pre-application meeting held on 25 September 2025 –

   Attended by: Mr. Eldon van Boom, Ms. Taryn Dreyer and Ms. Rondine Isaacs of the Department of Environmental Affairs and Development Planning ("DEA&DP"); and Mr. Jeremy Rose and Ms. Tayla Hobson of Infinity Environmental.

e) No site visits were conducted. The competent authority had sufficient information before it to make an informed decision without conducting a site visit.

All information presented to the competent authority was taken into account in the consideration of the application for environmental authorisation. A summary of the issues which, according to the competent authority, were the most significant reasons for the decision is set out below.

1. Public Participation

The Public Participation Process comprised of the following:
- E-mails were sent on 05 November 2025 to adjacent landowners, ratepayers' associations in the surrounding area, heritage conservation bodies, the ward councillor and relevant State Departments/organs of state to announce the availability of the draft BAR;
- Adjacent landowners were notified via knock-and-drop letters on 05 November 2025;
- An advertisement was placed in the "*Tabletalk*" newspaper on 05 November 2025;
- Three notices were placed on site on 05 November 2025, as follows:
  - A notice was placed to the south of the entrance to the Loxton Road bridge off Marine Drive;
  - A notice was placed along the eastern edge of the Lagoon, near the outdoor gym on the public open space park area alongside the Lagoon; and
  - A notice was erected near the south-eastern edge of the Lagoon along the parking lot off Lagoon Beach Drive;
- The draft BAR was placed at the Milnerton Public Library on 06 November 2025;
- Follow-up e-mails and SMS notifications were sent on 19 November 2025 to remind I&APs regarding the Public Open House Meeting;

- E-mails were sent on 04 December 2025 to remind I&APs regarding the closure of the commenting period on the draft BAR;
- The draft BAR was placed on the EAPs website for the duration of the commenting period;
- A Public Open House was held on 19 November 2025 at the Italian Club in Milnerton;
- The draft BAR was made available from 05 November 2025 until 05 December 2025; and
- The final BAR was made available to registered I&APs for information purposes on 02 February 2026 and 03 February 2026, respectively.

Authorities consulted

The authorities consulted included the following:

- DEA&DP Directorate: Pollution and Chemicals Management;
- DEA&DP Directorate: Waste Management;
- DEA&DP Directorate: Biodiversity and Coastal Management;
- Department of Forestry, Fisheries and the Environment ("DFFE"): Oceans and Coasts;
- DFFE: Water Sources and Wetlands Conservation;
- Heritage Western Cape;
- City of Cape Town;
- Department of Water and Sanitation; and
- CapeNature.

The competent authority is satisfied that the Public Participation Process that was followed met the minimum legal requirements. All the comments and objections that were raised were responded to and included in the BAR.

Concerns were raised by I&APs relating to, *inter alia*:

- Security risk if the deep-water barrier of the Lagoon is reduced by placement of sand on the western shoreline;
- Odour and sediment quality;
- Dredging should not proceed until upstream pollution has been addressed;
- Visual and aesthetic impacts of the proposed sandbanks;
- Property value impacts and perceived long-term devaluation;
- Requests for sediment removal off-site rather than placement within the Lagoon;
- Health impacts, including pathogens, hydrogen sulphide, and air quality;
- Disruption during dredging (noise, access routes, business impacts);
- Flood risk and spring tides; and
- The importance of upstream pollution remediation.

The issues were addressed as follows:

<u>Security risk if the deep-water barrier of the Lagoon is reduced by placement of sand on the western shoreline</u>:

A slight amendment has been made to the design and layout alternative, which now restricts the placement of dredged material on the western bank of the Lagoon, thereby eliminating the risk of walkable sandbanks forming along the edge of Woodbridge Island. Dredged material will thus not be deposited in the area adjacent to the Loxton Road Bridge to prevent access across this area.

<u>Odour and sediment quality</u>:

Clarification was provided on the quality of the sediment and it was explained that recent flood events naturally removed most of the fine, organic-rich material that previously contributed to odour. Further, testing indicates that sediment contaminants are below the guideline thresholds and the current odour problems arise primarily from polluted inflows, not

the remaining sediment. In addition, the proposed dredging aims to improve tidal exchange rather than to directly resolve the water quality.

Dredging should not proceed until upstream pollution has been addressed:
The mitigation of upstream pollution is the key determinant of the long-term health of the Lagoon. The upstream pollution sources remain the primary cause of poor water quality and odour in the Lower Lagoon, and upstream measures to reduce and mitigate the flow of polluted runoff into the lagoon are the most critical aspect of the City of Cape Town's response to the current situation.

Visual and aesthetic impacts of the proposed sandbanks:
At high tide, the proposed sandbanks will remain fully submerged. At low tide, the sandbanks will be visible, but will appear similar to the existing natural sandbanks already present in the Lagoon system. The dredged material will be placed at levels designed to remain below high-tide elevation. The proposal has also 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 the Woodbridge Island residents.

Property value impacts and perceived long-term devaluation:
Dredging is proposed as a remediation measure to improve tidal exchange and reduce anoxic conditions, contributing to reduced odour and improved Lagoon function. The potential improvement in amenity value will improve the public experience of residents, businesses and visitors who live and work near the Lagoon due to a reduction in foul odour. The revised design will ensure that walkable access is not created adjacent to Woodbridge Island, and the Lagoon's appearance at high tide will remain unchanged. Further, deeper water will remain between the Loxton Road Bridge and the proposed dredge channel and sandbanks.

Requests for off-site removal of sediment rather than placement within the Lagoon:
The off-site disposal of sediment was assessed but was found not to be the Best Practicable Environmental Option, due to significant costs, logistical constraints, traffic impacts, and the lack of substantial additional environmental benefit. Testing of the sediment's quality indicates that the remaining sediment is predominantly clean sand with contaminants below guideline thresholds. Further, the flood events of 2023–2024 removed most of the historic organic, odour-producing sediment.

Health impacts, including pathogens, hydrogen sulphide, and air quality:
Testing of sediment indicates that contaminants and metals are below chronic and acute ecological risk thresholds. Odours experienced in recent years are caused primarily by upstream polluted inflows, and not the quality of sediment. The proposed dredging project will not result in excessive hydrogen sulphide production, and the release of any hydrogen sulphide will be temporary and restricted to the implementation phase. Temporary odours will be monitored through the City of Cape Town's Scientific Services Hydrogen Sulphide Station at Woodbridge Island, and exceedances will be communicated to the relevant authorities and stakeholders. The EMPr and MMP have been updated to stipulate that any sustained exceedances noted by the City of Cape Town's Scientific Services should be communicated to the ECO, Department of Water and Sanitation, the contractor and the Milnerton Stakeholders forum, for appropriate corrective measures to be implemented.

Disruption during dredging (noise, access routes, business impacts):
The preferred access route will be via Lagoon Beach Drive (Boundary Road), thereby avoiding disturbance to dune vegetation and reducing impacts on adjacent amenities. Work will occur during normal construction hours, with any extended hours requiring approval by the ECO and

prior notification to affected land users. Potential noise impacts will be mitigated by the implementation of the mitigation measures included in the EMPr.

Flood risk and spring tides:
The coastal engineers confirmed that the proposed dredging is not anticipated to have any impact on flooding. Hydrodynamic and sediment transport modelling, including modelling of flood conditions, was undertaken as part of the project design. Hydrodynamic modelling confirmed that dredging will not increase flood levels or alter tidal dynamics in a way that will raise flood risk to adjacent properties. Dredging adjusts morphology, but does not increase lagoon storage volume or alter flood conveyance pathways.

The importance of upstream pollution remediation:
In their response, the EAP agreed that upstream pollution must be remedied. The BAR highlights that long-term recovery depends on upstream interventions currently underway, including major upgrades at the Potsdam Waste Water Treatment Works ("WWTW") and the pump-station.

2. Alternatives

2.1 Activity alternatives:
The preferred activity alternative is the proposed dredging of a channel within the lower section of the Milnerton Lagoon to increase flow velocities and scour, help keep the mouth of the estuary open, maximise tidal flushing, as well as creating raised intertidal mudflats with more frequent exposure to the air to increase sediment oxygenation levels and reduce sulphurous odours. Increased tidal interchange is expected to result in increased dissolved oxygen availability in the lowest reaches of the lagoon.

The City of Cape Town's Remediation Plan (2023) identified seven possible interventions to improve water quality in the Milnerton Lagoon, *i.e.*, dredging, aeration, seawater flushing, marine outfall installation, biofiltration, treatment wetlands, and inoculation.

Dredging is the preferred intervention since it is a cost-effective, low-impact and efficient approach to improve the hydrodynamic function of the Lower Lagoon. Dredging will improve the hydrodynamic function of the Lagoon mouth and result in increased tidal exchange and sediment scour. Dredging a channel down the centre of the Lower Lagoon will facilitate greater saline intrusion and saline wedge development during high energy incoming and outgoing tides. This is anticipated to increase the exchange of saline and fresh water in the Lower Lagoon, with the seawater bringing dissolved oxygen into the Lagoon.

2.2 The following design/layout alternatives were investigated and assessed:

The preferred design/layout alternative 1 and design/layout alternative 5 were comparatively assessed. Alternatives 2, 3 and 4 were not comparatively assessed as they have higher risks and much higher costs than the preferred and least preferred design and layout alternative designs.

Preferred design alternative 1: dredging with placement of material within the Lagoon - herewith authorised:
The preferred design involves dredging approximately 30 000m³ of sediment from the channel and placing it on the sides of the dredged area to build up

sandbanks within the intertidal zone. Up to 120 000m^3 of material may be dredged to allow for future maintenance of an open Estuary mouth, as and when needed in accordance with the MMP, to ensure the hydrodynamic function of the Lower Lagoon is maintained.

During the post-dredging phase, periodic maintenance of the channel and open mouth conditions may be required to preserve the hydrodynamic function of the Lower Lagoon.

The sandbanks will be naturally exposed to cycles of oxygen and ultraviolet light through wetting and drying, assisting in the breakdown of organic material.

The preferred alternative also includes the creation of a berm upstream of the small island at the Wooden Bridge, using approximately 600m^3 of dredged material to potentially concentrate flows west of the island and increase flow velocities.

Access may be obtained via the following site accesses:

Access 1: Access off Lagoon Beach Drive (at Boundary Road) – Access off Lagoon Beach Drive via the parking lot and lies adjacent to the restaurant property is the preferred access option. This access to the site will be via the beach directly from the ramp, using a designated drive route that avoids the dune vegetation as much as possible. The route predominantly follows the intertidal zone of the estuary mouth before entering the lagoon, thereby limiting ecological disruption.

Access 2: Direct access via existing slipway at Woodbridge Island – This option involves access via the Loxton Road bridge and existing slipway between the Loxton Road bridge and Wooden Bridge, thus requiring plant or equipment to pass under the Loxton Road bridge to reach the downstream parts of the site.

Access 3: Direct access at the corner of Kei Road and Esplanade Street – This option involves access to the lagoon via an unstabilised section of bank between two engineered structures stabilising the lagoon bank. This access route might require the establishment of infrastructure to ensure access – such a temporary slipway or ramp.

This is the preferred alternative since it does not require off-site disposal, nor does it involve the impacts of dewatering, handling and transport of sediment off-site. Dredging will be completed in approximately five months, with impacts limited to the dredged footprint and without significant loss of public space. The proposed dredging is a pollution remediation measure aimed at delivering a range of positive outcomes, such as enhanced tidal exchange to support estuarine functioning and resilience; creation of new intertidal habitats; increased dissolved oxygen levels to disrupt anoxic conditions and reduce odorous hydrogen sulphide emissions; improved air quality, aesthetics and recreational value with associated social and economic benefits.

Design Alternative 2: dredging with cyclone separation and disposal at the Lagoon mouth:
This alternative entailed using a suction dredger with cyclone separation, returning clean sand to the Lagoon whilst discharging fine, organic-rich sediments at the Lagoon mouth during outgoing tides for removal to sea. The alternative involves forming a berm upstream of the small island at the Wooden Bridge, using approximately 600m³ of dredged material, to help direct flows to the west of the island and enhance flow velocities.

Although this alternative will reduce sediment oxygen demand and improve flushing efficiency, it is more costly than the preferred alternative and has short-term public impacts, including odour risks and disturbance from temporary equipment. Further, the disposal of dredged material at the mouth of the Estuary requires a Dumping at Sea and/or a Coastal Waters Discharge Permit.

Design Alternative 3: full dredging with off-site disposal:
This alternative entailed dredging the entire channel area (approximately 120 000m³) using a cutter-suction dredger, pumping dredged slurry to geotextile tubes for dewatering, and off-site disposal of the dredged material. This alternative was discarded since it will result in a significant loss of park space for dewatering operations, create odour nuisances, and generate heavy vehicle traffic for waste removal. Although this alternative will remove large volumes of sediments, it is excessively costly, and requires transport of sediment for off-site disposal. This alternative is also not sustainable since dredging must be undertaken in future.

Design Alternative 4: full dredging with separation of sand and nutrient-enriched fine sediments, and off-site disposal of fine materials:
This alternative is similar to Alternative 3, and would entail dredging approximately 120 000m³ of material. This alternative includes a separation step where clean sand will be returned to the Lagoon, and fine materials (approximately 24 000m³) will be dewatered and disposed of off-site. This alternative was discarded, as it will result in a significant loss of park space for dewatering operations and will generate odour and traffic impacts.

Design Alternative 5: dredging of the channel with partial off-site disposal:
This alternative entails the dredging of up to 30 000m³ of material, which will be separated by cyclone, with clean sand returned to the Lagoon and approximately 6000m³ of nutrient-enriched fine sediments dewatered and removed off-site. During the post-dredging phase, periodic maintenance of the channel and open mouth conditions may be required to preserve the hydrodynamic function of the Lower Lagoon. This alternative also includes the creation of a berm upstream of the small island at the Wooden Bridge, using approximately 600m³ of dredged material to help direct flows to the west of the island and enhance flow velocities. Although Alternative 5 is feasible, it was discarded as will also result in a significant loss of park space for dewatering operations and will generate odour and traffic impacts.

2.3 Dewatering alternatives investigated:
Under this original broader dredging concept, three potential dewatering sites were investigated. This original full-lagoon dredging proposal was not taken forward. Major flood events in 2023 and 2024 resulted in natural scouring of approximately 110 000 m³ of sediment, significantly reducing the volume of

accumulated material. In addition, the capital expenditure required for full-lagoon dredging (estimated at R133 million) was considered disproportionate to the limited environmental benefits, particularly given the ongoing upstream pollution inputs that would continue to affect water quality. As a result, the dredging scope was refined to focus on the 1.12 km lower section of the lagoon, which offers the greatest hydrodynamic benefit for the least financial and environmental cost.

However, dewatering is not proposed as part of the preferred alternative.

2.4 Access Options:

2.4.1 Four alternative site access options have been considered, with the objective to shorten the distance of access to minimise disturbance to habitat and fauna, avoid destabilisation and compaction of sand, limit risk to beach users and the need for additional infrastructure where possible. Following completion of the works, all areas along the access route that were unavoidably impacted will undergo appropriate rehabilitation to restore the areas to their original condition and to reduce long-term effects.

2.4.2 In order of preference, the following site access options may be utilised as required and subject to landowner approvals and traffic management plans. Access 1-3 are therefore preferred, and approved.

Access 1- off Lagoon Beach Drive (directly west of the Beauty of the Cape Luxury Apartments):
This alternative entails accessing the site off Lagoon Beach Drive via an existing ramp which exits the parking lot and lies adjacent to the restaurant property. This is the most preferred access since it avoids the dune vegetation as far as possible. The route predominantly follows the intertidal zone of the Estuary mouth before entering the Lagoon, thereby limiting ecological disruption.

Access 2- Direct access via the existing slipway at Woodbridge Island:
This option involves access via the Loxton Road bridge and existing slipway between the Loxton Road bridge and Wooden Bridge, thus requiring plant or equipment to pass under the Loxton Road bridge to reach the downstream parts of the site, which may constrain access for larger construction vehicles or equipment.

Access 3- Direct access at the corner of Kei Road and Esplanade Street:
This alternative was discarded since indigenous vegetation will be impacted on. Further, the proposed entry point is situated between a concrete wall to the south-west and gabion boxes to the north-east, which stabilises the Lagoon bank. This access route may also require the development of infrastructure such as a temporary slipway or similar, to ensure access to the site.

2.4.3 **Access 4 (not authorised)- Indirect access via Lagoon Beach from the primary public beach parking area:**
This is the least preferred access option as access to the site will be via limited existing public parking would exacerbate traffic congestion, and require the longest entry into the site over beach sand. This access route

would traverse three properties that fall outside of the site (i.e., Remainder of Erf No. 16831, the Remainder of Erf No. 14540 and the Remainder of Erf No. 17).

As such, this alternative is not authorised as the access road will traverse three properties situated beyond the site, may hinder public access to the beach and this access poses the greatest risk of habitat disturbance and public intrusion.

2.5 The following dredging technologies were investigated:
Technologies (amphibious excavators and cutter suction type dredger with cyclone separation and geotextile dewatering) were investigated.

In terms of the preferred Design and Layout Alternative 1 (dredging with placement of material on sides of the channel), dredging will be undertaken using amphibious excavators capable of operating in shallow and intertidal conditions to mechanically or hydraulically move sand within the lagoon, or excavators operating from floating barges. Amphibious or barge based excavators are likely to be the most suitable equipment, but this will be determined by the appointed contractor to meet project needs. This technology provides the most cost-effective, low-impact, and flexible means of achieving the project objectives while minimising environmental disturbance and avoiding off-site disposal.

Several other dredging and dewatering technologies were identified and considered during the planning phase but found unfeasible for implementation.

"No-Go" Alternative:
This alternative entails maintaining the *status quo* and as such, the proposed dredging of the Milnerton Lagoon will not be undertaken. This alternative was not deemed as preferred, as the hydrodynamic functioning of the Lagoon will remain dependent on natural processes, potentially with limited tidal flushing and increased retention of freshwater during summer. Whilst winter flooding may cause natural and temporarily improved intertidal exchange, this has proven insufficient to support lasting ecological recovery.

Although dredging will temporarily disturb bird habitats, it will ultimately enhance habitat quality in the long term. If dredging is not undertaken, the already degraded, odour-prone Lower Lagoon will deteriorate further, with increasing ecological decline and biotic stress. The estuarine specialist also cautioned that without intervention, ongoing pollution and nutrient accumulation will persist, and the ecological gains from improved flushing and the formation of enriched intertidal areas will not be realised. The "no-go" alternative is therefore not warranted.

3. Impacts, assessment and mitigation measures

3.1 Activity Need and Desirability
Water quality in the Milnerton Lagoon has significantly declined in recent years due to high levels of pollution and other anthropogenic impacts. Sewage-derived pollution is a major contributor to water quality impacts in the Diep River Estuary. If there is insufficient oxygen available in the water, conditions turn anoxic and bacteria produce hydrogen sulphide, resulting in characteristic foul odours.

A Water Quality Remediation Plan for the Milnerton Lagoon has been prepared for the City of Cape Town, which assessed various short, medium and long-term remediation measures for the Lagoon. The primary focus of the remediation strategy within the Lagoon is to reduce the sources of pollution into the Diep River Estuary. One of the short-term remediation measures assessed in the Water Quality Remediation Plan is the dredging of the Lagoon to remove built-up organic sediments and increase tidal exchange in the Estuary.

The proposed dredging will maximise tidal flushing and improve the hydrodynamics of the lower section of the Lagoon. The dredged material will be placed on the sides of the dredged channel to form sand banks. Exposure of the deposited sediment to ultraviolet light and oxygen during low tide can reduce odours and increase the rate of decomposition of organic materials.

Hydrodynamic modelling has been conducted as part of the Estuarine Impact Assessment dated April 2025 and undertaken by Anchor Environmental Consultants (Pty) Ltd, and found that the proposed dredging will facilitate greater saline intrusion during incoming and outgoing tides in the lower part of the Lagoon. Dredging will increase the exchange of saline and fresh water in the Lower Lagoon and the increased seawater intrusion will introduce dissolved oxygen into the Lagoon, reducing chemical oxygen demand and disrupting anoxic conditions. Since 2023, multiple flood events have naturally scoured the system, flushing significant quantities of sediment from the Lagoon out to sea. The removal of organic sediments has become less of a priority, and dredging is proposed since it has the potential to improve the hydrodynamics and tidal exchange as a viable localised remediation measure.

The proposed dredging and placement of dredged sediment on the sides within the intertidal zone can reduce the risk of erosion. As such, the proposal is aligned with the Milnerton Erosion Response Guideline (2020).

The design of the proposal has been informed by the Estuarine Impact Assessment dated April 2025 and compiled by Anchor Environmental Consultants (Pty) Ltd.

Based on the findings of the Estuarine Impact Assessment Modelling Report dated April 2025, compiled by Anchor Environmental Consultants (Pty) Ltd., the report states the modelling results suggest that it is unlikely that dredging will result in a significant improvement in tidal forcing in the Diep Estuary as a whole, and it is unlikely that the dredging activities will result in a change to the Estuarine Health Score of the system. However, it is noted that dredging is proposed as a remediation measure to address specific concerns and is not expected to alter the estuarine health of the entire system.

The 2023 Integrated District Spatial Development Framework and Environmental Management Framework ("EMF") (specifically for the Blaauwberg District Plan is informed by the Cape Town Municipal Spatial Development Framework ("MSDF") and focuses on influencing the future, taking into consideration the current realities in the district. The proposed dredging of the Milnerton Lagoon is congruent with the environmental objectives of the Blaauwberg District Plan (January 2023), particularly its focus on rehabilitation, ecological health, and coastal edge resilience. The Blaauwberg District Plan Baseline and Analysis Report (2023) notes that the Milnerton Lagoon is freshwater dominated in summer as a result of the discharge from sewage works and that the water quality within the lagoon has been seriously compromised not

only by the sewage effluent and inputs from the catchment, but also as a result of stormwater discharges from adjacent industrial areas and informal settlements.

3.2 Estuarine and terrestrial biodiversity impacts

An Estuarine Impact Assessment and Hydrodynamic Modelling Report dated April 2025 was compiled by Anchor Environmental Consultants (Pty) Ltd, to assess the potential estuarine, faunal and terrestrial biodiversity impacts associated with the proposed development.

According to the estuarine assessment, the lower estuarine area below the Woodbridge Island Bridge is highly disturbed. The only remaining natural vegetation downstream of the Woodbridge comprises a thin strip of dunes between the Woodbridge Island development and the beach itself. There is also a semi-vegetated dune towards the mouth of the Estuary on the south bank. The estuarine channel upstream of Woodbridge Island is dominated by freshwater species.

Anchor Environmental Consultants conducted hydrodynamic dispersion modelling to assess the potential impacts that the proposed dredging options may have on the Lower Diep River Estuary. The results of the hydrodynamic modelling study were also used to inform the Estuarine Impact Assessment, which assessed the management options required to achieve certain desired ecological outcomes.

The Estuarine Impact Assessment concluded that, based on the modelling results, it is unlikely that dredging will result in a significant improvement in tidal forcing in the Diep River Estuary as a whole, and it is unlikely that the dredging activities will result in a change to the estuarine health score of the system. Modelling results for the low-flow scenario indicate that the dredging increases tidal exchange between the Estuary and the ocean, with higher salinities in the lower system. This translates to a small (approximately 10%) increase in average salinity in the lower Estuary, with larger (approximately 54%) increases on average during the wet season. This improvement in tidal flux (as demonstrated by saline inflow) does not appear to increase modelled upstream saline intrusion and the positive impacts will therefore be limited to the lower reaches of the system.

The impact of the proposed dredging on the estuarine ecosystem was assessed to be a low positive impact with the implementation of mitigation measures. The specialist study emphasised the importance of maintaining the channel at its scoured depth and always keeping the Estuary mouth open to ensure continued functioning (and associated benefit of tidal flushing) over time.

The specialist's recommendations have been incorporated into the EMPr for implementation. Further, an MMP has been prepared to address the post-dredging phase and the estuarine specialists' recommended mitigation that the channel must be maintained at its depth and the estuary mouth be kept open.

3.3 Faunal impacts

An Avifaunal Compliance Statement dated 26 March 2025 was compiled by AVISENSE Africa (Pty) Ltd., to assess the potential avifaunal impacts associated with the proposed development.

The impacts on birds are likely to include disturbance and degradation of habitat during the construction phase (negative impact), and ultimately the improvement of habitat in the long-term during operation (positive impact).

The Compliance Statement concluded that the proposed dredging will have a low positive impact on the estuarine ecosystem with the implementation of mitigation measures, particularly by expanding benthic habitats and potentially supporting bird foraging areas.

3.4 Visual impacts

At high tide, the sandbanks will remain fully submerged. At low tide, the sandbanks will be visible, but will appear similar to the existing natural sandbanks present in the Lagoon system. The dredged material will be placed at levels designed to remain below high-tide elevation. The placement of material along the western bank immediately downstream of the Loxton Road Bridge will be avoided to address the visual and security concerns.

3.5 Flood risks

Dredging will not increase flood levels or alter tidal dynamics in a way that would raise flood risk to adjacent properties. Although dredging adjusts morphology, it does not increase lagoon storage volume or alter flood conveyance pathways.

3.6 Heritage impacts

The proposed dredging will not impact the Wooden Bridge since dredging will only take place within the Lagoon. Management measures have been included in the EMPr, specifying the avoidance of any damage to the Bridge and foundations. The Old Milnerton Town Hall, which is located approximately 250m east of the site, will not be impacted on. Potential heritage impacts are therefore deemed negligible.

3.7 Odour impacts

Sediment testing indicates that sediment contaminants and metals are below the chronic and acute ecological risk thresholds. Odours experienced in recent years are due to upstream polluted inflows and not the quality of the sediment. Further, recent flood events naturally removed most of the fine, organic-rich material that previously contributed to odour. Temporary odours may occur during dredging and this will be monitored by the City of Cape Town's Scientific Services Hydrogen Sulfide Station at Woodbridge Island, and exceedances will be communicated to the relevant authorities and stakeholders. The potential odour impacts have been assessed as low negative.

3.8 Dust and noise impacts

Potential dust and noise impacts are anticipated during the construction phase. However, no significant potential dust and noise impacts are anticipated as these impacts will be mitigated by the implementation of the mitigation measures included in the EMPr.

The development will result in both negative and positive impacts.

Negative Impacts:

- Temporary water quality impacts;
- Potential noise and odour impacts during dredging; and
- Potential avifaunal habitat disruption.

Positive impacts:

- Enhanced tidal exchange to support estuarine functioning and resilience;
- Creation of new intertidal habitats;

- Increased dissolved oxygen levels to disrupt anoxic conditions and reduce odorous hydrogen sulphide emissions; and
- Improved air quality, aesthetics, and recreational value with associated social and economic benefits.

National Environmental Management Act Principles

The National Environmental Management Act Principles (set out in section 2 of the NEMA, which apply to the actions of all Organs of State, serve as guidelines by reference to which any Organ of State must exercise any function when taking any decision, and which must guide the interpretation, administration and implementation of any other law concerned with the protection or management of the environment), *inter alia*, provides for:

- the effects of decisions on all aspects of the environment to be taken into account;
- the consideration, assessment and evaluation of the social, economic and environmental impacts of activities (disadvantages and benefits), and for decisions to be appropriate in the light of such consideration and assessment;
- the co-ordination and harmonisation of policies, legislation and actions relating to the environment;
- the resolving of actual or potential conflicts of interest between Organs of State through conflict resolution procedures; and
- the selection of the best practicable environmental option.

In view of the above, the NEMA principles, compliance with the conditions stipulated in this Environmental Authorisation, and compliance with the EMPr, the competent authority is satisfied that the proposed listed activities will not conflict with the general objectives of integrated environmental management stipulated in Chapter 5 of the NEMA and that any potentially detrimental environmental impacts resulting from the listed activities can be mitigated to acceptable levels.

You are reminded of your general duty of care towards the environment in terms of Section 28(1) of the NEMA which states: "*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 degradation 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.*"

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