

**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

CONFIRMATORY AFFIDAVIT

I, the undersigned,

TIMOTHY ROBB FLORENCE,

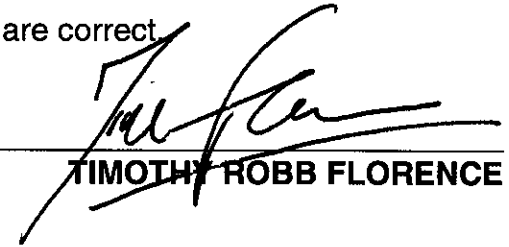


do hereby make oath and declare as follows:

1. I am a Professional Planner and registered member of the South African Council for Planners (Pr. PIn A/1877/2014) in accordance with the Planning Profession Act, no. 36 of 2002, as well as a licentiate member of the Royal Town Planning Institute. I hold a BSc. (Hons) Property Studies degree and a Master of City and Regional Planning degree from the University of Cape Town. Copies of my registration- and degree certificates and *curriculum vitae* are attached hereto as Annexure "TF1", "TF2" and "TF3", respectively.
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. I have 10 years' experience as a professional planner and currently practice under the name and style of Planning Partners. Key areas of expertise include the preparation of land use planning applications, research and advice on spatial planning frameworks, site analysis and the preparation of drawings and graphics. I was engaged by the first respondent in 2015 to serve on a multi-disciplinary team for the preparation and submission of the relevant land use applications in respect of the River Club development and to provide relevant input for the impugned environmental authorisation.
4. I have read the founding affidavit filed by the applicants and deposed to by Prof. 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.

A handwritten signature in black ink, appearing to be a stylized 'N' followed by a flourish.

- 5. 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.
- 6. In particular, I confirm that I was part of the team which prepared the first respondent's development applications referred to in paragraph 3 of the notice of motion.
- 7. I confirm further that the statements in the answering affidavit regarding the aforesaid development applications, the analyses of the relevant spatial planning frameworks, and references to planning issues in the context of the application for environmental authorisation are correct.



TIMOTHY ROBB FLORENCE

I certify that:

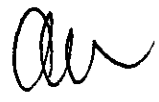
The deponent acknowledged to me that:

- 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".

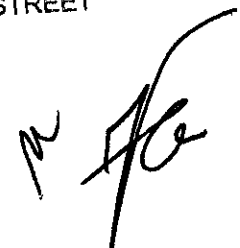
The deponent signed the declaration in my presence at the address set out hereunder on this the 6th day of **SEPTEMBER 2021**.

Full names: SIMONE FRANKS
 Capacity: PRACTISING ATTORNEY
 Address: 11 BUITENGRACHT STREET
CAPE TOWN, 8001



COMMISSIONER OF OATHS

SIMONE FRANKS
 COMMISSIONER OF OATHS
 PRACTISING ATTORNEY
 REPUBLIC OF SOUTH AFRICA
 11 BUITENGRACHT STREET
 CAPE TOWN, 8001





"TF1"

The South African
Council *for* Planners
S A C P L A N

REGISTRATION CERTIFICATE

Issued in terms of Section 13 (4) of the Planning Profession Act, 2002
(Act 36 of 2002)

This is to Certify that

Timothy Robb Florence

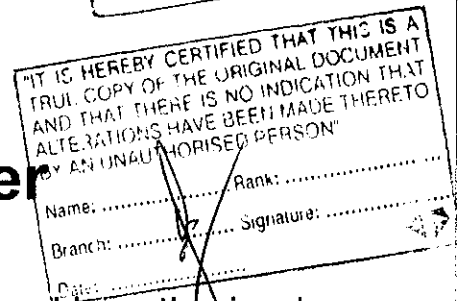
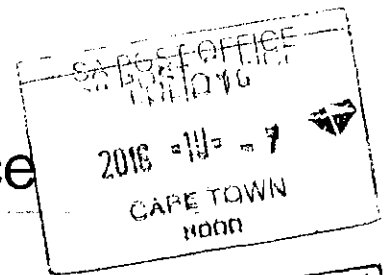
I.D. NUMBER 8505105181085

is registered as a

Professional Planner

In terms of the Planning Profession Act, 2002 and is authorised
to act as such in accordance with the said Act and the Rules
prescribed thereunder.

Issued under the Seal of the Council

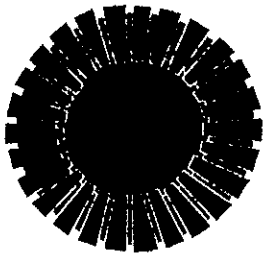


Name: Rank:
Branch: Signature:
Date:

CHAIRPERSON

REGISTRAR

DATE



REGISTRATION NUMBER: A/1877/2014

[Handwritten signatures and date]

"TF2"



we certify that

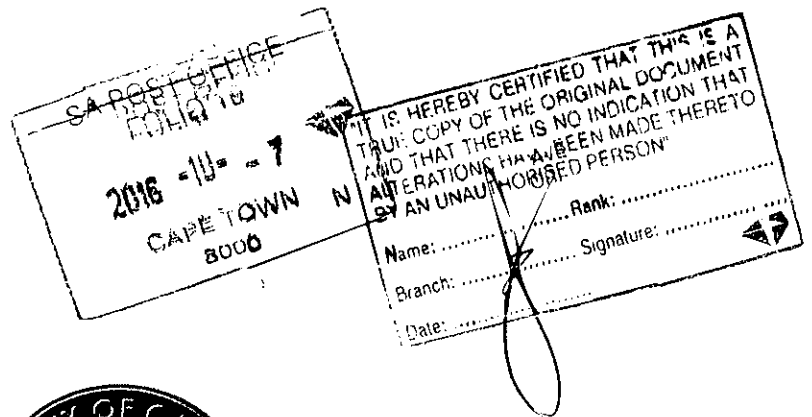
Timothy Robb Florence

was admitted to the degree of

Master of City and Regional Planning

on 15 December 2010

and that the degree was awarded with distinction



Vice-Chancellor



Registrar

PROJECT EXPERIENCE (ABRIDGED)

Major Greenfield Development Projects

2015 – present The River Club, Observatory

Town planner in a multidisciplinary team for a proposed high-density, mixed-use development in Observatory (site 14 ha in extent). Statutory applications approved. Development of Phase 1 expected to commence in mid-2021.

Client: Indigo Properties / Zenprop

2016 – present King Air Industrial, Matroosfontein

Town planner in a multidisciplinary team for a proposed industrial development near Cape Town International Airport (site 70 ha in extent). Statutory application approved in December 2018; Phase 1 of the development set to be completed mid-2021, with roll-out of other phases continuing.

Client: Atterbury Property

Major Public Infrastructure

2015 – 2017 Cape Town Stadium, Green Point

Preparation of statutory application (comprising subdivision, rezoning and consent uses) in association with a multidisciplinary team for the further commercialisation of the Cape Town Stadium and surrounding precinct.

Client: City of Cape Town / Cape Town Stadium

Major Strategic Planning Projects

2017 – 2021 Eskom Nuclear 1 Site Safety Report (Duynefontyn)

The project entails site characterisation within the context of establishing nuclear safety for the purposes of obtaining a nuclear site licence from the South African National Nuclear Regulator for new nuclear installation(s) at Duynefontyn (adjacent to Koeberg). Key topics covered include: National and International Regulatory Framework, Land Use and Water Use in the site region (80km radius). The work is conducted as part of a multi-disciplinary project team tasked with producing a licensable Site Safety Report.

Client: ESKOM

Tall Building Applications

2015 – 2017 16 on Bree, Cape Town CBD

Preparation of statutory application for a tall building (115m) in the Cape Town CBD in association with a multidisciplinary team. This is currently the tallest residential building in the Cape Town CBD.

Client: FWJK

2016 – 2021 Wharf Street Tower, Cape Town CBD

Preparation of statutory application for a tall building (139m) in the Cape Town Foreshore in association with a multidisciplinary team. Statutory application approved in April 2021; development expected to commence end-2021.

Client: Tsogo Sun



Mixed Use Development Schemes, Mauritius

2016 – 2018 Montebello Smart City, Les Pailles, Mauritius

Preparation of an urban master plan for a 50 ha site in Les Pailles Mauritius, to be developed as a mixed-use Smart City by a consortium of Mauritian developers. Development in progress.

Client: MaxCity Properties

2017 – 2018 United Docks, Port Louis, Mauritius

Preparation of an urban master plan and design framework for a 3 ha site adjacent to the Caudin Basin at Port Louis in Mauritius, for a high-intensity, mixed-use development.

Client: United Docks

Residential Developments

2015 – 2019 Mount Prospect Retirement Estate, Constantia

Town planner on a multidisciplinary team for a proposed retirement estate in Constantia comprising 37 dwelling units, as well as a communal clubhouse and medical facilities. Statutory application approved in December 2019.

Client: Property Development Projects

Urban Design Frameworks

2016 – 2017 Optenhorst, Paarl

Preparation of an urban design framework for a mixed-use development (retail, office and residential) in Paarl. Development to commence mid-2021.

Client: Lazercor Developments

Municipal Precinct Planning

2019 – 2021 Piketberg Gateway and Central Integration Zone Precinct Plan

Preparation of a precinct plan for the Piketberg Gateway and Central Integration Zone, which was approved in March 2021 by the Bergrivier Municipality. Project team included urban designers and civil engineers.

Client: Department of Agriculture, Land Reform and Rural Development / Bergrivier Municipality

Government Planning Policy Instruments

2011 – 2012 Regional Plan: Matutuine District, Mozambique

Assisted with the compilation of the Matutuine District Plan in Mozambique.

Client: Matutuine District Council

2013 – 2014 Matzikama Municipality Human Settlements Plan

Assisted with the compilation of a municipal Human Settlements Plan and associated 10-year project pipeline.

Client: Matzikama Municipality

