



REFERENCE: 16/3/3/1/A6/28/2020/18
ENQUIRIES: RONDINE ISAACS
DATE OF ISSUE: 2018 -09- 1 0

The Board of Directors
Glencairn Hotel (Pty) Ltd
PO Box 44
GREEN POINT
8005

Attention: Mr Ray Resnick

Cell: 076 903 1111
E-mail: ray@rbkholdings.com

Dear Sir

APPLICATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) ("NEMA") AND THE ENVIRONMENTAL IMPACT ASSESSMENT ("EIA") REGULATIONS, 2014:

PROPOSED UPGRADING OF THE EXISTING GLENCAIRN HOTEL AND THE CONSTRUCTION OF NEW RETAIL, RESIDENTIAL AND OFFICE FACILITIES ON ERF NO. 2454 AND THE EXPANSION OF THE EXISTING PARKING AREA ON ERF NO. 235, GLENCAIRN

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, 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, 2014, which prescribes the procedure to be followed in the event of appeals being lodged. This procedure is summarized in the attached Environmental Authorisation.

Yours faithfully

**DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)
DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING**

Copied to: (1) Mr Jonathan Crowther (SLR (South Africa) (Pty) Ltd)

Fax: (021) 461 1120



REFERENCE: 16/3/3/1/A6/28/2020/18
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Glencairn Hotel (Pty) Ltd
PO Box 44
GREEN POINT
8005

Attention: Mr Ray Resnick

Cell: 076 903 1111
E-mail: ray@rbkholdings.com

Dear Sir

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:

PROPOSED UPGRADING OF THE EXISTING GLENCAIRN HOTEL AND THE CONSTRUCTION OF NEW RETAIL, RESIDENTIAL AND OFFICE FACILITIES ON ERF NO. 2454 AND THE EXPANSION OF THE EXISTING PARKING AREA ON ERF NO. 235, GLENCAIRN

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

ENVIRONMENTAL AUTHORISATION

DECISION

By virtue of the powers conferred on it by the NEMA and the EIA Regulations, 2014, the competent authority herewith grants Environmental Authorisation to the applicant to undertake the list of activities specified in Section B below as included in the Basic Assessment Report ("BAR") dated 28 June 2018.

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

Glencairn Hotel (Pty) Ltd
 c/o Mr Ray Resnick
 PO Box 44
 GREEN POINT
 8005
 Cell: 076 903 1111
 E-mail: ray@rbkholdings.com

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

B. LIST OF ACTIVITIES AUTHORISED

Government Notice No. R. 983 of 4 December 2014 –

Listed Activity	Activity/Project Description
<p>Activity 19: <i>"The infilling or depositing of any material of more than 10 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 10 cubic metres from a watercourse;</i></p> <p><i>but excluding where such infilling, depositing, dredging, excavation, removal or moving -</i></p> <ul style="list-style-type: none"> <i>(a) will occur behind a development setback;</i> <i>(b) is for maintenance purposes undertaken in accordance with a maintenance management plan;</i> <i>(c) falls within the ambit of activity 21 in this Notice, in which case that activity applies;</i> <i>(d) occurs within existing ports or harbours that will not increase the development footprint of the port or harbour; or</i> <i>(e) 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".</i> 	<p>The excavation from and infilling of material into the Glencairnvlei outlet channel will be required for the proposed rehabilitation of the banks of the vlei outlet.</p>
<p>Activity 19A: <i>"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></p> <ul style="list-style-type: none"> <i>(i) the seashore;</i> <i>(ii) the littoral active zone, an estuary or a distance of 100 metres inland of the high-water mark of the sea or an estuary,</i> 	<p>The excavation from and infilling of material into the Glencairnvlei outlet channel will occur within a distance of 100m inland of the high water mark of the sea.</p>

<p>whichever distance is the greater; or (iii) the sea; -</p> <p>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</p> <p>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".</p>	
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Government Notice No. R. 985 of 4 December 2014 –

Listed Activity	Activity/Project Description
<p>Activity 12: "The clearance of an area of 300 square metres or more of indigenous vegetation except where such clearance of indigenous vegetation is required for maintenance purposes undertaken in accordance with a maintenance management plan.</p> <ul style="list-style-type: none"> i. Western Cape i. Within any critically endangered or endangered ecosystem listed in terms of section 52 of the NEMBA or prior to the publication of such a list, within an area that has been identified as critically endangered in the National Spatial Biodiversity Assessment 2004; ii. Within critical biodiversity areas identified in bioregional plans; iii. Within the littoral active zone or 100 metres inland from high water mark of the sea or an estuarine functional zone, whichever distance is the greater, excluding where such removal will occur behind the development setback line on erven in urban areas; iv. On land, where, at the time of the coming into effect of this Notice or thereafter such land was zoned open space, conservation or had an equivalent zoning; or 	<p>More than 300m² of critically endangered Peninsula Sandstone Fynbos will be cleared.</p>

<p>v. <i>On land designated for protection or conservation purposes in an Environmental Management Framework adopted in the prescribed manner, or a Spatial Development Framework adopted by the MEC or Minister".</i></p>	
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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 proposed project entails the upgrading of the existing Glencairn Hotel and the construction of new retail, residential and office facilities on Erf No. 2454 and the expansion of the existing parking area on Erf No. 235, Glencairn.

Existing structures fronting onto Glencairn Road will be demolished. A new accommodation wing and conference centre, luxury apartments, apartments and a lifestyle square will be constructed. Five single residential units will also be constructed along the south western border. The parking area will be expanded and formalised using permeable surface.

A portion of Glen Road will be realigned and will serve as a single access road from Gardrum Steps on the north western boundary of Erf No. 2454 to provide access to the back of the hotel. The road will also service the new hotel rooms, self-catering units and the single residential erven. The road will be approximately 120m in length and 5m wide. Access to the undeveloped property located to the west of the site (above the upper boundary of the site along the mountainside) will still be provided off Gardrum Steps.

A 15m buffer area will be maintained between the edge of the Glencairnvlei outlet channel and the adjacent parking area. No hardened surfaces will be constructed within the buffer area.

The banks of the Glencairnvlei will be rehabilitated by reshaping the banks, removing kikuyu and revegetating the vlei banks with suitable wetland plants. A boardwalk is also proposed which will lead to the beach under the bridge road.

A permeable paving basin is also proposed for the parking along Glen Road. The basin will both detain and treat the storm water to acceptable levels before discharge into the Glencairnvlei outlet channel. The basin will be unlined to allow for the infiltration of water into the ground.

C. LOCATION AND SITE DESCRIPTION

The listed activities will take place on Erf No. 2454 and the Remainder of Erf No. 235, Glencairn.

Glencairn Hotel is located along Glencairn Road just off Glen Road and Main Road (M4) in Glencairn. The hotel complex is situated on Erf No. 2454 and Remainder of Erf No. 235 is situated in front of the hotel and is used for parking purposes. The two

erven are separated by Glen Road. The hotel site is situated between the single residential area of Cairnside to the south and Glencairn to the north. Remainder of Erf No. 235 borders on the Glencairnvlei.

The SG 21-digit codes are:

Erf No. 2454: C01600540000245400000

Remainder of Erf No. 235: C01600540000023500000RE

Co-ordinates:

Erf No. 2454:

Latitude: 34° 0.9' 38.67" S

Longitude: 18° 25' 46.12" E

Remainder of Erf No. 235:

Latitude: 34° 0.9' 36.86" S

Longitude: 18° 25' 47.36" E

Realigned portion of Glen Road

Starting point:

Latitude: 34° 09' 37.13" S

Longitude: 18° 25' 44.46" E

Middle point:

Latitude: 34° 09' 38.84" S

Longitude: 18° 25' 45.70" E

End point:

Latitude: 34° 09' 40.02" S

Longitude: 18° 25' 46.78" 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")

SLR Consulting (South Africa) (Pty) Ltd

c/o Mr Jonathan Crowther

PO Box 10145

CALEDON SQUARE

7905

Tel.: (021) 461 1118/9

Fax: (021) 461 1120

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 28 June 2018 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 for the construction phase, 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 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 of issue of the decision;

- 6.2 draw the attention of all registered Interested and Affected Parties to the fact that an appeal may be lodged against the decision in terms of the National Appeals Regulation, 2014;
- 6.3 draw the attention of all registered Interested and Affected Parties to the manner in which they may access the decision; and
- 6.4 provide the registered Interested and Affected Parties 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;
 - 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 Interested and Affected Parties in the event that an appeal is lodged in terms of the National Appeals Regulations 2014.

Commencement

7. The listed activities, including site preparation, must not commence within 20 (twenty) calendar days from the date the applicant notified the registered Interested and Affected Parties 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 activity, 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. Seven calendar days' notice, in writing, must be given to the competent authority before commencement of construction 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, 14, 21 and 25.

Management of activity

10. The draft EMPr submitted as part of the application for Environmental Authorisation is 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 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 must be included in all contract documentation for all phases of implementation.
13. A copy of the Environmental Authorisation and the EMPr 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 and EMPr 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 and EMPr 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 construction and rehabilitation phases of implementation.

The ECO must—

- 14.1 be appointed prior to commencement of any land clearing or construction activities commencing;
- 14.2 ensure compliance with the EMPr and the conditions contained herein;
- 14.3 keep record of all activities on site; problems identified; transgressions noted and a task schedule of tasks undertaken by the ECO; and
- 14.4 remain employed until all rehabilitation measures, as required for implementation due to construction damage, are completed.

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 at least two environmental audit reports to the relevant competent authority during the construction phase. The holder must submit one audit report six months after commencement of the construction phase and another audit report six months after completion of the construction period; and
 - 15.3 submit an environmental audit report every five (5) years thereafter while the Environmental Authorisation remains valid.
16. The environmental audit report must be prepared by an independent person and must address the objectives and contain all the information set out in Appendix 7 of the EIA Regulations, 2014.

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 Interested and Affected Parties 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. A buffer of 15m must be established around the Glencairnvele outlet channel, measured from the edge of the outlet. The buffer must be established before commencement of construction activities.
22. No hardened surfaces or storm water detention ponds may be constructed within the 15m buffer area.
23. Roads, verges and parking areas must be constructed with permeable materials such as permeable paving, grass blocks, interlocking blocks etc.
24. Construction activities close to the Glencairnvele on Erf No. 235 must take place during the dry season to reduce the risks of contamination of the vlel through rainfall and runoff.
25. All construction related activities must be limited to the construction corridor, and the extent of the corridor must be clearly demarcated before the commencement of construction.
26. Water saving mechanisms and/or water recycling systems must be installed in order to reduce water consumption that include *inter alia*, the following:
 - 26.1 A dual-flush toilet system.
 - 26.2 All taps must be fitted with water saving devices, that is, tap aerators, flow restrictors and low flow shower heads.
 - 26.3 Water-wise landscaping must be done.
 - 26.3.1 Indigenous plants and/or plants that require little water must be used.
 - 26.3.2 The use of kikuyu grass must be prohibited in all landscaped areas. Non-invasive, low-water use grass must be used for any lawns on site.
27. The development must incorporate energy/electricity saving measures, which include *inter alia*, the following:
 - 27.1 Use of energy efficient lamps and light fittings. Low energy bulbs must be installed and replacement bulbs must also be of the low energy consumption type.
 - 27.2 Street lighting must be kept to a minimum and down lighting must be used to minimize light impacts. Street light must be switch off during the day.
 - 27.3 All geysers must be covered with geyser 'blankets'.
28. 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.
29. Notwithstanding this Environmental Authorisation, the holder must comply with any other statutory requirements that may be applicable when undertaking the listed activities.
30. 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 activity, 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.

31. 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 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.

32. 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 GN No. R. 982 of 4 December 2014 or any relevant legislation that may be applicable at the time.
33. 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 provisions contained in the National Appeal Regulations 2014 (as amended).

1. An appellant (if the holder of the decision) must, within 20 (twenty) calendar days from the date notification of the decision was sent to the holder by the competent authority -
 - 1.1 Submit an appeal in accordance with Regulation 4 of the National Appeal Regulations 2014 (as amended) to the Appeal Administrator; and
 - 1.2 Submit a copy of the appeal to any registered Interested and Affected Parties, any Organ of State with interest in the matter and the decision-maker i.e. the competent authority that issued the decision.
2. An appellant (if NOT the holder of the decision) must, within 20 (twenty) calendar days from the date the holder of the decision sent notification of the decision to the registered Interested and Affected Parties -
 - 2.1 Submit an appeal in accordance with Regulation 4 of the National Appeal Regulations 2014 (as amended) to the Appeal Administrator; and
 - 2.2 Submit a copy of the appeal to the holder of the decision, any registered Interested and Affected Party, any Organ of State with interest in the matter and the decision-maker i.e. the competent authority that issued the decision.

3. The holder of the decision (if not the appellant), the decision-maker that issued the decision, the registered Interested and Affected Party and the Organ of State must submit their responding statements, if any, to the appeal authority and the appellant within 20 (twenty) calendar days from the date of receipt of the appeal submission.

4. The appeal and the responding statement must be submitted to the address listed below:
By post: 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 Jaap de Villiers (Tel: 021 483 3721)
Room 809
8th Floor Utilitas Building, 1 Dorp Street, Cape Town, 8001

Note: For purposes of electronic database management, you are also requested to submit electronic copies (Microsoft Word format) of the appeal, responding statement and any supporting documents to the Appeal Authority to the address listed above and/ or via e-mail to Jaap.DeVilliers@westerncape.gov.za.

5. A prescribed appeal form as well as assistance regarding the appeal processes is obtainable from Appeal Authority at: Tel. (021) 483 3721, E-mail Jaap.DeVilliers@westerncape.gov.za or URL <http://www.westerncape.gov.za/eadp>.

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


MR ZAAHIR TOEFY
DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)

DATE OF DECISION: 10/09/2018
CC: (1) Mr Jonathan Crowther (SLR (South Africa) (Pty) Ltd)

Fax: (021) 461 1120

FOR OFFICIAL USE ONLY:

EIA REFERENCE NUMBER: 16/3/3/1/A6/28/2020/18
NEAS EIA REFERENCE NUMBER: WCP/EIA/0000391/2018

ANNEXURE 1: LOCALITY PLAN

The approximate location of Erf No. 2454 and Remainder of Erf No. 235, Glencairn.



ANNEXURE 2: SITE PLAN

The site development plan showing the proposed upgrading of Glencairn Hotel.



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 dated 27 March 2018, as received by the competent authority on the same date; the BAR dated 28 June 2018 and the EMPr submitted together with the BAR; and the information received by the competent authority on 26 July 2018;
- b) The objectives and requirements of relevant legislation, policies and guidelines, including section 2 of the NEMA;
- c) The comments received from Interested and Affected Parties and the responses provided thereon, as included in the BAR dated 28 June 2018;
- d) 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:

- An advertisement was placed in the "False Bay Echo" newspaper on 12 April 2018;
- A notice board was erected at the entrance to the Glencairn Hotel and two copies were displayed in the hotel reception area on 12 April 2018;
- A notification letter was sent to registered Interested and Affected Parties on 12 April 2018;
- A "knock-and-drop" was conducted on 12 April 2018;
- Copies of the notification letter and an Executive Summary of the draft BAR were deposited into the mailboxes of properties in the vicinity of the Glencairn Hotel;
- The post-application draft BAR was made available from 12 April 2018 until 14 May 2018;
- The post-application draft BAR was placed at the Simon's Town Public Library and at the office and website of SLR Consulting (South Africa) (Pty) Ltd on 12 April 2018; and
- An information session was held on 31 May 2018 at the Glencairn Hotel.

Authorities consulted

The authorities consulted included the following:

- CapeNature;
- South African National Parks;
- City of Cape Town;
- Department of Water and Sanitation; and
- Heritage Western Cape.

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

2. Alternatives

The following activity alternatives were investigated:

Alternative A (full business development):

This alternative entails developing the entire site as a commercial centre. This alternative was rejected since there would be no contribution to residential and office space and the holder would not be able to lease the portions and generate income from it.

Alternative B (mixed use development) (preferred alternative – herewith authorised):

Alternative B encompasses a minor business use area where the site will be subdivided into a hotel zone, minor business zone and a residential zone. This is the preferred alternative since a mixed use development will best serve the needs of the area, respecting the sensitivity of the site and the scale of the adjacent development, whilst unlocking the site's maximum potential.

Alternative C (general residential development):

In this alternative, the whole site, excluding the hotel, will be developed as a cluster house development. This alternative was rejected since there will be no contribution to commercial, retail or office space.

Alternative D (single residential development and formalizing existing buildings):

This alternative entails subdividing the remainder of the erf into single residential units and obtaining approval for the existing commercial strip on Glencairn Road. This alternative was rejected since it only provides for single residential units and there would be no new commercial or retail opportunities.

The following layout alternatives were considered:

	Retail (%)	Residential (%)	Office (%)
Option 1	56	38	6
Option 2	52	44	4
Option 3	11	87	2

Option 1 was rejected due to heritage concerns and the fact that the new additions were too similar to the architecture of the old buildings. It was highlighted that the additions should have a more contemporary style to highlight the special quality of the old buildings.

Option 2 was rejected due to insufficient parking and the need for extremely expensive basement parking. Furthermore, it was anticipated that a second restaurant could not be sustained by the local market and a lack of a sufficient tourism market in Glencairn.

Option 3 is the preferred alternative and herewith authorised for the following reasons:

- The commercial and retail outlets are located near the parking area in front of the property, while the residential and self-catering units are located on the upper (back) portion away from the busier retail area.
- The new additions complement the old hotel, but do not complete or replicate its built form and also comply with Heritage Western Cape prescripts.
- There is a lack of retail outlets in the South Peninsula area and the perceived demand for such outlets by visitors.

- There is a notable lack of restaurant/bar outlets in Glencairn and the opportunity exists to create outlets catering for daytime and evening visitors.
- Development of office space is desirable due to the scarcity of small office space in the area. Local residents also expressed interest in operating from the complex in preference to commuting to offices further away.
- The residential erven will partially finance the proposed development and the self-catering units will provide additional income.

The following technology alternatives were considered:

With regards to storm water management, it was originally proposed to construct one or two small vegetated detention ponds at the edge of the Glencairn vlei to aid infiltration and purification of storm water runoff before being released into the Glencairn vlei outlet channel. This alternative was rejected due to limited space to accommodate storm water ponds along the vlei.

A permeable paving basin for the parking area along Glen Road is the preferred alternative since it will serve to detain and treat the storm water to acceptable levels before being discharged into the Glencairn vlei outlet channel.

“No-Go” Alternative:

This alternative implies that the Glencairn Hotel will not be upgraded. This alternative was rejected since the development potential of the undeveloped portion of the site would not be unlocked, thereby not contributing towards the local and regional economy. Furthermore, additional recreational or social opportunities will not be provided for visitors and local residents.

3. Impacts, assessment and mitigation measures

3.1 Activity Need and Desirability

The rezoning of Erf No. 2454, Remainder of Erf No. 235 and portions of Erf No. 140 from Undetermined Use Area and Street Purposes to Subdivisional Area to permit the subdivision into Business, General Residential, Single Residential and Street Purposes in terms of the former Simon's Town Zoning Scheme, with departures, was approved by the South Peninsula Sub Council on 21 May 2010.

An application was then submitted to extend the validity of the rezoning to Subdivisional Area and subdivision for a further five-year period, but excluded the departures from the Zoning Scheme Regulations which were previously granted. The application for the extension of the validity period was approved until 13 August 2020. However, the departures that were previously granted have lapsed.

The aim of the proposed development is to further develop and improve the existing hotel complex to enhance the community node for local residents and visitors and to provide additional retail, commercial and office space in the South Peninsula area.

The proposed development will promote infill development within an existing residential area and is considered to be consistent with the City of Cape Town Spatial Development Framework.

3.2 Biophysical Impacts

Impacts on vegetation:

The site is classified as Other Natural Vegetation/Other Natural Area on the Biodiversity Network (BioNet) for the City of Cape Town/Western Cape Biodiversity Spatial Plan respectively. The natural vegetation occurring on the site is Peninsula Sandstone Fynbos which is critically endangered. However, the lower and mid slopes of the site have been classified as Cape Flats Dune Strandveld (endangered) according to the BioNet vegetation mapping.

The botanical specialist study has confirmed that the site is in a degraded condition due to the site's history and is not considered of high conservation importance, with only common disturbance tolerant species being present. Although the site contains Peninsula Sandstone Fynbos, the vegetation is much better represented and much more extensive in the adjacent areas upslope of the site.

The construction phase botanical impacts are deemed to be low negative before and after the implementation of mitigation measures. This is primarily due to the very small extent of habitat loss, the site's location within an urban area, the absence of any plant species of conservation concern, the partly degraded nature of the vegetation on site and the fact that the underlying vegetation is very well conserved and under little threat throughout most of its range.

Impacts on aquatic features:

The proposed development will affect the outlet channel of the Glencairn vlei. Erf No. 235 is located on the banks of the vlei outlet and the proposed parking area will be constructed to the full extent of the erf. The portions of the erf that is not tarred is covered with kikuyu which has spread down the slope towards the vlei outlet.

The current ecological condition of the Glencairn vlei has been significantly impacted by alterations to the natural hydrological regime of the ecosystem. This is due to the impoundment and abstraction of water in the upper Else River catchment. Changes in the hydrology and geomorphology of the vlei has led to the establishment of beds of reeds and bulrush.

The overall ecological importance and sensitivity of the Glencairn vlei is high while the hydrological/functional importance is moderate and the human use rating is low. The vlei does not provide services of direct benefit to the surrounding community such as potable or irrigation water or harvestable resources. The vlei does, however, provide an important feeding/breeding/migration node. Although the species that the vlei supports are not rare or endangered, these species are important in terms of the overall biodiversity of the ecosystem.

3.3 Visual impacts

The proposed development has taken into consideration the scenic tourism value of the site in the context of its prominence along the Glencairn Mountain slope from the perspective of the coastal Main Road towards Simon's Town. The main focus is to develop an appropriate design approach that will avoid unacceptable visual effects and to reduce the potential visual impacts as far as possible. As such, the potential visual impacts have been addressed at the design phase by means

of an appropriate design that is aligned to the heritage standards and requirements for upgrading the historic hotel building.

3.4 Traffic impacts

A portion of Glen Road will be realigned and will serve as a single access road from Gardrum Steps on the north western boundary of Erf No. 2454 to provide access to the back of the hotel. The road will also service the new hotel rooms, self-catering units and the single residential erven. Access to the undeveloped property located to the west of the site will still be provided off Gardrum Steps. The existing parking area in front of the hotel on the Remainder of Erf No. 235 will be expanded and formalised using permeable surfaces.

3.5 Heritage impacts

The original Glencairn Hotel was built in 1904, is one of the oldest buildings in Glencairn and is also a historical monument. The hotel annex was built in 1930. The hotel has been graded as a Grade 3 heritage resource.

A Heritage Impact Assessment was undertaken in 2004, and the then preferred development option obtained approval from Heritage Western Cape. A Notice of Intent to Develop, including the relevant previous documentation and specialist reports, were submitted to Heritage Western Cape on 23 January 2018. Heritage Western Cape confirmed in a letter dated 26 January 2018 that they do not object against the proposed development.

3.6 Storm water impacts

A permeable paving basin for the parking area along Glen Road is proposed to detain and treat the storm water to acceptable levels before being discharged into the Glencairnvlei outlet channel. The basin will be unlined to allow for the infiltration of water into the ground.

The measures to limit storm water runoff as far as possible in the context of the steep slope entails diverting storm water runoff from the mountain around the site via a cutoff drain and managing storm water on the site. The proposed building structures will also provide for future terraces and retaining systems.

3.7 Fire risks

The site is located along the mountainside adjacent to an undeveloped property with a high fuel load due to invasive alien vegetation. Preventative measures such as removing and controlling invasive alien vegetation growth on the site and creating and maintaining the fire break along the upper boundary are in place and receive ongoing attention.

Currently, the Circum Peninsula Firebreak Network passes partially through Erf No. 2454 at the top end of the erf. The firebreak will be realigned, cleared and maintained directly above the erf to provide the necessary control line to the proposed development. The firebreak will be cleared to the identical standards and specifications as adopted across the peninsula.

Erf No. 3410 and a portion of Erf No. 1, directly above Erf No. 2454, will be cleared of alien and invasive species to limit the inherent wildfire risk to the community, including the Glencairn Hotel adjacent to the Wildland-Urban Interface. The Cape

Peninsula Fire Protection Association is presently involved in facilitating the clearing process and it is envisaged that Erf No. 1 will be cleared of all alien and invasive vegetation in its entirety.

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 activity can be mitigated to acceptable levels.

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