



THE SUPREME COURT OF APPEAL
REPUBLIC OF SOUTH AFRICA

**MEDIA SUMMARY – JUDGMENT DELIVERED IN THE SUPREME COURT OF
APPEAL**

FROM The Registrar, Supreme Court of Appeal
DATE 31 May 2013
STATUS Immediate

Please note that the media summary is for the benefit of the media and does not form part of the judgment.

*MEC for Environmental Affairs and Development Planning v Clairison's CC
(408/2012) [2013] ZASCA 82 (31 May 2013)*

Media Statement

The MEC for environmental affairs and development planning (Cape) (appellant) had refused environmental authorisation for the establishment of a retirement village by Clairison's CC (respondent) to the north of Plettenberg Bay. The Western Cape High Court reviewed and set aside the decision of the MEC on the grounds that the MEC had failed to take into account, that urban development had already occurred and further development had been approved in the area, where the development was to be situated. It was also held that there was a reasonable perception of bias on the part of the MEC. It was held on appeal by the SCA that the MEC had taken these factors into account, but in the exercise of his discretion weighed the existing development against the grant of the application and not in favour of it and disagreed with the approvals granted by his predecessor, which he was entitled to do. The MEC had accordingly decided the matter on its merits and had committed no reviewable irregularity. There was also no basis for any reasonable apprehension of bias on the part of the MEC. The appeal by the MEC was accordingly upheld.

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