



**REFERENCE:** 16/3/3/5/A6/28/2032/23  
**NEAS REFERENCE:** WCP/EIA/AMEND/0000761/2023  
**DATE OF ISSUE:** 04 September 2023

The Board of Directors  
Glencairn Hotel (Pty) Ltd.  
P.O. Box 44  
**GREEN POINT**  
8005

**Attention: Mr. Warwick Goosen**

Tel.: (021) 773 0700

E-mail: [warwick@tintswalo.com](mailto:warwick@tintswalo.com)

Dear Sir

**APPLICATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014 (AS AMENDED) FOR THE PART 1 AMENDMENT TO THE ENVIRONMENTAL AUTHORISATION ISSUED ON 10 SEPTEMBER 2018 (REFERENCE NO.: 16/3/3/1/A6/28/2020/18) AND THE AMENDED ENVIRONMENTAL AUTHORISATION ISSUED ON 20 NOVEMBER 2020 (REFERENCE NO.: 16/3/3/5/A6/28/2042/20): PROPOSED UPGRADING OF THE GLENCAIRN HOTEL AND ASSOCIATED RETAIL, RESIDENTIAL AND OFFICE DEVELOPMENT ON ERF NO. 2454 AND THE REMAINDER ERF NO. 235, GLENCAIRN.**

1. With reference to the above application, the competent authority hereby notifies you of its decision to **grant** the amended Environmental Authorisation, attached herewith, together with the reasons for the decision.
2. In terms of Regulation 4 of the Environmental Impact Assessment Regulations, 2014 (as amended), you are instructed to ensure, within 14 days of the date of the amended Environmental Authorisation, that all registered interested and affected parties ("I&APs") are provided with access to and reasons for the decision, and that all registered I&APs are notified of their right to appeal.
3. Your attention is drawn to Chapter 2 of the National Appeal Regulations, 2014 (as amended), which prescribes the appeal procedure to be followed. This procedure is summarised in the attached amended Environmental Authorisation.

Yours faithfully

**MR. ZAAHIR TOEFY**

**DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)**

**DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING**

CC: (1) Mr. Andrew Greenwood (City of Cape Town)  
(2) Mr. Nick Steytler (KHULA Environmental Consultants)

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## AMENDED ENVIRONMENTAL AUTHORISATION

**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) FOR THE AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION ISSUED ON 10 SEPTEMBER 2018 (REFERENCE NO.: 16/3/3/1/A6/28/2020/18) AND THE AMENDED ENVIRONMENTAL AUTHORISATION ISSUED ON 20 NOVEMBER 2020 (REFERENCE NO.: 16/3/3/5/A6/28/2042/20): PROPOSED UPGRADING OF THE GLENCAIRN HOTEL AND ASSOCIATED RETAIL, RESIDENTIAL AND OFFICE DEVELOPMENT ON ERF NO. 2454 AND THE REMAINDER ERF NO. 235, GLENCAIRN.**

With reference to your application for the abovementioned, find below the amendment to the Environmental Authorisation (hereinafter referred to as an "Environmental Authorisation") with respect to this application.

### A. DECISION

By virtue of the powers conferred on it by the NEMA and the EIA Regulations, 2014 (as amended), the competent authority herewith grants the amendment of the Environmental Authorisation issued on 10 September 2018 (Reference No.: 16/3/3/1/A6/28/2020/18) and the amended Environmental Authorisation issued on 20 November 2020 (Reference No.: 16/3/3/5/A6/28/2042/20).

**1. Condition 3 under Section E of the Environmental Authorisation issued on 10 September 2018, reads as follows:**

*"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 for the construction phase, must be concluded".*

**This is herewith replaced with the following:**

The holder must commence with the listed activities on site by 09 September 2025 or the Environmental Authorisation shall lapse. A new application for Environmental

Authorisation must be made for the activities to be undertaken if the holder of the Environmental Authorisation does not commence by the aforementioned date.

The authorised listed activities for the construction phase, must be concluded within a period of ten (10) years from the date the holder commenced with an authorised listed activity.

**2. The Activity Description under Section A of the amended Environmental Authorisation issued on 20 November 2020, reads as follows:**

*"The proposed project entails the subdivision of Erf No. 2545, Glencairn into 14 portions as follows:*

- The hotel will not be upgraded, will retain its General Business zoning and be situated on the largest portion of the erf;*
- The ancillary buildings fronting onto Glen Road will be retained on the second largest portion and will retain its General Business zoning;*
- A new road (Cairn Close) will be constructed on one portion and will be rezoned for transport purposes; and*
- The remaining 11 portions will be rezoned for single residential purposes.*

*The existing structures fronting onto Glencairn Road will not be demolished. Two minor structures at the rear of the hotel in the vicinity of the newly proposed Cairn Close will be demolished.*

*The newly proposed Cairn Close will provide access to the single residential units and will consist of a combination of paving and premixed surfaces, with barrier kerbs on either side due to the steepness of the site. Cairn Close will also include an improved turning shunt at the far, south eastern end.*

*The existing parking area on Erf No. 235 will be formalised but not expanded upon. Formalisation of the existing parking area will entail resurfacing and minor repositioning to ensure that the parking area is located entirely within the boundary of Erf No. 235".*

**This is herewith replaced with the following:**

The proposed project entails the subdivision of Erf No. 2545, Glencairn into 14 portions as follows:

- The hotel will not be upgraded, will retain its General Business zoning and be situated on the largest portion of the erf;
- The ancillary buildings fronting onto Glen Road will be replaced with like-for-like structures on the second largest portion and will retain its General Business zoning;
- A new road (Cairn Close) will be constructed on one portion and will be rezoned for transport purposes; and
- The remaining 11 portions will be rezoned for single residential purposes.

The existing structures fronting onto Glencairn Road will be replaced with like-for-like structures. Two minor structures at the rear of the hotel in the vicinity of the newly proposed Cairn Close will be demolished.

The newly proposed Cairn Close will provide access to the single residential units and will consist of a combination of paving and premixed surfaces, with barrier kerbs on either side due to the steepness of the site. Cairn Close will also include an improved turning shunt at the far, south eastern end.

The existing parking area on Erf No. 235 will be formalized, but not expanded upon. Formalisation of the existing parking area will entail resurfacing and minor repositioning to ensure that the parking area is located entirely within the boundary of Erf No. 235.

## **B. REASONS FOR THE DECISION:**

In reaching its decision, the competent authority took, *inter alia*, the following into consideration:

- (a) The information contained in the application form received by the competent authority via electronic mail correspondence on 08 August 2023, and the additional information received by the competent authority via electronic mail correspondence on 17 August 2023, respectively.
- (b) The application is for a non-substantive amendment to the Environmental Authorisation and will not change the scope of the Environmental Authorisation issued on 10 September 2018 and the amended Environmental Authorisation issued on 20 November 2020.
- (c) The extension of the validity period of the Environmental Authorisation is required, as the holder has been unable to commence with the listed activities within the validity period.
- (d) No additional impacts are anticipated due to the proposed amendment. This can be justified as follows:
  - i. The proposed amendment will not result in a change in the nature of the impacts nor an increase in the nature of the impacts.
  - ii. The existing buildings which front onto Glen Road on Erf No. 253 are not structurally sound, and the holder therefore proposes the like-for-like replacement of the buildings to ensure that:
    - The buildings meet the current structural and health and safety requirements of the City of Cape Town; and
    - The proposed amendment will serve the interests of the shop tenants.
- (e) The environment and the rights and interests of interested and affected parties ("I&APs") are not likely to be affected.
- (f) No listed activities are triggered by the proposed amendments.
- (g) The remaining conditions contained in the Environmental Authorisation issued on 10 September 2018 still remain unchanged and in force.

## **C. CONDITION:**

1. The holder must in writing, within 14 (fourteen) calendar days of the date of this decision–
  - 1.1 notify all registered I&APs of –
    - 1.1.1 the outcome of the application;

- 1.1.2 the reasons for the decision as included in Section B;
  - 1.1.3 the date of the decision; and
  - 1.1.4 the date when the decision was issued.
- 1.2 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, 2014 (as amended) detailed in Section D below;
- 1.3 draw the attention of all registered I&APs to the manner in which they may access the decision; and
- 1.4 provide the registered I&APs with:
- 1.4.1 the name of the holder (entity) of this Environmental Authorisation;
  - 1.4.2 name of the responsible person for this Environmental Authorisation;
  - 1.4.3 postal address of the holder;
  - 1.4.4 telephonic and fax details of the holder;
  - 1.4.5 e-mail address, if any, of the holder; and
  - 1.4.6 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, 2014 (as amended).

#### **D. APPEALS:**

1. Appeals must comply with the provisions contained in the National Appeal Regulations, 2014 (as amended).

An appellant must –

- 1.1 Submit an appeal in accordance with Regulation 4 to the appeal administrator, within 20 (twenty) calendar days from the date the applicant notified registered I&APs of this decision.
- 1.2 If the appellant is the applicant, provide any registered I&AP, any Organ of State and the decision-maker with a copy of the appeal lodged with the appeal administrator.
- 1.3 If the appellant is a person other than the applicant, provide the applicant, any registered I&AP, any Organ of State and the decision-maker with a copy of the appeal lodged with the appeal administrator.
- 1.4 The applicant (if not the appellant), the decision-maker, I&APs and Organs of State must submit their responding statement, if any, to the appeal authority and the appellant within 20 days from the date of receipt of the appeal submission.
- 1.5 The appeal form/s must be submitted by means of one of the following methods:

By post:                    Attention: Mr. Marius Venter  
                                   Western Cape Ministry of Local Government, Environmental Affairs  
                                   and Development Planning  
                                   Private Bag X9186  
                                   CAPE TOWN

8000

By facsimile: (021) 483 4174; or

By hand: Attention: Mr. Marius Venter (Tel: 021 483 3721), Room 809  
8<sup>th</sup> Floor Utilitas Building, 1 Dorp Street, Cape Town, 8001

By e-mail: [DEADP.Appeals@westerncape.gov.za](mailto:DEADP.Appeals@westerncape.gov.za)

- 1.6 An electronic copy (word document format) of the appeal and supporting documents must also be submitted.
- 1.7 A prescribed appeal form, as well as assistance regarding the appeal processes is obtainable from the office of the appeal authority at: Tel. (021) 483 3721, E-mail [DEADP.Appeals@westerncape.gov.za](mailto:DEADP.Appeals@westerncape.gov.za) or URL <http://www.westerncape.gov.za/eadp>.

## E. DISCLAIMER

The Western Cape Government, the Local Authority, committees or any other public authority or organisation appointed in terms of the conditions of this Amended 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 greatly appreciated.

Yours faithfully

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

**DATE OF DECISION: 04 SEPTEMBER 2023**

CC: (1) Mr. Andrew Greenwood (City of Cape Town)  
(2) Mr. Nick Steytler (KHULA Environmental Consultants)

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E-mail: [nick@khulaec.co.za](mailto:nick@khulaec.co.za)