

WARA Newsletter – 28 July 2010

Dear Member.

Mr. Haarburger's company, Verreweide, not satisfied with the ruling against it by the Cape High Court and by the Supreme Court of Appeal, appealed to the Constitutional Court. I am delighted to tell you that the highest court in the land has declined that appeal.

What does this mean?

It means that the original judgment against Verreweide and the Cape Agulhas Municipality stands and:

- Erf 599, the property opposite the camp site, must be returned to the Municipality in its original condition.
- Verreweide and the Municipality must pay the costs we incurred in opposing the development.

More importantly it means that the action taken by your association has been fully vindicated. The decision to litigate was the correct one. The ruling has been hailed by prominent jurists as a landmark ruling and an important victory for accountable local government in South Africa

Whilst we must and will vigorously pursue the orderly return of the property and the recovery of our costs we must now ensure that the land is properly used in the best interests of the broader community. We will keep you informed of progress in that regard.

It is clearly a relief that this matter has been successfully concluded. This does not mean, however, that the task has ended. We need to take this success as motivation to continue the pursuit of protecting Waenhuiskrans Arniston. This is an example of what like minded people can achieve if they work together. We need to remain alert to ensure that this sort of thing does not happen again. Only in that way will we have a chance of preserving the heritage that this place represents and thereby help improve the lives of the people who live and visit here.

I must again thank all of you for your overwhelming support over the period of the litigation. Those, unnamed, who gave extremely generously of their time and money, are owed a debt that can never be fully paid. They must know that their contribution was not a waste and I feel very comfortable giving them the assurance that it was not.

Kind regards.

Colin Bird.