

**IN THE HIGH COURT OF SOUTH AFRICA
KWAZULU-NATAL DIVISION, PIETERMARITZBURG**

Case No.: 8407 / 20P

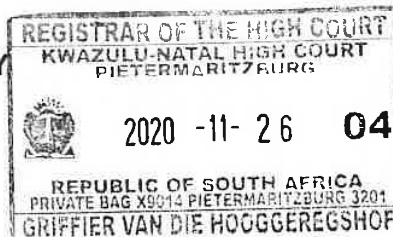
In the matter between:

SOUTH AFRICAN HUMAN RIGHTS COMMISSION

Applicant

and

MSUNDUZI LOCAL MUNICIPALITY



First Respondent

HEAD OF THE DEPARTMENT OF

ECONOMIC DEVELOPMENT,

TOURISM AND ENVIRONMENTAL AFFAIRS,

KWAZULU-NATAL PROVINCIAL GOVERNMENT

Second Respondent

MEMBER OF THE EXECUTIVE COUNCIL

FOR ECONOMIC DEVELOPMENT,

TOURISM AND ENVIRONMENTAL AFFAIRS,

KWAZULU-NATAL PROVINCIAL GOVERNMENT

Third Respondent

RULE 16A NOTICE

KINDLY TAKE NOTICE THAT the applicant in the above application raises the following constitutional issues:

1. The Applicant seeks an order declaring that the First Respondent's mismanagement of the New England Road Landfill Site and breach of its statutory duty unlawfully violated:
 - 1.1. The Waste Management Licence (reference no. DC22/WML/0061/2016);
 - 1.2. Section 28 of the National Environmental Management Act 107 of 1998 ("NEMA");
 - 1.3. Section 20 of the National Environmental Management: Waste Act 59 of 2008 ("NEM:WA");
 - 1.4. Section 19(1) of the National Water Act 36 of 1998;
 - 1.5. Section 24 of the Constitution of the Republic of South Africa, 1996; and
 - 1.6. International law.

2. Whether a structural interdict is an appropriate constitutional remedy to rectify the First Respondent's breaches of its statutory and constitutional duties in the context of operating and managing the New England Road Landfill Site.

TAKE NOTICE FURTHER that any interested party may, with the written consent of all the parties to these proceedings, given not later than 20 days after the filling of this notice, be admitted as amicus curiae, upon such terms and conditions as may be agreed upon in writing by the parties.

TAKE NOTICE FURTHER THAT the written consent referred to above shall be lodged with the registrar within 5 days of it having been granted and the amicus curiae shall comply with the times agreed upon for the lodging of written arguments.

TAKE NOTICE FURTHER THAT the terms and conditions agreed upon may be amended by the court.

TAKE NOTICE FURTHER THAT if the interested party is unable to obtain written consent from the other parties, he or she may, within 5 days of the expiry of the 20 day period referred to above, apply to this court to be admitted as an amicus curiae in these proceedings.

TAKE NOTICE FURTHER THAT any party to the proceedings who wishes to oppose an application to be admitted as an *amicus curiae* shall file an answering affidavit within 5 days of service of the application.

TO THE REGISTRAR: KINDLY place this notice on a notice board designated for the purpose recorded in Rule 16A(1)(c), and place your date stamp upon the notice to indicate the date upon which it is placed on the notice board in accordance with Rule 16A(1)(d)

DATED at PIETERMARITZBURG this 24th day of NOVEMBER 2020.



APPLICANT'S ATTORNEYS
NDLOVU DE VILLIERS ATTORNEYS

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3201
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Ref: S05-001

TO: **THE REGISTRAR OF THE HONOURABLE COURT**
PIETERMARITZBURG

AND TO: **MSUNDUZI LOCAL MUNICIPALITY**
FIRST RESPONDENT
CITY HALL,
333 CHIEF ALBERT LUTHULI STREET,
PIETERMARITZBURG,
3201

AND TO: **HEAD OF DEPARTMENT OF ECONOMIC DEVELOPMENT, TOURISM
AND ENVIRONMENTAL AFFAIRS**
SECOND RESPONDENT
270 JABU NDLOVU STREET
PIETERMARITZBURG
3201

AND TO: **MEMBER OF EXECUTIVE COUNCIL FOR DEPARTMENT OF
ECONOMIC DEVELOPMENT, TOURISM AND ENVIRONMENTAL
AFFAIRS**
THIRD RESPONDENT
217 BURGER STREET,
PIETERMARITZBURG
3201