

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

CASE NO: 12994/21

In the matter between:

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

**FOURTH AND FIFTH RESPONDENTS'
NOTICE OF APPLICATION TO STRIKE OUT**

KINDLY TAKE NOTICE THAT at the hearing of this application on 24 and 25 November 2021, the Fourth and Fifth respondents will apply for an order in the following terms:

1. Striking out the following portions of the Applicant's Replying Affidavit of Mr Leslie London dated 17 September 2021 on the grounds that they comprise:


- 1.1. **New information**

- paragraph 31 (Record: Vol 7: page 2608) and paragraph 50 (Record: Vol 7: page 2615).

2. Directing the Applicants to pay the cost of this application, including costs of two counsel.
3. Further and/or alternative relief.

KINDLY TAKE NOTICE FURTHER that the fourth and fifth respondents will rely on the accompanying supporting affidavit of **MARK NEVILLE OWEN** in support of this application.

DATED AT CAPE TOWN on this 16th day of **NOVEMBER** 2021



OFFICE OF THE STATE ATTORNEY
Per: **M N OWEN**
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TO: THE REGISTRAR BY HAND
Western Cape High Court
CAPE TOWN

AND TO: CULLINAN AND ASSOCIATES BY EMAIL
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AND TO: NICHOLAS SMITH AND ASSOCIATES BY EMAIL
Attorneys for the First Respondent
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REF: ND SMITH/L38-001

AND TO: WEBBER WENTZEL BY EMAIL
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AND TO: HERITAGE WESTERN CAPE

BY EMAIL

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AND TO: BASSON AND PETERSEN ATTORNEYS

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