

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

**THE DIRECTOR: DEVELOPMENT MANAGEMENT  
(REGION 1), LOCAL GOVERNMENT, 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

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**CONFIRMATORY AFFIDAVIT**

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I, the undersigned,

**STEPHEN STEWART TOWNSEND,**

SS.T.  
FR.

do hereby make oath and declare as follows:

1. I am an architect and now retired member of the Cape Institute for Architecture and of the South African Institute of Architects. I hold a B.Arch degree from the University of Cape Town (1978), a Diploma in Conservation Studies from the University of Rome (1985) and a Ph.D from the University of Cape Town (2003). A copy of my abbreviated *curriculum vitae* is attached hereto as Annexure "ST1".
2. Unless the context indicates otherwise, the facts deposed to in this affidavit are within my personal knowledge and are, to the best of my belief, both true and accurate.
3. Following my graduation in 1978, I worked as an architect for some seven years (with a specific focus on conservation). In 1985, I was appointed by the City of Cape Town to establish and head the Urban Conservation Unit of the Town Planning Department (1985 - 1995) and was thereafter appointed as the Manager of Land Use Management (1995 – 2004). From 2004 until the present time (with a year-and-a-half inter-regnum explained below), I have practised as a consultant, specialising in heritage resource management, as well as land use planning- and building plan-related matters.
4. I also served as the Chief Executive Officer of Heritage Western Cape (HWC) between April 2006 and September 2007 and served on HWC's Council and its executive committee for a 3-year period between 2010 and 2013. In addition, I have served on various bodies which focus on conservation management and heritage, including management committees of the Cape Institute for Architecture, the Association of Professional Heritage

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Practitioners and ICOMOS SA (the national branch of the International Council on Monuments and Sites, under the aegis of UNESCO). Finally, from 2009 until 2017, I taught as an adjunct professor at the University of Cape Town's School of Architecture, Planning and Geomatics and continue to run professional development courses in architectural and urban conservation.

5. I have read the founding affidavit filed by the applicants and deposed to by Professor Leslie London dated 1 August 2021, as well as the accompanying affidavits of Mr. T Jenkins, Ms. B O'Donoghue and Ms. D Prins-Solani.
6. I have also read the first respondent's answering affidavit deposed to by Mr. Jody Aufrichtig dated 24 August 2021 and confirm that the contents of his affidavit are true and correct insofar as it pertains to me.
7. In particular, I confirm that I co-authored the July 2019 Heritage Impact Assessment (Jul 2019 HIA), and the December 2019 Heritage Impact Assessment Supplement (Dec 2019 HIA Supplement), and that I undertook part of the work described in the reports.
8. I confirm that the statements in the answering affidavit regarding the aforesaid HIA reports and their findings are accurate.
9. Finally, I deny the applicants' allegations that the Jul 2019 HIA, as supplemented by the Dec 2019 HIA Supplement and the River Club First Nations Report dated November 2019 (River Club First Nations Report), were tainted by any lack of independence on my part. Moreover, I stand by the findings of the HIA (as supplemented) and reject any allegation that the reports failed adequately to assess the intangible heritage of the River Club

SSJ.  
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site, or that the reports "denigrate" and "distort" the history of the Goringhaicona (R: 712, para 7). In this regard, I refer to the answering affidavit's account of the HIA, as supplemented, including the contents at paragraphs 159 – 160, 266, 320 – 325 and 350 (alleged lack of independence) and paragraphs 315 – 347 (alleged defects in assessment).

  
**STEPHEN STEWART TOWNSEND**

I certify that:

The deponent acknowledged to me that:

1. He knows and understands the contents of this declaration;
2. He has no objection to taking the prescribed oath;
3. He considers the prescribed oath binding on his conscience.

The deponent thereafter uttered the words: "I swear that the contents of this declaration is true and correct, so help me God".

The deponent signed the declaration in my presence at the address set out hereunder on this the 1<sup>st</sup> day of **SEPTEMBER 2021**.

  
**COMMISSIONER OF OATHS**

Full names: Farren Martin  
 Capacity: Constable  
 Address: 47 Victoria Road  
Camps Bay

SUID-AFRIKAANSE POLISDIENST  
 VISPOL COMMANDER  
 2021 -09- 02  
 CAMPS BAY KAMPSBAAI  
 SOUTH AFRICAN POLICE SERVICE

**Stephen Stewart Townsend**  
**Abbreviated CV**

Stephen Stewart Townsend (1947, Cape Town) is an architect with forty-odd years experience (until recently a corporate member of Cape Institute for Architecture and of the South African Institute of Architects and registered with the South African Council for the Architectural Profession; now retired); prior to graduating as an architect in 1978, he worked for ten years as an engineering and then architectural assistant; he is a statutory planner (an associate member of the South African Planning Institute); he is also a professional heritage practitioner (an accredited member of the Association of Professional Heritage Practitioners); and from 2009 until 2018 he was a part-time Adjunct Associate Professor at the University of Cape Town.

He has a B Arch from the University of Cape Town (1978), a diploma in conservation studies from the University of Rome (1985; equivalent to a Masters degree), and a Ph D from the University of Cape Town (2003; thesis title: *Development Rights and Conservation Constraints*).

His work as an architect in the late-1970s and 80s focused on conservation-oriented work: this included the infill of more than a hundred houses in the Muslim Quarter or Bokaap of Cape Town, the Bokaap community centre, and a range of other conservation and restoration projects.

Later, from 1985 to 2004, he worked for the City of Cape Town managing the built environment, first as head of the Urban Conservation Unit (ten years) during which time he was responsible for the creation of nearly thirty conservation areas; and then as head of land use management (for nine years). During these nineteen years he became experienced in the administration of the law relating to development, in particular, those regarding planning, heritage resources, the environment and building development generally.

Between April 2006 and September 2007 he was Chief Executive Officer of Heritage Western Cape, the Western Cape provincial heritage resources authority; and in August 2010 he was appointed to the Heritage Western Cape Council and its Executive Committee for a three-year period ending in September 2013 during which time he chaired two of its permit committees (the Impact Assessment Committee and the Built Environment and Landscape Committee) and served (for six years) on another, the Inventories and Grading Committee.

He served on the Cape Institute for Architecture's management committee from 1987 to 2006; and, between 1988 and 1998, he chaired its Planning and Environment Committee and then its Heritage Committee; and he chaired its Heritage Committee again from 2004 to 2006; and he continues to serve on its Heritage Committee.

He was also been active in the formation of the Association of Professional Heritage Practitioners, an embryonic professional association of heritage practitioners, and has served on its executive committee for two three-year periods, chairing its

academic liaison and mentorship committee and serving on its legislation and administration committee and its professionalization committee.

He was also a founder member and first treasurer of ICOMOS SA, the national branch of the International Council on Monuments and Sites which is an agency under the aegis of UNESCO, of which he remains a member.

He has presented papers on conservation-oriented management and on land use management and development control at both local and international conferences; and has had books, chapters, papers and articles published in the press and in journals.

He established his own architectural, planning and heritage consultancy in 2004 in which capacity he specialises in heritage resource-, land-use planning- and building plan-related advice and applications regarding development and its regulation and administration. This consultancy work includes assisting provincial task teams in drawing up both land-use planning and heritage resource-related provincial laws; and he is frequently consulted as an expert in the courts.

As an adjunct associate professor he taught at the University of Cape Town's School of Architecture, Planning and Geomatics, convening and teaching the Master in Philosophy in Conservation of the Built Environment degree (which he established in 2009) until the end of 2017 (this includes supervising approximately thirty M Phil dissertations); and, also at the University of Cape Town, he still runs continuing professional development courses in architectural and urban conservation which have trained more than 450 participants in the past fifteen years.

**January 2021**  
**SS Townsend**