



APPENDIX J6 - Compliance Notice (25 August 2025)

Prepared by: Department of Environmental Affairs and Development
Planning



REFERENCE: 14/1/1/E2/8/9/3/0894/24

ENQUIRIES: Yena Gunguluzi

BY EMAIL: warwick@alu-cab.co.za

WABD Investments (Pty) Ltd

Mr Warwick Leslie

Portion 54/516 of Farm Potteberg Estates

Infanta

5800

Attention: Mr Warwick Leslie (In your capacity as a Director)

COMPLIANCE NOTICE

Dear Sir

COMPLIANCE NOTICE IN TERMS OF SECTION 31L OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 107 OF 1998

1. The Department's Pre-Compliance Notice and Pre-Directive dated 30 June 2025, and the representation received from your appointed Environmental Assessment Practitioner (EAP), PHS Consultancy, dated 3 July 2025, 7 July 2025 and 06 August 2025 with the Section 24G Project Schedule (PS), has reference.

2. Having considered the evidence before me, and the fact that you have decided to apply for the rectification of the unlawful commencement of a listed activity in terms of section 24G of the NEMA, I, Achmad Bassier, in my capacity as an Environmental Management Inspector Grade 1, hereby issues Mr Warwick Leslie with a Compliance Notice in terms of section 31L of the National Environmental Management Act, 1998 ("NEMA").
3. This Compliance Notice relates to the non-compliance with the provisions of section 24F of the NEMA and serves to hold you responsible to comply with the aforesaid project schedule.

Details of conduct constituting non-compliance

4. During an investigation into allegations of the commencement of a listed activity in contravention of section 24F of the National Environmental Management Act, 1998 ("NEMA"), a site inspection was conducted at Portion 54/516 of Farm Potteberg Estates by an Environmental Management Inspector from the Department's Directorate: Environmental Law Enforcement on 18 February 2025, which confirmed that you have commenced with the alleged illegal clearing of indigenous vegetation and development within a distance of 100m inland of the high-water mark of the estuary without environmental authorisation.
5. **As such, you are hereby instructed to:**

Adhere to the section 24G project schedule and specified timeframes as received on 06 August 2025 (attached hereto) and confirm such in writing within 7 (seven) calendar days of receipt of this Compliance Notice.

6. Approval of the section 24G application by the Department does not remedy the unlawful commencement of the above activities, which remain unlawful

in terms of section 49A (1) (a) and/or (d) of the NEMA, until such time that environmental authorization is granted.

7. Notwithstanding the section 24G application, the Department may commence criminal proceedings should circumstances so require.
8. Inform the Department of any delays/changes in respect of the section 24G PS on the following details; Ms Zaidah Toefy (Head of Sub-Directorate: Rectification) email: Zaidah.Toefy@westerncape.gov.za **and** Ms.Yena Gunguluzi (Directorate: Environmental Law Enforcement) email: Yena.Gunguluzi@westerncape.gov.za .

Varying this Compliance Notice

9. If you would like me to vary this Compliance Notice or extend the period to which it relates, you may make representations to me, in writing, to do so.

Failure to comply with this Compliance Notice (section 31N of the NEMA) and related offences in terms of the NEMA

10. In terms of section 49A(1)(a) of the NEMA it is an offence to commence a listed activity without environmental authorisation. A person convicted of such an offence is liable to a fine not exceeding R10 million or to imprisonment for a period not exceeding 10 years, or to both such fine and such imprisonment.
11. Furthermore, failure to comply with a Compliance Notice is an offence in terms of section 49A(1)(k). A person convicted of such an offence is liable to a fine not exceeding R5 million or to imprisonment for a period not exceeding 5 years, and in the case of a second or subsequent conviction to a fine not exceeding R10 million or to imprisonment for a period not exceeding 10 years, and in both instances to both such fine and such imprisonment.

12. Any non-compliance with the Compliance Notice must be reported to the Minister, who may:

- 12.1 revoke any permit or authorisation to which this Compliance Notice relates; and/or
- 12.2 take any steps necessary to ensure compliance with the provisions of the law, permit or authorisation to which this Compliance Notice relates and recover from you the cost of doing so.

Procedure for lodging an objection to this Compliance Notice (section 31L and 31M of the NEMA)

13. If you wish to lodge an objection to this Compliance Notice, you may do so by making representations, in writing, to the Provincial Minister of Environmental Affairs and Development Planning ("the Minister") within 30 calendar days of receipt of this Compliance Notice.

14. Note further, that the lodgement of an objection does not automatically suspend the operation of this Compliance Notice. You may, accordingly, within 30 (thirty) calendar days from the date of receipt of this Notice, apply to the Minister to suspend the operation of this Notice (or any part thereof), pending the finalisation of the appeal.

15. The objection and the application for the suspension of the operation ("suspension") of the Compliance Notice (if applied for) must be done independently and in writing to the of Ministry of Local Government, Environmental Affairs and Development Planning (for Attention Marius Venter) and contain the following:

- 15.1. The objection must be accompanied by a statement detailing the grounds of the objection as well as supporting documentation, if any;
- 15.2. The application for suspension must be accompanied by a motivation for the suspension of the Compliance Notice, as well as supporting documentation, if any.

By post: Western Cape Ministry of Local Government, Environmental
Affairs and Development Planning
Private Bag X9186
CAPE TOWN
8000

By facsimile: (021) 483 4174

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

By email: DEADP.Appeals@westerncape.gov.za

16. Irrespective of any representations you may make to me or to the Minister, you must comply with this Compliance Notice within the time period stated in the Compliance Notice, unless the Minister agrees to suspend the operation of this Compliance Notice.



Mr. A Bassier
Director: Environmental Law Enforcement
Grade 1 Environmental Management Inspector
Date: 25/08/2025

CC:

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| 1) Ms Zaidah Toefy (SD: Rectification) | Email: Zaidah.Toefy@westerncape.gov.za |
| 2) Angie Leslie [WABD Investments (Pty) Ltd] | Email: anglwear@gmail.com |
| 3) Allister Pietersen (Cape Nature) | Email: apietersen@capenature.co.za |
| 4) Johan Burger (Cape Nature) | Email: jburger@capenature.co.za |
| 5) Vicki Hudson (Cape Nature) | Email: vHUDSON@capenature.co.za |