

**"TA5"**

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

Case No. \_\_\_\_\_

In the matter between:

**THOZAMA ANGELA ADONISI  
AND OTHERS**

First Applicant

and

**MINISTER FOR TRANSPORT AND PUBLIC WORKS:  
WESTERN CAPE  
AND OTHERS**

First Respondent

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**SUPPORTING AFFIDAVIT OF BIANCA SOSSEN**

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I, the undersigned,

**BIANCA SOSSEN**

do hereby make oath and say:

1. I am a 26 year-old adult female, currently residing at 2 Norfolk Road, Flat 202, Sea Point, Cape Town. I hold a degree MBChB (Medicine) from the University of Cape Town ("UCT").

2. I am currently doing my community service as a medical doctor at the Area Military Health Unit - Western Cape. We provide health services to the South African National Defence Force.
3. The facts set out herein are within my personal knowledge, unless, the context indicates otherwise, and are true and correct. Where I refer to information conveyed to me by others, I believe it to be true and correct. All legal submissions are made with the advice of our legal representatives in this application.
4. I have read the draft Founding Affidavit in this application and I associate myself with its content. I also ask the Above Honourable Court to grant the relief as set out in the Founding Affidavit of Ms Adonisi and in the Notice of Motion in this application.
5. The purpose of this affidavit is two-fold. Firstly, it confirms those aspects of Ms Adonisi's affidavit that pertain to me. Second, it describes my experiences of being a Sea Point resident, and my interest in the use of state owned land, particularly in areas such as Sea Point, for increased access to affordable housing to address the housing crisis faced by the majority of people in the City of Cape Town ("the City").

## STANDING

6. I have been advised by my legal representatives that I am entitled to approach this Court on the following bases:

6.1. In my own personal interest in terms of section 38(a) of the Constitution, as a young professional who lives and works in the City, resides in Sea Point, and supports the reversal of spatial apartheid in the City through spatial justice, spatial sustainability, good administration, spatial resilience and efficiency; and

6.2. In terms of section 38(d) of the Constitution, in the public interest.

## PERSONAL BACKGROUND

7. I was born in Pretoria and moved to Cape Town at the age of 4 years old. During 1994, my family moved to Cape Town and I have lived in Constantia, Tokai and Fish Hoek.
8. I enrolled in Herzlia Primary School, a school in Constantia attended exclusively by Jewish children, at the age of 5 years old. My brother Dean also attend the school. Our schooling ensured that we would interact and socialize almost exclusively with only our Jewish contemporaries. Our largely sheltered lives have been lived as beneficiaries of White privilege and financial security. I attended Reddam College to complete my high school education and was part of a Jewish youth movement, Habonim Dror Southern Africa from 2004.
9. In my primary school, there were less than five Black African, Coloured or Indian learners in my school. The neighbourhoods in which I grew up remained predominantly White. I encountered Black African and Coloured learners as an assimilated minority. The result was that my universe was overwhelmingly White. The only Non-White people I encountered

during my childhood were employees of my family or school. I had a similar experience during my secondary school education.

10. Growing up, I never realised that the suburb where I lived, or the suburbs where I attended school, Constantia and Tokai, were places from which mainly Coloured and a minority of Black African people were forcibly evicted or removed. I also never realised and that Coloured and Black African people were condemned to lives of spatial inequality, spatial violence and urban land injustice.

11. Throughout high school and university, I became active and supported a range of movements such as the Treatment Action Campaign ("TAC") and the Social Justice Coalition ("SJC"). Most recently, in February 2016, I joined Reclaim the City.

12. Reclaim the City is a campaign aimed at urban land justice within the City. Its focus is to address and redress the persistence of and eradication of apartheid spatial planning in the City. It seeks to achieve these aims through the establishments of rent controls and the provision of mixed income affordable housing to working class workers of the City.

13. In these organisations and movements, I became more politically aware and more conscious of the historic injustices and current inequality that African Black and Coloured people in the City endured. I learnt to interact with Black working-class people as equals and became acutely aware of my privileged life in relation to the hardships faced by African Black, Coloured and Indian people of the City.

## University and Living in Sea Point

14. During 2008 I started studying medicine at UCT Medical School located at the Grootte Schuur campus in Observatory. The 90-minute daily commute from Fish Hoek to Observatory was long and demanding; my mother initially drove me to university and home every day.
15. In the second year of my studies, 2009, my parents decided to purchase a flat in Sea Point. My brother Dean and I moved into the flat to address the issue of the distance to the university. My parents opted to buy the flat instead of renting an apartment in the Sea Point area due to the exorbitant rental costs in the area. The cost of renting an apartment would have been the same or more than the monthly bond repayments for the apartment they bought.
16. My move to Sea Point was thus necessitated because of its proximity to UCT Medical School. My parents chose property in Sea Point due to the desirability of the area. As a suburb, Sea Point is ideally situated, has excellent infrastructural resources and its own business district along the Main Road. In my experience it is also very safe in terms of crime and policing.
17. As a resident living in Sea Point, I know that the local economy is well developed and experiences high economic growth, with the area undergoing constant upgrades and development. Thus, the quality of life for most residents in the area is among the best in the City. This makes the area attractive to younger people who are moving into the area to

take advantage of its central location, safety and abundance of amenities available in the area.

18. My daily journey by car to UCT was reduced from 90 minutes to 10 or 12 minutes. When I attended classes and worked at New Somerset Hospital in Green Point, I was less than five minutes away from home. My ability to study and concentrate without a tiring commute reduced my stress.

19. Regrettably, Sea Point and its environs have remained predominantly White since my relocation there in 2009. New housing developments in the neighbourhood are unaffordable for the majority of Black African and Coloured working-class people and their families. Learning about the social conditions of people working in Sea Point has informed my participation in this application and the state's imperative to use state land in the CBD, Green Point and Sea Point for mixed income housing.

### **Black African and Coloured Workers in Sea Point, Green Point, Camps Bay and the Cape Town City Bowl**

20. Growing up in areas, as I have, with visible, responsive policing and low crime rates, I have limited experiences of crime. I am especially not fearful of crime while travelling. I however became more aware of the hardships of those who live in areas where police resourcing is inadequate when I started volunteering for the SJC during its campaign for the Khayelitsha Commission of Inquiry into Safety and Policing. This campaign opened up a different world to me. I learnt what spatial violence is and its impact. I also learnt that it meant that people,

particularly women, who work in places such as Sea Point, Constantia and Tokai undertake long, arduous and often dangerous journeys to their places of employment.

21. Domestic workers, for instance, travel long distances from areas such as Khayelitsha, Atlantis or Mannenberg to clean mainly White homes in Sea Point and Camps Bay. Security guards who work to keep mainly White people safe in shops, offices, parks, apartment blocks and other facilities in Sea Point and the CBD often travel at night and become targets of crime on their way home.
22. Workers spend a significant portion of their income on transport while their ability to spend time with their families, rest, enjoy cultural, religious and other social activities are severely curtailed. As a medical doctor, I would be remiss not to mention the significant negative impact the stress of travel and low wages has on the health of workers. Illnesses such as hypertension, diabetes, heart conditions and asthma are very common among workers who live under these conditions.
23. The mainly White owned businesses and households in the Cape Town CBD and its environs; Green Point; Sea Point; the Waterfront; Clifton and Camps Bay rely on cheap Black labourers who primarily travel from former apartheid dormitories such as Langa, Mannenberg, Heathfield, Nyanga and Bonteheuwel.
24. I have become aware that Sea Point has a significant number of workers who live in the community as denizens in basements, store-rooms, and locations that are often referred to in a racially derogatory manner as the "maids' quarters". These worker's quarters are mostly

located on the roof or in the basement of an apartment block. The effect of these residences is that Black African and Coloured domestic workers, building maintenance workers and gardeners remain invisible.

25. The residences that are made available to African and Coloured workers in Sea Point are discriminatory and undignified. Community common spaces and amenities such as gardens or swimming pools continue to remain segregated as Black African and Coloured worker residents, their families or their visitors are prohibited by White residents, body corporates or tenants from using them. Many workers in Sea Point have raised their children in fewer than 20 square metres and their rents range between R500.00 - R2000.00 per month.

26. I believe this to be the case with Ms Adonisi, the first applicant in this matter. I understand that she has lived in the Sea Point area since 1985 in one of these maids' quarters and that her mother also lives in nearby maids' quarters. Her family has had to separate, as the living space was too small for them all to live together. The living space comprises a single room and does not have its own separate ablution facilities. Rather, ablution facilities are communally shared by Ms Adonisi and others who are also living in the maids' quarters of the building.

27. As Sea Point rents increase and property values escalate, even this demeaning housing is becoming unaffordable. I have learnt that the body corporates and property managers are increasingly redeveloping these spaces into small, high rent apartments. The effect is that



many people in the position of Ms Adonisi will be pushed out of the area and forced to pay exorbitant rental prices for inadequate accommodation.

28. These unequal, unjust and inhumane housing arrangements in areas such as Sea Point, perpetuate inequality and are a violation of constitutional rights. Inherited White privilege and the access to, and ownership of property lies at the heart of the violations of fundamental rights to equality, dignity and access to dignified housing and urban land. In my view, deliberate blindness to race, class and gender inequality by a majority of White people is fuelled by a belief in their absolute right to the best properties and a demand to maintain "property values".

29. The exclusion of Black African, Coloured and Indian people from officially owning or renting property in Sea Point occurred in 1964 as forced removals from the inner-city and surrounds. This was under the apartheid law of the Group Areas Act, 41 of 1950 ("Group Areas Act"), which reserved certain residential areas exclusively for the white minority. While other areas such as District Six saw large scale removals of African Black and Coloured residents, Sea Point and Green Point had smaller forced removals under the Group Areas Act.

30. People such as Ms Angela Adonisi, the First Applicant in this matter and her family, have an equal right to live in Sea Point in a decent apartment, such as the one my brother and I share, at a rent that they can afford. These opportunities are commonly known as mixed

income or social housing which is more fully described in the affidavit of Mr Malcolm McCarthy.

**THE FOUR SITES: TOP YARD, ALFRED STREET COMPLEX, HELEN BOWDEN NURSES HOME AND THE TAFELBERG REMEDIAL SCHOOL**

31. I have read documents such as the Western Cape Spatial Development Framework and the City of Cape Town's Spatial Development Framework to educate myself on the persistence and extension of apartheid spatial planning and directives to address the resulted spatial imbalances. Since 1994, every City and Provincial administration has undertaken to "end apartheid spatial segregation" and to "integrate and densify" Cape Town to ensure that Black people are not simply worker-commuters, but instead constitute an integral part of its CBDs and suburbs such as Sea Point as community residents.

32. In large part, the policies Professor Susan Parnell refers to show a comprehensive written commitment to integrate the Western Cape and the City of Cape Town in particular through densification. I support these policies. However, I have yet to see any attempts to implement these policies with urgency on a larger scale in the inner city and surrounds.

33. The matter before the Above Honourable Court involves a dispute between the applicants and the respondents in relation to use of well-located publicly-owned land for mixed-income housing and mixed-use development.

On or about 3 February 2016, I read an article in the *South African Jewish Report* titled "Phyllis Jowell is relocating from Camps Bay to Sea Point". The article reported that the Tafelberg Remedial School site had been bought through the Phyllis Jowell Jewish Day School ("PJJDS") for R135 million. The article quoted Mr Lance Katz, the Deputy Chairperson of the Board of Governors for the PJJDS:

*"The "very substantial" site and "magnificent" historic school building dating back over one hundred years have tremendous potential for educational, communal, recreational and commercial usage says Katz."*

34. I sensed that the sale was not reasonable as I believed that the property should be used for a public good that would serve a larger and more vulnerable portion of Cape Town's population. I immediately approached Ndifuna Ukwazi, an organisation I became familiar with during the Commission of Inquiry into Policing in Khayelitsha. I approached the organisation because it actively engages on questions of urban land justice and housing. I wanted to know what could be done to ensure that the land is used for mixed-income housing that will allow Black working-class people to live alongside upper and middle-class White people as neighbours. I did this because I want to live in a community where my children (if I choose to have them) can grow up living with Black African, Coloured and Indian people as full and equal members of their community, rather than seeing them only as denizens confined to the "maids' quarters".

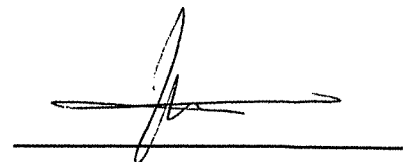
35. I enquired to Ndifuna Ukwazi about whether the sale could be stopped to ensure that the site would be used for mixed-income housing to address the housing crisis faced by the

majority of people in our City. In particular, I was concerned that a portion of the site would be developed for wealthy commercial interests that would deviate from the government's stated policies regarding densification and eradicating apartheid spatial planning. I was informed by the organisation that letters would be sent to the Western Cape Government requesting clarity on the matter and requesting that the transfer of the sale to be halted. The particulars of the 4 February 2016 letter and further correspondence with the Department are detailed in the founding affidavit of Ms Angela Adonisi.

## CONCLUSION

36. In my view, Tafelberg and all the other sites identified in the Western Cape Province's Central City Regeneration Programme are indispensable to land reform, spatial justice and economic use of state assets to eradicate apartheid planning. As a person who lives, rents and has an interest in property in Sea Point, I believe that every reasonable person would understand this need and the obligation on the state to ensure that public and private land in the area is used towards ending racial and class apartheid.
37. Colonial conquest and forced removals deprived Black African, Coloured and Indian people of land and their right to the City. Apartheid planning led to spatial inequality, violence and injustice against all Black people. These conditions have only worsened in working-class communities to this day.
38. Our country faces many crises; inequality is foremost among them. I want to see bold, concerted and creative leadership from government to overcome spatial injustice and

inequality. Only by listening and responding to the needs and demands of the most vulnerable people can government overcome spatial inertia, vested property interests and racial prejudice. Our laws and Constitution require that spatial and urban land justice inform planning at all levels of government. The Tafelberg Property could be a vehicle to mobilise public, community and private resources to build a new Cape Town that is a real home for all, including the most vulnerable people in our society.



**BIANCA SOSSEN**

The Deponent has acknowledged to me that she knows and understands the contents of this affidavit, which affidavit was signed and sworn to or before me at CAPE TOWN on this 10 day of 04 2016 the regulations contained in Government Notice No. R1258 of 21 July 1972, having been complied with.



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N. S. Swartz S/CST  
COMMISSIONER OF OATHS