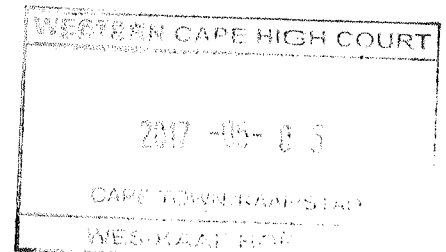


**IN THE HIGH COURT OF SOUTH AFRICA
(WESTERN CAPE DIVISION, CAPE TOWN)**



Case No. 7408 / 2017

In the matter between:

THOZAMA ANGELA ADONISI	First Applicant
PHUMZA NTUTELA	Second Applicant
SHARONE DANIELS	Third Applicant
SELINA LA HANE	Fourth Applicant
RECLAIM THE CITY	Fifth Applicant
TRUSTEES OF THE NDIFUNA UKWAZI TRUST	Sixth Applicant
and	
MINISTER FOR TRANSPORT AND PUBLIC WORKS: WESTERN CAPE	First Respondent
PREMIER OF THE WESTERN CAPE PROVINCE	Second Respondent
THE PHYLLIS JOWELL JEWISH DAY SCHOOL (NPC)	Third Respondent
CITY OF CAPE TOWN	Fourth Respondent
MINISTER OF HUMAN SETTLEMENTS	Fifth Respondent
THE PROVINCIAL GOVERNMENT OF THE WESTERN CAPE	Sixth Respondent
MINISTER OF PUBLIC WORKS	Seventh Respondent
MINISTER OF HUMAN SETTLEMENTS: WESTERN CAPE	Eighth Respondent
SOCIAL HOUSING REGULATORY AUTHORITY	Ninth Respondent
MINISTER OF RURAL DEVELOPMENT & LAND REFORM	Tenth Respondent

Ndifuna Ukwazi Law Centre
M Shandu
Tel: 021 012 5094
Email: mandisa@nu.org.za

NOTICE OF MOTION

TAKE NOTICE THAT application will be made on behalf of the applicants on a date determined by the Registrar for an order in the following terms:

1. Dispensing with the forms, service and time limits prescribed in the Rules of Court and granting leave for the application to be heard as a matter of urgency.
2. Declaring that the first, second, fourth, sixth and eighth respondents have failed to comply with their obligations, in terms of sections 25(5), 26(1) and 26(2) of the Constitution, and the legislation enacted to give effect to these rights, to redress spatial apartheid in central Cape Town.
3. Directing the first, second, fourth, sixth and eighth respondents to comply with their constitutional and statutory obligations as declared by this Court in the preceding paragraph 2.
4. Directing the first, second, fourth, sixth and eighth respondents to file reports under oath, within three months, stating what steps they have taken to comply

with their constitutional and statutory obligations as declared by this Court , what future steps they will take in that regard and when such future steps will be taken.

5. Granting the applicants leave to file an affidavit or affidavits responding to the reports referred to in the preceding paragraph, within one month of them having been served on their attorneys of record. Furnishing directions with regard to the further conduct of the matter pursuant to the filing of the reports and affidavits referred to in the preceding paragraphs.
6. Reviewing and setting aside the designation by the sixth respondent in June 2010 of Erf 1675, an unregistered portion of Erf 1424 Sea Point, and remainder of Erf 1424 Sea Point (collectively, "the Tafelberg Properties") as "*surplus*" in terms of the Government Immovable Asset Management Act, 19 of 2007.
7. Reviewing and setting aside the November 2015 decision of the Premier of the Western Cape Province, acting together with the other members of the Provincial Cabinet, to sell the Tafelberg Properties to the third respondent.
8. Reviewing and setting aside the 3 April 2017 decision of the Premier of the Western Cape Province, acting together with the other members of the Provincial Cabinet, not to resile from the contract of sale concluded with the third respondent.
9. In the event that prayers 6 to 8 are granted, directing the Premier of the Western Cape Province, acting together with the other members of the Provincial Cabinet,

to take into account, and have due regard to, the legal obligation to provide, and the need for, affordable social housing in central Cape Town, and the suitability of the Tafelberg Properties for social housing, in any decision in respect of the use or disposal of the Tafelberg Properties.

10. In the event that prayers 6 to 8 are granted, directing the Premier of the Western Cape Province, acting together with the other members of the Provincial Cabinet, (or a delegate), to consult with the National Department of Human Settlements, the Provincial Department of Human Settlements, the City of Cape Town and the Social Housing Regulatory Authority before taking any decision in respect of the use or disposal of the Tafelberg Properties.
11. Costs of suit jointly and severally against those respondents who oppose the application, such costs to include the costs of two counsel.
12. Granting the applicants further and/or alternative relief.

TAKE NOTICE THAT the affidavits of the applicants, **MALCOLM McCARTHY, SUSAN PARNELL** and **HOPOLANG SELEBALO** are used in support of the relief sought.

TAKE NOTICE THAT the applicants have appointed the **NDIFUNA UKWAZI LAW CENTRE**, 18 Roeland Street, Gardens, Cape Town, as the address at which they will accept notice and service of all process in these proceedings.

TAKE NOTICE FURTHER that the first, second, sixth and eighth respondents are required to despatch by no later than **12 May 2017** to the Registrar of this Honourable

Court the record of the decisions referred to in paragraphs 4 to 6 above, together with such reasons as they may desire to give, or are in law required to give, and to notify the Applicants that they have done so, including but in no manner not limited to the following:

1. The following documents referred to in the Cabinet's decision of 3 April 2017, minute no. 78/2017 ("the minute"):
 - 1.1 the recommendation of the custodian and presentations by various officials referred to in paragraph 1 of the minute;
 - 1.2 the Memorandum of Understanding between the Department of Human Settlements and the Department of Transport and Public Works referred to in paragraph 1.2 of the minute;
 - 1.3 the minutes and resolutions of the prior decisions of Cabinet on 2 March 2017 referred to in paragraph 1.3 of the minute; and
 - 1.4 the legal advice obtained from senior counsel referred to in paragraph 1.4. of the minute.
2. All the representations made to the Premier in respect of the proposed disposal of the Tafelberg Properties pursuant to the public comment process in terms of the Western Cape Land Administration Act, 6 of 1998 and the Western Cape Land Administration Act Regulations.
3. All the submissions made to the Provincial Department of Transport and Public

Works pursuant to the public participation process in respect of the feasibility model for social housing on the Tafelberg Properties.

4. The minutes of all the meetings of the Western Cape Provincial Property Committee where the disposal of the Tafelberg Properties was discussed, and all resolutions taken in respect thereof.
5. All presentations/submissions to Western Cape Cabinet regarding the disposal of the Tafelberg Properties from 2010 to date.
6. All Western Cape Cabinet meeting minutes and resolutions regarding the disposal of the Tafelberg Properties from 2010 to date.
7. All the proposals submitted in response to the Request for Expressions of Interest EOI Number E1 001/14 ("EOI"), as well as any EOI assessment/evaluation report(s) in respect thereof.
8. All correspondence and minutes of meetings between the Western Cape Provincial Department of Transport and Public Works and/or the Western Cape Provincial Department of Human Settlements and the National and Provincial Departments of Human Settlements regarding the disposal of the Tafelberg Properties from 2010 to date.
9. All correspondence and minutes of meetings between the Western Cape Provincial Department of Transport and Public Works and/or the Western Cape Provincial

Department of Human Settlements and the City of Cape Town regarding the disposal of the Tafelberg Properties from 2010 to date.

10. All correspondence and minutes of meetings between the Western Cape Provincial Department of Transport and Public Works and/or the Western Cape Provincial Department of Human Settlements and the Social Housing Regulatory Authority and/or social housing institutions regarding the disposal of the Tafelberg Properties from 2010 to date.
11. All the conflict of interest declarations submitted by Gary Fisher in terms of the Public Services Act, 1994, including, but not limited to, declarations submitted to the office of the Premier and to the executive authority of the Western Cape Provincial Department of Transport and Public Works, and all decisions taken by the relevant executive authorities in respect thereof.

TAKE NOTICE THAT if you intend opposing this application:

- (a) you are required to deliver written notice of your intention to oppose by no later than **12 May 2017**;
 - (b) the applicants will deliver a supplementary founding affidavit(s) by no later than **26 May 2017**;
 - (c) you are required to deliver your answering affidavits by no later than **15 June 2017**;
- and

(d) the applicants shall, subject to your compliance with the afore-going, deliver their replying affidavit(s), if any, by no later than 30 June 2017.

DATED AT CAPE TOWN ON THIS THE 5th DAY OF MAY 2017.


NDIFUNA UKWAZI LAW CENTRE
PER:



MANDISA SHANDU
Applicants' Attorneys
18 Roeland Street
Gardens
CAPE TOWN


TO: THE REGISTRAR
Western Cape High Court
Keerom Street
CAPE TOWN

AND TO: MINISTER FOR TRANSPORT & PUBLIC WORKS: WESTERN CAPE
First Respondent
9 Dorp Street
CAPE TOWN

15:14
Z. Jordan


MINISTRY OF TRANSPORT
AND PUBLIC WORKS: WESTERN
CAPE
05 MAY 2017
MINISTERIE VAN VERVOER
EN PUBLIEKE WERKE: WES-KAAP

AND TO: PREMIER OF THE WESTERN CAPE PROVINCE
Second Respondent
c/o THE STATE ATTORNEY
22 Long Street
CAPE TOWN

STAATSBROKUREUR: KAAPSTAD
2017-05-05 15:31
STATE ATTORNEY: CAPE TOWN


AND TO: PHYLLIS JOWELL JEWISH DAY SCHOOL (NPC)
Third Respondent

ENSAfrica
1 North Wharf Square
Loop Street
Foreshore
Cape Town
8001
Per: Stephen Levetan

received copy hereof without prejudice
this 5 day of May 20 17
at 16:20 am / pm
for ENSAfrica.com

AND TO: CITY OF CAPE TOWN
Fourth Respondent
Civic Centre
12 Hertzog Boulevard
CAPE TOWN

LEGAL SERVICES DEPARTMENT
CITY OF CAPE TOWN
- 5 MAY 2017
PRINT NAME Nami
SIGN [Signature]
TIME 16:05

AND TO: MINISTER OF HUMAN SETTLEMENTS
Fifth Respondent
c/o THE STATE ATTORNEY
22 Long Street
CAPE TOWN

2017-05-05 15:31
STATE ATTORNEY: CAPE TOWN
[Signature]

AND TO: PROVINCIAL GOVERNMENT OF THE WESTERN CAPE PROVINCE
Sixth Respondent
c/o THE STATE ATTORNEY
22 Long Street
CAPE TOWN

2017-05-05 15:31
STATE ATTORNEY: CAPE TOWN
[Signature]

AND TO: MINISTER OF PUBLIC WORKS
Seventh Respondent
c/o THE STATE ATTORNEY
22 Long Street
CAPE TOWN

STAATSPROKUREUR: KAAPSTAD
2017-05-05 15:31
STATE ATTORNEY: CAPE TOWN
[Signature]

AND TO: MINISTER OF HUMAN SETTLEMENTS: WESTERN CAPE
Eighth Respondent
27 Wale Street (fourth floor)
CAPE TOWN

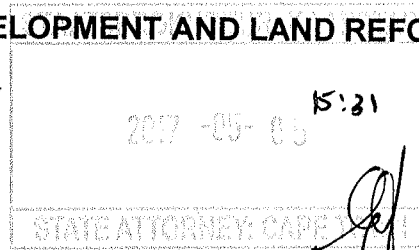
→ 5/5/17
→ 14:59
→ [Signature]
9 (Nam Paki)
Parliamentary Officer.

AND TO: THE SOCIAL HOUSING REGULATORY BODY

Ninth Respondent
Sunnyside Ridge Office Complex
Building B, Ground Floor
32 Princess of Wales Terrace
Parktown
JOHANNESBURG

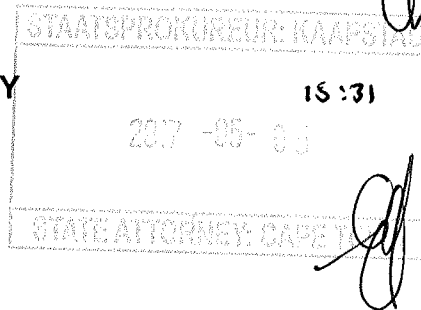
AND TO: MINISTER OF RURAL DEVELOPMENT AND LAND REFORM

Tenth Respondent
c/o THE STATE ATTORNEY
22 Long Street
CAPE TOWN



AND TO: MINISTER OF FINANCE

Eleventh Respondent
c/o THE STATE ATTORNEY
22 Long Street
CAPE TOWN



AND TO: GARY FISHER

Twelfth Respondent
c/o the Provincial Legislature Building,
1st Floor, 15 Wale Street
CAPE TOWN