

**IN THE HIGH COURT OF SOUTH AFRICA  
(WESTERN CAPE DIVISION, CAPE TOWN)**

**Case no. 12994/2021**

In re: the amicus curiae application of

**FOREST PEOPLES PROGRAMME**

In the matter between:

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| <b>OBSERVATORY CIVIC ASSOCIATION</b>   | First Applicant    |
| <b>GORINGHAICONA KHOI KHOIN<br/>INDIGENOUS TRADITIONAL COUNCIL</b>   | Second Applicant   |
| and  |                    |
| <b>TRUSTEES FOR THE TIME BEING OF<br/>LIESBEEK LEISURE PROPERTIES TRUST</b>  | First Respondent   |
| <b>HERITAGE WESTERN CAPE</b>   | Second Respondent  |
| <b>CITY OF CAPE TOWN</b>   | Third Respondent   |
| <b>THE DIRECTOR: DEVELOPMENT MANAGEMENT<br/>(REGION 1), LOCAL GOVERNMENT,<br/>ENVIRONMENTAL AFFAIRS &amp;<br/>DEVELOPMENT PLANNING, WESTERN<br/>CAPE PROVINCIAL GOVERNMENT</b> | Fourth Respondent  |
| <b>THE MINISTER FOR LOCAL GOVERNMENT,<br/>ENVIRONMENTAL AFFAIRS &amp;<br/>DEVELOPMENT PLANNING,<br/>WESTERN CAPE PROVINCIAL GOVERNMENT</b>                                     | Fifth Respondent   |
| <b>CHAIRPERSON OF THE MUNICIPAL PLANNING<br/>TRIBUNAL OF THE CITY OF CAPE TOWN</b>   | Sixth Respondent   |
| <b>EXECUTIVE MAYOR, CITY OF CAPE TOWN</b>  | Seventh Respondent |
| <b>WESTERN CAPE FIRST NATIONS COLLECTIVE</b>   | Eighth Respondent  |

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**APPLICATION TO BE ADMITTED AS AMICUS CURIAE**

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**KINDLY TAKE NOTICE** that the **FOREST PEOPLES PROGRAMME** hereby makes application to the above Honourable Court for an order in the following terms:

1. To the extent necessary, condoning any non-compliance with Rule 16A of Uniform Rules of Court.
2. Admitting **Forest Peoples Programme** as an *amicus curiae*.
3. Granting the *amicus curiae* leave to make the written submissions attached to the founding affidavit, and to make oral submissions at the hearing of the matter.
4. Further and/or alternative relief.

**TAKE FURTHER NOTICE** that the affidavit of **GORDON BENNET** will be used in support of this application.

**TAKE FURTHER NOTICE** that the applicant has appointed the address of their attorneys below as the address at which they will accept service of all process in these proceedings.

**TAKE FURTHER NOTICE** that should you intend to oppose this application, you are required to file an answering affidavit by **15 November 2021** setting out clearly and succinctly the grounds of such opposition.

**SIGNED AND DATED AT CAPE TOWN ON THIS 8<sup>th</sup> DAY OF NOVEMBER 2021.**

  
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**LEGAL RESOURCES CENTRE**

Applicant as Amicus' Attorneys  
Aintree Office Park  
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Ref: Lelethu Mgedezi

**To: THE REGISTRAR**  
Western Cape High Court  
CAPE TOWN

**And to: CULLINAN & ASSOCIATES**  
Attorneys for the Applicants in the Main Application  
18A Ascot Road  
Kenilworth  
CAPE TOWN  
[hercules@greencounsel.co.za](mailto:hercules@greencounsel.co.za)

**And to: NICHOLAS SMITH ATTORNEYS**  
First Respondent's Attorneys  
2<sup>nd</sup> Floor  
114 Bree Street  
CAPE TOWN  
Email: [nicks@nsmithlaw.co.za](mailto:nicks@nsmithlaw.co.za)  
Ref: Mr ND Smith/L38-001

**And to: HERITAGE WESTERN CAPE**  
Second Respondent  
c/o  
State Attorney  
4<sup>th</sup> Floor  
22 Long Street  
CAPE TOWN  
Email: [Penelope.meyer@westerncape.gov.za](mailto:Penelope.meyer@westerncape.gov.za)

**And to: WEBBER WENTZEL ATTORNEYS**  
Third, Sixth and Seventh Respondents' Attorneys

15<sup>th</sup> Floor, Convention Tower  
Heerengracht Street, Foreshore  
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Email: [Sabrina.defreitas@webberwentzel.com](mailto:Sabrina.defreitas@webberwentzel.com)  
Ref: Sabrina de Freitas

**And to:** **THE STATE ATTORNEY**  
Fourth and Fifth Respondents' Attorneys  
Liberty Life Centre, 5th Floor  
22 Long Street  
Ref: TBC/21/P7  
Email: [mowen@justice.gov.za](mailto:mowen@justice.gov.za)  
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**And to:** **BASSON & PETERSEN ATTORNEYS INC**  
Eight Respondent's Attorneys  
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