

ANNEXURE A

Number of litigation cases managed in collaboration with DoTP: CSC - Legal Services

* Sub-Directorate Environmental Legal Support Services in the Department Environmental Affairs and Development Planning

2014/2015						
	ELSS* matter name	Court Case Number	Brief Description	Judgment	Status	
					Finalised	Pending
1	Erf 2071, Constantia CC / Western Cape Government	12051/14	Application to review and set aside the decision of the MEC to dismiss the appeal of the Applicant and a declarator that the decision of the MEC is invalid.	First Respondents decision of 8 November 2013 is declared invalid and set aside and First Respondent ordered to pay the costs.	Finalised	
2	Hans Ulrich Plotz N.O.	12736/14	Application to review and set aside the decision of the MEC dated 8 July 2013 to refuse to consider the Applicant's (late) appeal in terms of section 43(2) of NEMA in respect of a decision.	Supreme Court of Appeal dismissed application. Constitutional Court refused application for leave to appeal.	Finalised	
3	Eskom Holdings Soc Ltd	13082/14	Application to review, correct and set aside the decision by the Minister dated 19 December 2013 to approve the amendment of the Cape Town Spatial Development Framework; to approve the amendment of the Urban Edge and recommend that conditions of approval be addressed by the Fourth Respondent.	On 8 May 2018, the Western Cape High Court by agreement between the Applicant (Eskom) and the Second Respondent (City) ordered: The setting aside of the amendment of the CTSDF to extend the Urban Edge to accommodate the Wescape Development proposal; and the Second Respondent to restore the Urban Edge to its position prior to the amendment.	Finalised	
4	The Nature's Valley Ratepayers Association	19164/14	Application to review MEC's decision to remove certain restrictive Title Deed conditions in terms of s2(1) read with s4(2) of the Removal of Restrictions Act 84 of 1967; declaring the Title Deed Conditions not to have been validly deleted or amended with and of full force and effect; directing the Registrar of Deeds to make appropriate endorsements; directing First to Fourth Respondents to take all steps within 30 days of the order to enable toe Registrar of Deeds to effect the endorsements.	Matter is Pending		Pending
5	Avedia Energy (PTY) LTD	18736/14	The Applicants have brought an application for an order in the following terms – condoning non-compliance with time periods, declaring that the notices of appeal lodged in terms of section 43 of NEMA by Sunrise Energy and Saldanha Bay Water Quality did not have the effect of suspending the Environmental Authorisation granted to the Applicants. In the alternative reviewing and setting aside the decision taken by the first respondent to suspend the Environmental Authorisation granted to the Applicant and that the First Respondent pays the costs of this Application.	Applicant withdrew its application against the MEC.	Finalised	
6	Tokai Residents Association	22630/14	The Applicants brought an application for an order to review and set aside the decision of the First Respondent to approve the application for the rezoning of the property described in the Transfer Deed as Erf 10964, Constantia, from Rural to Subdivisional Area in terms of section 16 and 25 of the Land Use Planning Ordinance 15 of 1985 ("LUPO"), to permit four single residential zoned erven and the subdivision of the Property into four portions.	The Applicants filed a notice of withdrawal on the 24th August 2015.	Finalised	

7	City of Cape Town (Baboon Monitoring)	10554/15	<p>Applicant (City) seeks declaratory relief against the Third Respondent (Provincial Minister) and Fourth Respondent (CapeNature). The relief claimed against the Provincial Minister and CapeNature is as follows:</p> <p>Prayer 1.3: A declaration that CapeNature, alternatively the Provincial Minister, bears certain obligations in relation to the baboons, pursuant to the provisions of the Nature Conservation Ordinance 19 of 1974 (Ordinance) and "any other applicable legislation" administered by CapeNature or the Provincial Minister;</p> <p>Prayer 1.4: A declaration that Cape Nature, alternatively the Provincial Minister, bears an obligation to provide specialised veterinary services for the baboons, including euthanasia, where it is determined to be appropriate treatment for an individual baboon;</p> <p>Prayer 1.6: A declaration that the Provincial Minister and CapeNature bear an obligation to provide members of the public with information and education "required for the components of baboon management for which they are responsible";</p> <p>Prayer 1.7: A declaration that CapeNature, alternatively the Provincial Minister, bears an obligation to facilitate and fund the research required to monitor, support and implement "the components of baboon management for which they are responsible"; and</p> <p>Prayer 1.8: A declaration that the Provincial Minister bears an obligation to enact and enforce "any legislation required to regulate the components of baboon management for which [he] is responsible".</p> <p>The Provincial Minister and CapeNature oppose the City's application on the following bases:</p> <ol style="list-style-type: none"> 1. The City has not alleged any relevant facts which justify the relief claimed; 2. The true complaints of the City do not raise a justiciable issue; 3. The declaratory relief claimed is inappropriate; 4. The basis for the City's relief, and the relief itself, are legally unsustainable. 	<p>The Court refused to make a Declaratory Order on the dispute between the Applicant and the Second Respondent (SANParks). The Applicant failed to establish the duty of the Second Respondent to capture any escaped baboons and return them to the park, it remains the duty of the Applicant. The application was dismissed with costs.</p>	Finalised	
8	Petersen WE	11516/14	<p>Mr Petersen ("the First Respondent"), has applied to the High Court for the MEC for Local Government, Environmental Affairs and Development Planning to be joined as the Fifth Respondent to the application in the matter brought by the City of Cape Town ("the Applicant") due to the fact that the MEC has a direct and substantial interest in the matter.</p> <p>The Applicant has applied for an interdict to prevent the First Respondent from continuing trade in the sale of liquor from his home until the necessary approvals have been obtained in terms of the Land Use Planning Ordinance (15 of 1985)("LUPO").</p>	<p>Applicant withdrew its application.</p>	Finalised	
9	Babaletakis	3806/15	<p>The applicants are seeking an order that, pending the final determination of an application to review and set aside the second and/or third and/or fourth respondents' decision to permit certain departures in respect of erven 163, 646 and 649 Bantry Bay (the Property):</p> <ul style="list-style-type: none"> - No application for the approval of building plans in respect of the Property may be considered by the City of Cape Town, save with the leave of the court; and - Mr Smith is interdicted and restrained from making any applications for the approval of building plans and/or proceeding with any further building work or construction on the Property. 	<p>Interdict granted by agreement between the parties</p>	Finalised	
10	Lidal Family Trust	2899/15	<p>The Applicants brought an application for an order that the conditions marked C 7. (a) and C 7 (n) (1) relating to Erf 3146 ORANJEZICHT - contained in Deed of Transfer Number T49409/1987 be amended by the deletion of the words "any one lot" and replaced with the words "Erf 3146 ORANJEZICHT" and that the said Deed of Transfer, and/or the subsequent Deed of Transfer transferring the property into the name of Applicant, be endorsed accordingly by the Registrar of Deeds. The Department filed a notice of intention to abide.</p>	<p>We received a signed draft order of Court dated 11/3/2015 which ordered that the conditions marked C 7. (a) and C 7 (n) (1) relating to Erf 3146 ORANJEZICHT - contained in Deed of Transfer Number T49409/1987 be amended by the deletion of the words "any one lot" and replaced with the words "Erf 3146 ORANJEZICHT" and which directed and authorized the Registrar of Deeds to endorse the Deed of Transfer and the subsequent Deed of Transfer transferring the property into the name of the Applicants. Matter is thus finalised.</p>	Finalised	
11	CoCT / SANRAL and Others	6165/12	<p>This application was originally brought in 2012. Applicant seeks the judicial review and setting aside of a number of decisions that were made by the first, second and third respondents in the exercise of public powers concerning the construction and upgrading of sections of the N1 and N2 and their declaration as toll roads. The High Court of South Africa, Western Cape Division, Cape Town handed down judgment on 30 September 2015.</p>	<p>The decision made by the second respondent, in terms of s 27(4) of the South African National Roads Agency Limited and National Roads Act 7 of 1998 ('the SANRAL Act'), to approve the first respondent's application in respect of its proposal to declare sections of the N1 and N2 national roads as toll roads for the purpose of the Project, as well as the purported decision of the first respondent, in terms of s 27(1)(a)(i) of the SANRAL Act, to declare the said sections of the roads as toll roads are reviewed and set aside.</p>	Finalised	
12	Gromat Proprietary Limited	10988/14	<p>Application to remove restrictive title deed condition</p>	<p>Parties agreed to settlement. No order as to costs</p>	Finalised	

13	Lezmin 3039 BK	728/11	The Department is not cited as a party to the proceedings and followed this matter because of the challenge to NEMA. The Applicant was seeking to set aside section 24G of NEMA on the basis that it was unconstitutional. The main cause for their complaint is that to proceed with a s24G application an applicant has to plead guilty to an offence which infringes on the presumption of innocence. They have also challenged the fact that there are no guidelines to base a fine and the fact that a person is not guaranteed an environmental authorization after this process is finalised. An additional challenge is based on their view that only a Court can impose a fine and accordingly this section infringes on the doctrine of separation of powers.	On the 17th December 2015 the Court made an order by agreement between the Parties, which included <i>inter alia</i> that the Applicant would appoint a consultant to prepare an environmental management plan and a waste disposal management. Said plans should be submitted to the Department of Environmental Affairs. The application in terms of section 24G was formally withdrawn as part of the court order.	Finalised	
14	Packaging Services (Pty) Ltd	19420/14	This is an application against the Witzenburg Municipality to interdict them from continuing to use the waste disposal facility which abuts the Applicant's property until it complies with the terms of its permit conditions. Furthermore, the Applicant has also requested that the Court to permanently close the site if the Municipality is unable to remediate and comply within the time period provided in the notice. The Department has been cited for interest and as it enforces these permits.	Application dismissed on 18 September 2018.	Finalised	
15	The Constantia Property Owner's Association	19946/14	Applicant applied for an order reviewing and setting aside the decision of the 1st Respondent (CoCT) on 24 April 2014 approving the rezoning of Erf 10373 Constantia from Rural to Subdivisional area in terms of the Cape Town Zoning Scheme and LUPO, as well as approving the subdivision of the said Erf.	Court Order was granted to review and set aside decision of 1st Respondent (City of Cape Town) regarding rezoning and subdivision of Erf 10373. 1st and 2nd Respondents ordered to pay the costs of the application.	Finalised	
16	Really Useful Investments / City of CT and Others	8102/14	Summons issued, document served on the Department on 8 May 2014. Relief is sought in terms of Section 35 of ECA for "Compensation for loss" as it is alleged that a Directive issued by First Defendant (COCT) limits the purposes for which the property in question may be used. The prayers include claims against the First and Second Defendant and the Department (as Third Defendant) for judgment for payment of R16 750 846 plus VAT, alternatively R2 818 422 plus VAT.	Received judgment from the Constitutional Court which dismissed the application for leave to appeal the Supreme Court of Appeal judgment (which was granted in favour of DEA&DP). The Constitutional Court dismissed the application on the basis that it bears no prospects of success.	Finalised	

2015/2016

	ELSS matter name	Court Case Number	Brief Description	Judgment	Status	
					Finalised	Pending
1	Western Cape Marine Investments (Pty) Ltd	6186/15	The Western Cape Marina Investments (Pty) Ltd ("the Applicant") issued an application in the Western Cape High Court under case number 6186/15 ("the Application") for an order (<i>inter alia</i>) in the following terms – Reviewing and setting aside the decision of the Respondent of 21 October 2014 to refuse to accept the Applicant's reasons in terms of Regulation 67(1) of GN 543 of 18 June 2010 ("GNR 543") for its failure to submit an amended Scoping Report for the proposed construction and development of a small-boat harbour and a landside development in Plettenberg Bay, Western Cape ("the decision"); Remitting the Applicant's request for reconsideration by the Department	Parties agreed to settlement and court order issued on 22 September 2015.	Finalised	
2	Babaletakis	6481/15	The applicants are seeking an order reviewing and setting aside the Minister's decision to permit certain departures in respect of erven 163, 646 and 649 Bantry Bay.	Matter was dismissed.	Finalised	
3	Sandak-Lewin	8327/15	Review application in respect of decision in terms of section 3(1) of the Removal of Restrictions Act, 1967 (Act 84 of 1967) (RORA) for the amendment of restrictive title conditions pertaining to Erf 864 Constantia, to enable the owner to operate a guesthouse and conference facility from the property.	First respondent (MEC: DEA&DP) abided by the decision of the High Court.	Finalised	
4	G S De Kock	15145/15	Application to review. Application consisted of (1) The subdivision of erf 6503 into three portions; (2) The consolidation of one of the three portions of erf 6503 with erf 2090; (3) The subdivision of the newly created erf 2090 into two portions; (4) The rezoning of the remainder of erf 2090 from agricultural to business zoning; and (5) The extension of an existing public road servitude along the northern boundary line of one of the aforementioned portions of erf 6503.	Appeal to full bench of the Western Cape High Court dismissed with costs on 7 August 2018 (against judgement of court of first instance to dismiss an application by appellant to review and set aside a planning appeal in terms of LUPO).	Finalised	

5	Devmet Property Developments (Pty) Ltd	14964/15	Applicant has applied to the Court to review and set aside the decision, taken on 9 February 2015 by the Minister in terms of s44 of LUPO, to dismiss the appeal against the City's decision, only in so far as it imposed condition 2.8.3. Condition 2.8.3. requires that "contribution of R25 million must be paid by the Developer to the City 18 months prior to the commencement of trading. This contribution will be allocated to Transport improvements in the Area. The detail of this requirement will be covered in the legal agreement to be entered into between the City and the developer covering these rezoning conditions."	A Notice to Abide was filed on 30 November 2015.	Finalised	
6	Hermanus Beach Club	12508/15	The Applicants, Hermanus Beach Club Homeowners' Association and others, are seeking a declaratory order from the Court declaring Chapters VI and VIIA of the Black Communities Development Act 4 of 1984 and the regulations promulgated thereunder unconstitutional; declaring the current and valid site development plan to be as proposed in the Notice of Motion; and the Personal Property Rights of the First Applicant	Applicant dropped the costs sought against the MEC.	Finalised	
7	Zwaanswyk Equestrian Action Committee	16368/15	The Applicant issued an application in the Western Cape High Court for an order inter alia reviewing and setting aside the decision of the First Respondent (City of Cape Town) of 18 June 2014 to approve the application for the rezoning of the property to permit four single residential zoned erven and the subdivision of the Property into four portions in terms of the Land Use planning Ordinance 15 of 1985 ("LUPO") read with section 42 thereof (the 2014 zoning decision).	On the 7th September 2016 the Applicant's legal representatives signed a notice of withdrawal, withdrawing the matter against the First, Second and Third Respondents, and tendered the costs thereof.	Finalised	
8	Umhlaba Plant Hire CC	10152/15	Application to court to direct 1st to 3rd respondents to release a bulldozer seized in criminal investigation and directing applicant to provide security in amount determined in accordance with s34F of NEMA pending finalisation of criminal matter.	Court ordered the Komatsu D65EX bulldozer to be released to the applicant immediately upon security in an amount of R250,000 being furnished to the second respondent either by way of payment of that sum or by way of a bank guaranteed cheque and which security shall be held in terms of s 34F(4) of the National Environmental Management Act, 107 of 1998, pending the finalisation of the criminal matter in respect of which the bulldozer was attached. (b) The costs of this application be paid by the second respondent (DEA&DP: Director: Law Enforcement)	Finalised	
9	Gromat Pty Ltd v Registrar of Deeds, Cape Town	5475/15	Application to remove restrictive title deed condition	Parties agreed to settlement. No order as to costs.	Finalised	
10	Andrew Harries & Carol Marque	19463/15	Application for the deletion and amendment of certain restrictive Title Deed conditions relating to ERF 178 Meadowridge and presently contained in Deed of Transfer Number T32913/1973	Court ordered the cancellation of certain conditions relating to Erf 178 Meadowridge as contained in the deed of transfer.	Finalised	

2016/2017

	ELSS matter name	Court Case Number	Brief Description	Judgment	Status	
					Finalised	Pending
1	Baron's View Homeowners Association	163/16	Review of decision to grant waste management licence to Bitou Municipality.	Application for review of decision dismissed.	Finalised	
2	Rhebokskloof Properties Pty Ltd	18174/16	Application to review appeal decision by Provincial Minister for the partial approval of an application for an EA.	The appeal decision is set aside and remitted back to the First Respondent (DEA&DP) to consider afresh, in accordance with the laws, policies and guidelines which applied at the time of the application; and the terms and conditions set out.	Finalised	
3	Boschendal (Pty) Ltd	1175/17	Review of decision to impose an administrative fine in the amount of R625'000.	Parties settled the matter. No cost order made.	Finalised	

4	Francois Du Toit	14275/16	Applicants are challenging the constitutionality of sections 21(1)(f) to (j) of the Nature Conservation Ordinance 19 of 1974.	Judgement handed down on 24 May 2018. The Application is dismissed with no order as to costs.	Finalised	
5	Mineral Sands Resources Pty Ltd	18701/16	Review of issuing of a search and seizure warrant and declaratory order that Environmental Minister and MEC have no jurisdiction to perform compliance monitoring and enforcement ito NEMA.	The decision of the first respondent, taken on 28 September 2016, to issue a search and seizure warrant in terms of s 21 of the Criminal Procedure Act 51 of 1977 in Case 78/2016, is reviewed and set aside. The said warrant is declared to be invalid and is set aside. The second, fifth, sixth and seventh respondents jointly and severally are directed to pay the applicant's costs, including those attendant on the employment of two counsel.	Finalised	
6	Sulnisa Property Holdings (Pty) Ltd	21975/14	This is an urgent ex parte application to remove a restrictive title deed condition served on the Registrar of Deeds, City of Cape Town and DEA&DP.	On the 28th January 2015 the state attorney was notified that this matter was withdrawn.	Finalised	
7	AA Le Roux N.O & Others // TC Botha N.O & Others	5788/16	The Applicant herein is seeking a declaratory order that it is entitled to exercise certain rights of servitude registered in favour of the Applicants' properties to withdraw water from the Wolvenkloofrivier and an order preventing the First to Fourth Respondents from interfering with the Applicant exercising its servitude rights. The Applicant has stated that it does not seek any relief against the MEC (Sixth Respondent) and is only cited herein owing to any interest which he may have in the outcome of this matter.	Application dismissed on 3 July 2018	Finalised	
8	PJ Viljoen	8067/16	The Applicant herein is seeking an order that pending the final adjudication of the main action (to enforce the terms of an agreement between some of the parties and to which we are not a party) that the first to fourth and sixth respondents are ordered to comply with the terms of the agreement pertaining to the sharing of water between the farms as well as an order that a distribution mechanism be put in place to ensure that one sixteenth of the water flowing towards the 'damsloot' flows to the farm Dennelaan and 15/16 flows to the De Liefde farm dam. The applicant is also seeking an order preventing the first to fifth respondents from withdrawing water from the Watervalstroom and an order that all pipes and related works used to withdraw water from the abovementioned stream be closed and removed. The Applicant is not seeking any relief against the MEC (Seventh Respondent) and is only cited herein owing to any interest which he may have in the outcome of this matter.	MEC (7th Respondent) filed Notice to Abide on 6 June 2016.		Pending
9	New line investments 44 Pty Ltd	19752/16	Application to interdict the first applicant (Municipality) from entering certain property until such property is registered in its name. The Municipality has started to extend an existing graveyard onto the property.	Court order granted by agreement between applicant and Municipality	Finalised	

2017/2018

	ELSS matter name	Court Case Number	Brief Description	Judgment	Status	
					Finalised	Pending
1	Khanyisa Community Development Organisation	10032/17	Review of a decision to grant an EA application for an extension of Landfill Site.	Judgment delivered by the Western Cape High Court on 5 March 2020. The applicants' applications for review were dismissed.	Finalised	
2	The Green Point Ratepayers and Residents Association	9926/17	Review of the decision to grant the application removal of title deed conditions of not building more than one storage building in an area.	The matter has been settled between the applicant and the landowners, and thus withdrawn.	Finalised	
3	Brian Hunter Christie	10737/17	Application for review of the decision to remove restrictive title deeds to allow a guesthouse to be built on the property	The matter was settled by agreement between the Parties in March 2018.	Finalised	
4	Rijks Cellar	14349/17	Application for the review of the appeal against the decision to grant a waste management variation licence for the Tulbagh Waste Disposal Facility to the Witzenberg Local Municipality and remitting the appeal to the First Respondent for reconsideration.	Court ordered that parties reach a settlement, and such was made an order of the High Court accordingly.		Pending

5	Philippi Horticultural Area Food and Farming Campaign	16779/17	Four different review applications and a number of declaratory orders relating to (and reviews of) relating decisions of various organs of state in the Philippi Horticultural Area.	The appeal decision was set aside and remitted to Minister for reconsideration.	Finalised	
6	JJM Van Zyl	282/18	The Applicant in this matter has approached the court seeking to have, the First Respondent (Minister of Local Government, Environmental Affairs And Development Planning, Western Cape)'s decision to remove Condition 3 and to amend Conditions 4 and 5 ("the Conditions") of Deed of Servitude No. SK3/1949 burdening and registered over Erf 2228, Hermanus, in the municipal area of the fourth respondent (Overstrand Municipality), currently owned and held by the Second Respondent (Onshelf Property Eighty Seven (Pty) Ltd) under Deed of Transfer T10151/2000 ("Erf 2228"), in favour of Erf 2226, Hermanus, in extent 495m2, currently owned and held by the Applicant (Johannes Jacobus Marthinus Van Zyl) under Deed of Transfer T18856/1986 ("Erf 2226"), in terms of Section 2 of the Removal of Restrictions Act 84 of 1967, be reviewed and set aside.	Review application was heard on 5 Feb '19 and dismissed on procedural grounds i.e. outside the 180 days to file the application. Minister did not oppose and filed a Notice to Abide. Appeal heard by full bench of High Court. Minister did not oppose the relief sought and did not participate in appeal despite having filed an explanatory affidavit. Both Van Zyl and Onshelf made submissions on procedure as well as the merits. Full bench upheld the appeal and reviewed the Minister's decision to amend and remove certain title deed restrictions in favour of Erf 2226 and reinstated the conditions. Currently, the matter has been referred to the Supreme Court of Appeal.		Pending
7	Winston Erasmus	4159/18	Urgent Application for numerous declaratory orders inter alia declaring that the MEC failed to implement legislation in terms section 71 of the WC Constitution	Application dismissed with costs.	Finalised	
8	Rainbow Place Properties 29 (Pty) Ltd	8329/17	The Applicants seek an urgent interim interdict which will restrain the First Respondent from continuing with the Second Respondent's appeal pending the declaratory order of invalidity of the Second Respondent's appeal.	An unsigned draft interim order was made that the applicant, first and second respondents agreed to an interim order pending a decision on PART B of the notice of motion dated 11 May 2017 and the second respondent's counter-application on the terms set out in the remainder of said draft order, essentially setting out that the respondent and the appeal authority would proceed with the appeal of the second respondent. Parties did not proceed with the matter.	Finalised	
9	Wellington Association Against The Incinerator v Drakenstein Municipality and others	10078/17	Application is for an order (inter alia) to review and set aside the decision of the Drakenstein Municipality ("First Respondent") to accept the proposal by Interwaste (Pty) Ltd ("Second Respondent") for the operation of a waste to energy plant project (in 2011), and the decision to enter into a Memorandum of Understanding between the aforementioned parties (in 2012). And to declare the Memorandum of Understanding between the parties (in 2012) to be invalid. No relief is sought from our Provincial Minister as he is cited as the Third Respondent.	Parties reached a settlement agreement in the matter.	Finalised	
10	Fraai Uitzicht	21694/17	Applicant is seeking to have an earlier court order rescinded and set aside; an order cancelling a notarial deed of servitude and associated relief relating to the cancellation of the registration of the notarial deed of servitude; an order that 1st-3rd Respondents demolish and remove a bridge; and certain alternative relief.	On 5 June 2020 the Supreme Court of Appeal handed down judgment – no basis for finding that court a quo would have granted a different order had the true facts been known to it – appeal dismissed.	Finalised	
11	Magnolia Ridge	2611/18	Magnolia Ridge applied to court for (inter alia) an order in terms of section 6 and 8 of the PAJA reviewing and setting aside the decision of the appeal authority of George Municipality taken on 3 May 2017 in terms of their Land Use Planning Bylaw; An order substituting for the decision of the Appeal Authority ("AA") as the appeal is upheld alternatively an order sending it back to the AA; An order substituting for the decision of the DD that the land use planning application is approved and in the alternative and order referring the decision back to the municipality for reconsideration; and Condonation	Parties settled the matter in March 2018.	Finalised	

12	Protect the Paardeberg Coalition (4009)	4009/18	Application for a review of the Second Respondent's appeal decision and their decision regarding the consent use application. Application for an interdict that Third-Sixth Repondents be interdicted and prohibited from conducting sand mining operations on the property unless and until approval is granted in terms of the LUPA.	An agreement between the Parties was made an Order of Court.	Finalised	
13	Protect the Paardeberg Coalition (4010)	4010/18	Respondent's appeal decision and their decision regarding the consent use application. Application for an interdict that Third-Sixth Repondents be interdicted and prohibited from conducting sand mining operations on the property unless and until approval is granted in terms of the LUPA.	An agreement between the Parties was made an Order of Court.	Finalised	
14	CJ Fourie	1998/18	Summons issued in respect of fire damage. Applicant is seeking to claim R5 234 116.00 from CapeNature and the Department, jointly and severally, in respect of a fire which purportedly started on the farm "Die Gou" and spread onto the Ruitersbosch Nature Reserve and then onto surrounding farms including that of the plaintiff. Matter remains dormant.	The matter is pending.		Pending
15	JB McDermott	949/2018	Summons issued seeking to claim R155 132.81 from Provincial Minister, in respect of a dog attack which occurred at the Table Mountain National Park	The Plaintiff withdrew the action instituted against the Defendants on the 17th July 2018.	Finalised	

2018/2019

	ELSS matter name	Court Case Number	Brief Description	Judgment	Status	
					Finalised	Pending
1	Leeurivier Trading (Pty) Ltd	9363/18	Application to declare inter alia that operations of the piggery constitute a common law nuisance, declaring that an EA is required, and reviewing failure of DEA&DP officials to take action to prevent unlawful operations.	Matter was settled in court.	Finalised	
2	Val de Vie	11724/18	Review Application to set aside the decision of the Minister to grant environmental authorisation of the mixed use development to be known as De Hoop Community Lifestyle Estate.	On 5 February 2021 the Applicant's application for leave to appeal was dismissed with costs and on 9 March 2021 they filed a petition to the SCA to appeal the dismissal of their leave to appeal. The petition for leave to appeal is opposed.		Pending
3	Ian Gerber N.O	22465/18	Review application to set aside the Director: Environmental Law Enforcement's decision to issue a compliance notice and secondly a review and setting aside of the Minister's decision to dismiss the applicant's objection to the compliance notice.	Matter is pending		Pending
4	HEAD: EA&DP and another v PSA and others	C1259/2018	A Labour Court review application to set aside the Arbitrator's decision in favour of Mr A Lombard.	Judgment handed down in favour of the DEA&DP on 19 April 2021.		
5	Umhlaba Plant Hire CC (Security)	5422/18	Application to have the order of court of 15 September 2015 discharged insofar as it provides that the Applicant provides security, pending the finalisation of the criminal matter and further that the Second Respondent be directed to refund the amount of R250 000.	Costs have been settled.	Finalised	
6	DEA&DP v Dirk Lochner Transport CC	11575/18	Interdicting First Respondent and the CG Trust from conducting any further sand mining activities on the Farm La Rhine No.848	Interdict granted	Finalised	
7	Nulane Investments 40 (Pty) Ltd	9796/18	Applicant is seeking to direct the First respondent to take steps to execute a notarial deed of servitude and associated directions to sign certain documentation. The Applicant has stated that it does not seek any relief against the Minister (Third Respondent) and is only cited herein owing to any potential interest which he may have in the compliance with the conditions imposed when making the environmental and planning decisions.	Matter is pending		Pending

8	Anna Maria Van Pletzen	18342/18	The Applicants lodged an application for an urgent interdict (part A) and a review of the municipal building approval (part B).	Part A (awaiting state attorney to update us on the decision of court on 12 October 2019 re part A and Part B still not set down.		Pending
9	La Concorde SA (Pty) Ltd	22807/18	Application involving, inter alia, a constitutional challenge on section 24(1)e of the Stellenbosch Municipal Planning By-Law as well as section 61(2)(c) of LUPA. No relief is sought against the Minister.	Matter is pending		Pending
10	JF Van Niekerk	18563/18	Summons issued against the Premier of the Western Cape jointly with the Mossel Bay Municipality and the National Home Builders Registration Council claiming damages in the amount of R184 827 303.98 as well as interest on the said sum at the rate of 10,00% for an alleged breach of the Premier's duty of care which ultimately led to the harm suffered by the Plaintiffs.	Matter is Pending		Pending
11	Pieter Beukes	21897/18	Summons against the Provincial Minister jointly with the Western Cape Nature and Conservation Board for damages in the amount of R4.147.741.00, as well as interest, VAT, cost. Due to collision with red hartebees on 14 October 2016 near the Theewaterskloof Nature Reserve.	Matter stems from previous letters of demand, managed by Legal Services.		Pending

2019/2020

	ELSS matter name	Court Case Number	Brief Description	Judgment	Status	
					Finalised	Pending
1	AJ Molzahn	5335/19	A review application in terms of section 33 of the Constitution. The Minister seeks to review and set aside a decision he made on 16 January 2017 as the decision was made in error under the auspices of an incorrect court order.	Court order dated 3 May 2019 reviewed and set aside decision regarding the rezoning and sub-division of property.	Finalised	
2	De Grendel (Pty) Ltd	7052/19	A compliance notice in terms of section 31L of the NEMA was issued to which an objection was recorded. Minister confirmed the decision . Because of COVID 19, a request for mediation was received. The intention of the applicants in terms of settlement has not been communicated yet.	Court order to set aside the decision of Respondent taken on 20 August 2018 to amend an EA granted 31 May 2013 and extend the validity in favour of the third respondent.	Finalised	
3	SA Farm Meat Group CC and Others v MEC for LG, EA & DP and others	14084/19	Application for an order reviewing and setting aside the Director: Waste Management's decision to reject the Applicant's application for a waste management license, and the Minister's decision to dismiss the appeal of such decision. They also sought an order declaring that they had not commenced with a waste management listed activity.	The settlement proposal was accepted by the parties and the final court order reflecting the settlement proposal was signed on 18th October 2019. The EA and WML have been issued.	Finalised	
4	RCL Foods Consumer	21621/19	Review application to set aside the Minister's decision to refuse a request for an extension of time for the late filing of two appeals against environmental authorisations granted to the second and third respondents.	Matter is pending		Pending
5	JM Oelofse et all	C45/2020	A Labour Court application regarding the interpretation of the OSD System and applicable Public Services Resolutions.	The application was withdrawn.	Finalised	
6	Fusion Leather World (Pty) Ltd	3495/20	This is an application for a declarator, for the court to determine whether the processes used in the operations by Fusion Leather World in their business, required an Atmospheric Emissions License (AEL).	A settlement agreement has been entered into between all Parties agreeing to the fact that the Applicant's operations on the premises in question in summary does not trigger the need for an air emissions licence. The matter has been settled.	Finalised	
7	Fechner Properties CC	5484/14	Though the original application was brought in 2014, the Applicant approached the court in 2019 requesting a spoena to be issued for a DEA&DP official to testify in this civil litigation matter, provide documentation to court as it relates to the Gondwana Game Reserve.	The documents were provided and we were advised that the Parties would settle.	Finalised	
8	Thuseni Sekoai and Others v MEC for Human Settlements, WC and Others	9201/14	Though the original application was brought in 2014, the Applicant approached the court in 2020 with a new application seeking to join our Minister in this matter, because they are of the view that DEA&DP issued a planning decision in respect to the Property in question. They content that there is a direct and substantial interest in the main matter, and thus joinder is necessary. The main matter involves an eviction order, to evict families from the vacant land (property).	Matter is pending		Pending

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	ELSS matter name	Court Case Number	Brief Description	Judgment	Status	
					Finalised	Pending

1	RCL Foods Consumer (Pty) Ltd	5779/20	In its notice of motion, RCL seeks to (a) review and set aside the appeal decision ('the review relief'); and (b) substitute the appeal decision with the following decision ('the substitution relief'): "the Applicant's appeal against the environmental approval issued by the Second Respondent for the development of a free range chicken farm on erf 1772, Hopefield is upheld and the authorisation is set aside."	Matter is pending		Pending
2	Hannere Cecile Jooste and MEC For Local Government, Environmental Affairs and Development Planning	2617/21	This review application concerns the decisions taken subsequent to the Court Order (see the SAFM matter), in terms of which waste management and development management were under the obligation to decide on the WML and EA applications respectively. Such decisions were timorously taken in favor of the Fourth Respondents. These decisions were consequently taken on appeal by the Applicants, which was unsuccessful. The Applicants in this review application are challenging all three abovementioned decisions.	Matter is pending		Pending
3	Perisseaia (Pty) Ltd	3712/21	This review application concerns the decisions taken subsequent to the Court Order (see the SAFM matter), in terms of which waste management and development management were under the obligation to decide on the WML and EA applications respectively. Such decisions were timorously taken in favor of the Fourth Respondents. These decisions were consequently taken on appeal by the Applicants, which was unsuccessful. The Applicants in this review application are challenging all three abovementioned decisions.	Matter is pending		Pending
4	Eight Mile Investments 236 (Pty) Ltd v Dynarc Capital (Pty) Ltd & others	620/2020	The Applicants issued an application in the High Court for a declarator regarding the status of five decisions made by four of the Respondents cited, of which Minister is the Third Respondent. The second and third prayers in the notice of motion pertain to the status of the decisions by Minister to grant the First Respondents ("Holders") a record of decision in 2005, and a rezoning of Portion 60 (portion of portion 3) of the Farm Gwayang No 208.	Matter is pending.		Pending
5	Centre for Environmental Rights NPC	13446/20	CER has filed an application in the High Court to review the decision of DMR to issue an Integrated Environmental Authorisation to extend mining operations at Tormin Mine, and the National Minister's appeal decision regarding such. We are the Eighth Respondent, and no relief is sought against us.	Matter is pending.		Pending
6	DTPW v Ashraf Mohamed	14644/20	Applicant is Department of Transport and Public Works, DEA&DP is the 6th Respondent. Notice of Motion served on 12 October 2020 requesting court to set aside a decision of the Western Cape Heritage Appeal Tribunal (dated 14 april 2020) re the protection of the River Club in terms of the National Heritage Resources Act.	Matter is pending.		Pending
7	The Cape Windlass Environmental action group v The National minister for Agriculture, forestry and fisheries and others	10208/17	Though the original application was brought in 2017, the Applicant approached the court in September 2020 with a new application to join MEC and George Municipality as 3rd and 4th Respondents in order to secure a cost order against these parties.	Matter is pending.		Pending
8	Noordhoek Environmental Action Group v City of Cape Town & others	4819/21	Application to review and set aside the decision of DEA&DP granting the 1st Respondent (City of Cape Town) an environmental authorisation for phase 1 extension of Houmoed Ave Sunnydale, and review and set aside the 2nd Respondent's (DEA&DP) decision to refuse the applicant's appeal.	Matter is pending.		Pending

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NIL