

Marike Vreken

From: Trisha Rene Pillay <tpillay@dffe.gov.za>
Sent: Friday, 13 September 2024 10:39
To: Marike Vreken; joclyn@ecoroute.co.za
Cc: lizelle@ecoroute.co.za; 'Elizabeth House'; Mmamohale Kabasa; Coenrad Agenbach
Subject: RE: Pr2348- Brenton on Sea Erf 93: Request for Assistance

Dear Ms Vreken

Kindly note the EIA Regulations, 2014, defines commencement as follows – *“commence” when used in Chapter 5, means the start of any physical implementation in furtherance of a listed activity or specified activity, including site preparation and any other action on the site or the physical implementation of a plan, policy, programme or process, but does not include any action required for the purposes of an investigation or feasibility study as long as such investigation or feasibility study does not constitute a listed activity or specified activity;*

Kindly note where development of the property e.g. installation of services, began prior to the coming into effect of the EIA Regulations promulgated under the Environment Conservation Act, 1989 (Act 73 of 1989) (“the ECA”) in 1997, developers will not need to obtain authorisation for individual erven. Within the limits of the information provided since the services for the township were installed in the early 1960s and proof of a road constructed in 1980 has been provided, it can be considered as commencement.

This Department reserves the right to revise or withdraw its comments or to request further information from you should new information on this matter become available. You are not exempted from complying with any other authorisations or permits that may be applicable for the proposed development.

Kind Regards
Trisha Pillay

From: Marike Vreken <marike@vreken.co.za>
Sent: Thursday, 12 September 2024 12:01
To: Trisha Rene Pillay <tpillay@dffe.gov.za>; joclyn@ecoroute.co.za
Cc: lizelle@ecoroute.co.za; 'Elizabeth House' <elizabethhouse86@gmail.com>; Mmamohale Kabasa <MKabasa@dffe.gov.za>; Coenrad Agenbach <CAGENBACH@dffe.gov.za>
Subject: RE: Pr2348- Brenton on Sea Erf 93: Request for Assistance

Dear Trisha,

Services were installed early 1960. Erven may not have been sold without it being serviced. The first erf in Brenton was transferred during the early 1960's. Below is a 1980 aerial photo of Brenton of Sea – there roads were constructed, and some houses have been built at this time. This means that were and electricity have also been installed. The erven in this part of Brenton are on septic tanks and there is no municipal sewer in this portion of Brenton. The fact that by 1980 the roads were developed, and houses were built further down this street, is a clear indication that the erven were services with rad, water and electricity. Else the houses could not have been built.

I this this suffice.

Kind regards,
Marike



	Marike Vreken Pr. Pln A/1101/1999 M SAPI 10233 Marike Vreken Town Planners CC PO Box 2180, Knysna, 6570 tel. +27 (0)44 382 0420 fax. +27 (0)86 459 2987 cell. +27 (0)82 927 5310 www.vreken.co.za
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From: Trisha Rene Pillay <tpillay@dffe.gov.za>
Sent: Thursday, 12 September 2024 10:52
To: Marike Vreken <marike@vreken.co.za>; joclyn@ecoroute.co.za
Cc: lizelle@ecoroute.co.za; 'Elizabeth House' <elizabethhouse86@gmail.com>; Mmamohale Kabasa <MKabasa@dffe.gov.za>; Coenrad Agenbach <CAGENBACH@dffe.gov.za>
Subject: RE: Pr2348- Brenton on Sea Erf 93: Request for Assistance

Dear Marike and Joclyn

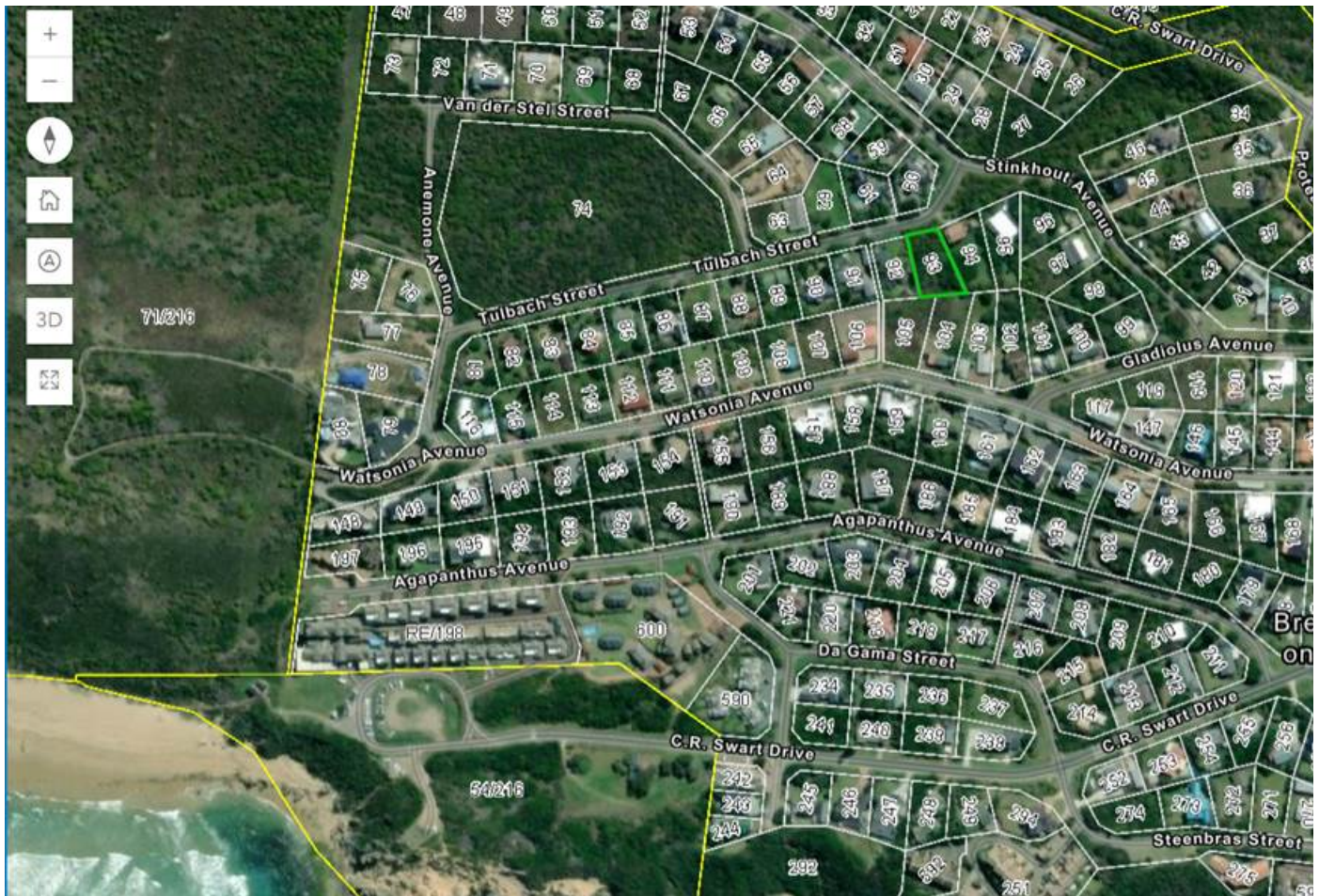
The email below is noted can you kindly indicate when services were established on the site, as the information provided states that that the site has existing services.

Kind Regards
Trisha Pillay

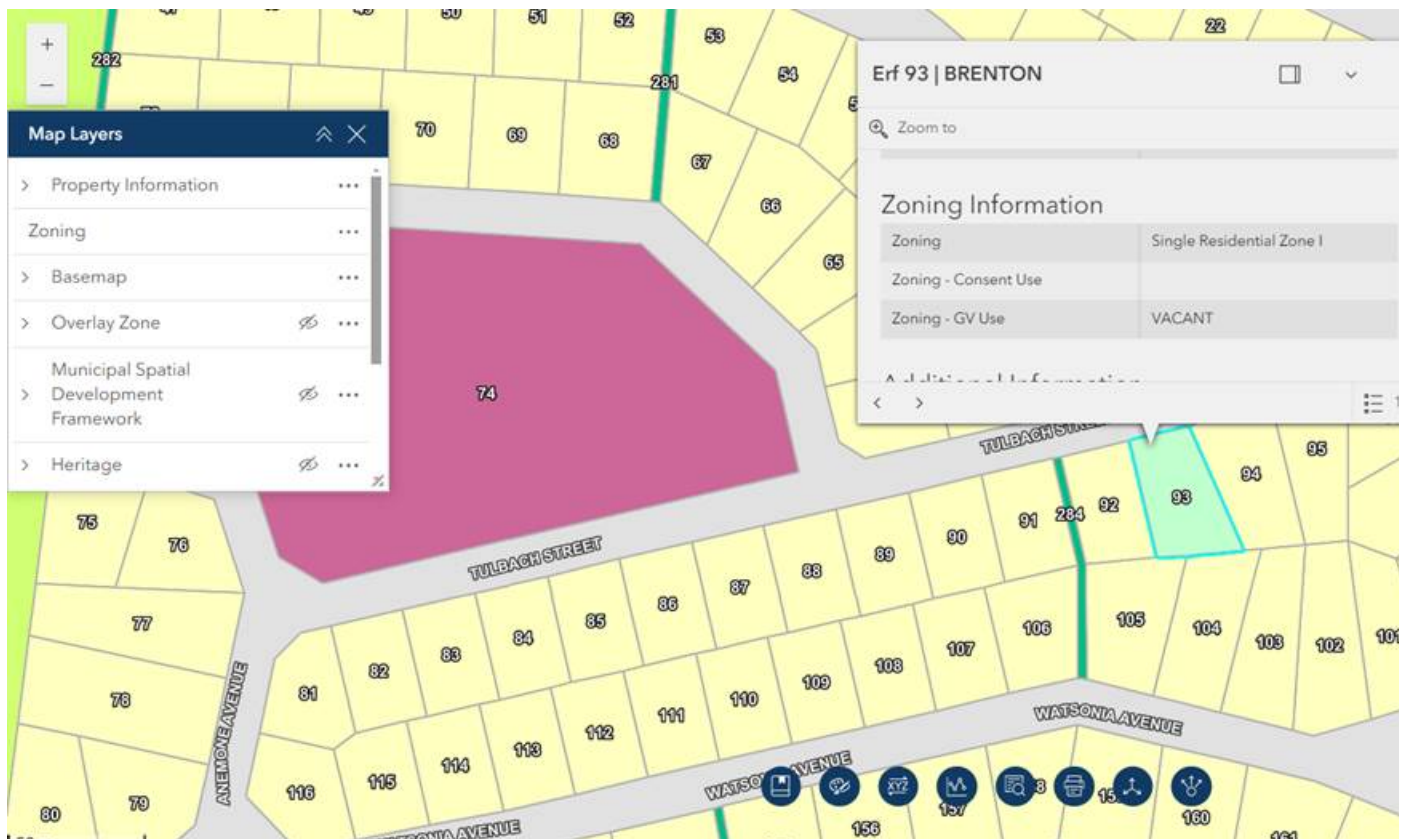
From: Marike Vreken <marike@vreken.co.za>
Sent: Wednesday, 11 September 2024 09:34
To: Trisha Rene Pillay <tpillay@dffe.gov.za>; joclyn@ecoroute.co.za
Cc: lizelle@ecoroute.co.za; 'Elizabeth House' <elizabethhouse86@gmail.com>; Mmamohale Kabasa <MKabasa@dffe.gov.za>; Coenrad Agenbach <CAGENBACH@dffe.gov.za>
Subject: Pr2348- Brenton on Sea Erf 93: Request for Assistance

Dear Trisha,

Does the fact that several hundred residential houses in the Brenton Township have been constructed since the establishment of this township not constitute commencement? Also, the owner of Erf 93 wishes to build their residential home, in accordance with the existing residential rights?



According to the Knysna Zoning Scheme Map (see extract below), the property is already zoned for single residential purposes (since the establishment of the township), and no rezonings are required to enable the owners to build a house. The residential rights are in place since the Brenton Township was established in the 1950's.



I hope this additional information provides you with some more clarity?

Kind regards,
Marike

 Marike Vreken Urban & Environmental Planners	Marike Vreken Pr. Pln A/1101/1999 M SAPI 10233 Marike Vreken Town Planners CC PO Box 2180, Knysna, 6570 tel. +27 (0)44 382 0420 fax. +27 (0)86 459 2987 cell. +27 (0)82 927 5310 www.vreken.co.za
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From: Trisha Rene Pillay <tpillay@dfpe.gov.za>
Sent: Wednesday, 11 September 2024 09:10
To: joclyn@ecoroute.co.za
Cc: lizelle@ecoroute.co.za; 'Elizabeth House' <elizabethhouse86@gmail.com>; Mmamohale Kabasa <MKabasa@dfpe.gov.za>; Coenrad Agenbach <CAGENBACH@dfpe.gov.za>; 'Marike Vreken' <marike@vreken.co.za>
Subject: RE: Request for Assistance: Erf 93 Brenton on Sea

Dear Joclyn

As stated in the email below rezoning and/or subdivision of land for the purposes of another use does not trigger a listed/specified activity. However, the transformation of such land (whether the land has been rezoned/subdivided or is still to be rezoned/subdivided) may trigger listed/specified activities. The proof submitted shows that the zoning has been in place prior to the EIA Regulations and the zoning has not changed since. However you have not shown proof of commencement as explained in the previous email. The Department requires **proof that the Activity 12 of Listing 3 be undertaken commenced prior to the EIA Regulation** and that it was always the intention to utilise the area in its entirety for residential development.

Kindly provide proof that the activity (Activity 12 of Listing 3) to be undertaken commenced prior to the EIA Regulation to support this to the Department by 16 September 2024.

Kind Regards,

Ms. Trisha Pillay
Environmental Officer: Priority Infrastructure Projects
Registered Environmental Assessment Practitioner: 2021/3791

Integrated Environmental Authorisations

Department of Forestry, Fisheries and the Environment

Private Bag X447

Pretoria

0001

☎ (066) 430 1595

✉ tpillay@dfpe.gov.za



forestry, fisheries
and the environment

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

From: joclyn@ecoroute.co.za <joclyn@ecoroute.co.za>

Sent: Wednesday, 11 September 2024 09:00

To: Trisha Rene Pillay <tpillay@dfpe.gov.za>

Cc: lizelle@ecoroute.co.za; 'Elizabeth House' <elizabethhouse86@gmail.com>; Mmamohale Kabasa <MKabasa@dfpe.gov.za>; Coenrad Agenbach <CAGENBACH@dfpe.gov.za>; 'Marika Vreken' <marika@vreken.co.za>

Subject: RE: Request for Assistance: Erf 93 Brenton on Sea

Dear Trisha

Please see the attached conditions of the establishment of the township of Brenton.

The proposal entails the development of a single residential dwelling on Erf 93 in the Brenton on Sea Township. The proposed site has been set aside for the development of a single residential dwelling when the Brenton Township was approved and established during 1957 (see attached). This zoning has been in place prior to the EIA Regulations and the zoning has not changed since.

Please confirm if this is sufficient evidence?

Kind Regards,

Joclyn Marshall

MSc Environmental Science

EAPASA 2022/5006

072 126 6393



Eco Route
Environmental Consultancy

From: Trisha Rene Pillay <tpillay@dfpe.gov.za>

Sent: Monday, 09 September 2024 11:24

To: joclyn@ecoroute.co.za

Cc: lizelle@ecoroute.co.za; 'Elizabeth House' <elizabethhouse86@gmail.com>; Mmamohale Kabasa <MKabasa@dffe.gov.za>; Coenrad Agenbach <CAGENBACH@dffe.gov.za>

Subject: RE: Request for Assistance: Erf 93 Brenton on Sea

Dear Joclyn

Kindly note the EIA Regulations, 2014, defines commencement as follows – *“commence” when used in Chapter 5, means the start of any physical implementation in furtherance of a listed activity or specified activity, including site preparation and any other action on the site or the physical implementation of a plan, policy, programme or process, but does not include any action required for the purposes of an investigation or feasibility study as long as such investigation or feasibility study does not constitute a listed activity or specified activity;*

The rezoning and/or subdivision of land for the purposes of another use does not trigger a listed/specified activity. However, the transformation of such land (whether the land has been rezoned/subdivided or is still to be rezoned/s subdivided) may trigger listed/specified activities.

The property referred to in your query is indicated as being zoned for residential use, as part of the Brenton Township (established in 1960). The property has not yet had any residential structure or other structure built on the site, as can be seen on the attachment, however, it is shown in the attached that the property has access to water, sewage and electricity from the municipality. Where development of the property e.g. installation of services, began prior to the coming into effect of the EIA Regulations promulgated under the Environment Conservation Act, 1989 (Act 73 of 1989) (“the ECA”) in 1997, developers will not need to obtain authorisation for individual erven. **The developer should be in a position to prove that the activity to be undertaken commenced prior to the EIA Regulation and provide admissible evidence to support this.**

Environmental authorisation would however be required for activities on the individual erven that meet the thresholds and that trigger the NEMA listed activities, after the coming into effect of the NEMA. For example, if the thresholds of Listing Notice 1 Activity 19A, or LN3, Activity 12 are exceeded on an individual erf, environmental authorisation would be required. This would be the case **unless the developer can provide admissible evidence that it was always the intention to utilise the area in its entirety for residential development and that the development (and thus all relevant listed activities) commenced prior to the coming into effect of the EIA Regulations.**

For the scenario in the attached letter and within the limits of the information provided, where indigenous vegetation was cleared for the establishment of services, prior to the promulgation of the EIA Regulations under the ECA, Activity 12 of Listing 3 would have been commenced with lawfully and no environmental authorisation would be triggered. Therefore the Department requires proof that the activity to be undertaken commenced prior to the EIA Regulation and that it was always the intention to utilise the area in its entirety for residential development.

Kindly provide proof that the activity to be undertaken commenced prior to the EIA Regulation to support this to the Department by 16 September 2024.

Kind Regards,

Ms. Trisha Pillay
Environmental Officer: Priority Infrastructure Projects
Registered Environmental Assessment Practitioner: 2021/3791

Integrated Environmental Authorisations

Department of Forestry, Fisheries and the Environment

Private Bag X447

Pretoria

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forestry, fisheries
and the environment

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

From: joclyn@ecoroute.co.za <joclyn@ecoroute.co.za>
Sent: Friday, 30 August 2024 10:55
To: IQ <IQ@dfpe.gov.za>; Trisha Rene Pillay <tpillay@dfpe.gov.za>
Cc: lizelle@ecoroute.co.za; 'Elizabeth House' <elizabethhouse86@gmail.com>
Subject: RE: Request for Assistance: Erf 93 Brenton on Sea

Good Day

Please can you kindly provide a response on whether you are able to respond to the letter submitted on 25 June.

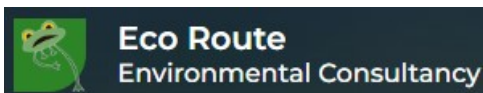
We have had response from DEA&DP as well as the Knysna Municipality instructing us to get comment from your Department.

Your soonest response would be greatly appreciated.

Kind Regards,

Joclyn Marshall

MSc Environmental Science
EAPASA 2022/5006
072 126 6393



From: joclyn@ecoroute.co.za <joclyn@ecoroute.co.za>
Sent: Friday, 23 August 2024 08:46
To: 'IQ@dfpe.gov.za' <IQ@dfpe.gov.za>; 'Trisha Rene Pillay' <tpillay@dfpe.gov.za>
Cc: 'lizelle@ecoroute.co.za' <lizelle@ecoroute.co.za>
Subject: RE: Request for Assistance: Erf 93 Brenton on Sea

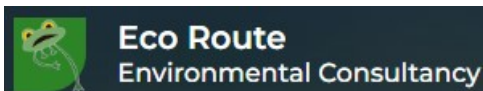
Dear Trisha

Are you able to assist us with getting a response, please?

Kind Regards,

Joclyn Marshall

MSc Environmental Science
EAPASA 2022/5006
072 126 6393



From: joclyn@ecoroute.co.za <joclyn@ecoroute.co.za>
Sent: Tuesday, August 20, 2024 8:14 AM
To: 'IQ@dfpe.gov.za' <IQ@dfpe.gov.za>
Cc: 'lizelle@ecoroute.co.za' <lizelle@ecoroute.co.za>; 'Trisha Rene Pillay' <tpillay@dfpe.gov.za>
Subject: RE: Request for Assistance: Erf 93 Brenton on Sea

Good Morning

Please can you indicate if you are able to assist us? We are urgently needing to proceed.

Your guidance would be most valuable.

Kind Regards,

Joclyn Marshall

MSc Environmental Science

EAPASA 2022/5006

072 126 6393



Eco Route
Environmental Consultancy

From: joclyn@ecoroute.co.za <joclyn@ecoroute.co.za>

Sent: Wednesday, July 10, 2024 12:06 PM

To: 'IQ@dfpe.gov.za' <IQ@dfpe.gov.za>

Cc: 'lizelle@ecoroute.co.za' <lizelle@ecoroute.co.za>; 'Trisha Rene Pillay' <tpillay@dfpe.gov.za>

Subject: RE: Request for Assistance: Erf 93 Brenton on Sea

Good Day

Please kindly confirm if you have received this email, and if you will be able to assist in this matter?

I look forward to your response.

Kind Regards,

Joclyn Marshall

MSc Environmental Science

EAPASA 2022/5006

072 126 6393



Eco Route
Environmental Consultancy

From: joclyn@ecoroute.co.za <joclyn@ecoroute.co.za>

Sent: Tuesday, June 25, 2024 10:39 AM

To: 'IQ@dfpe.gov.za' <IQ@dfpe.gov.za>

Cc: 'lizelle@ecoroute.co.za' <lizelle@ecoroute.co.za>; 'Trisha Rene Pillay' <tpillay@dfpe.gov.za>

Subject: Request for Assistance: Erf 93 Brenton on Sea

Good Morning

Please can you assist in interpreting “commencement” in this case, and whether a listed activity is applicable for the proposed residential dwelling on erf 93 Brenton on Sea in Knysna, Western Cape.

I have attached a letter with details regarding the property and activity.

Your response would be most valuable in order for us to proceed accordingly.

Kind Regards,

Joclyn Marshall

MSc Environmental Science

EAPASA 2022/5006

072 126 6393



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