

REPORT ON ISSUES RAISED DURING THE PUBLIC HEARINGS ON THE COMMUNAL PROPERTY ASSOCIATIONS AMENDMENT BILL CONDUCTED IN THE WESTERN CAPE ON 1 & 7 AUGUST 2017



**rural development
& land reform**

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REPUBLIC OF SOUTH AFRICA

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REPORT ON ISSUES RAISED DURING THE PUBLIC HEARINGS ON THE COMMUNAL PROPERTY ASSOCIATIONS AMENDMENT BILL CONDUCTED IN THE WESTERN CAPE ON 1st AND 7th AUGUST 2017

1. BACKGROUND

- 1.1 The Portfolio Committee on Rural Development and Land Reform ("Portfolio Committee") conducted public hearings on the Communal Property Associations Amendment Bill ("CPA Amendment Bill") in the Western Cape from 1st and 7th August 2017. The public hearings took place in the West Coast and Eden Districts respectively.
- 1.2 The Committee resolved that the Department of Rural Development and Land Reform should compile comprehensive written responses to issues raised by stakeholders which are dealt with in this report.
- 1.3 The Portfolio Committee also requested at the session of 7 August 2017 that the District embark on an information road show on the programs of the Department.

2. DISCUSSION: EDEN DISTRICT

With regard to the request for an information road show, officials of the District and the provincial communications unit hosted four information sessions on the mandate and programmes of the department in September 2017 across the District.

In order to assist with the compliance of CPAs a CPA District Forum was established on the 12th of March 2016. During this session the leadership of the Eden CPAs (Toekoms, Pacaltsdorp, Masincedane, MAFU, Melkhoutfontein and Brandwacht) were workshopped on administrative operations of CPAs including: CPA Act, constitution, governance, roles and responsibilities of office bearers.

During the public hearing, the need was also expressed by municipal representatives to be informed about Communal Property Institutions and the role that local government can play. The District office included this on the agenda of the Eden District Joint Operations Center (DJOC) meeting scheduled for 27 November 2017 where a training proposal for municipal officials will be tabled. Training is proposed for January 2018

The District office also participated in a DAFF and Forestry Communities workshop on the 21st October 2017 where a roadmap for forestry settlements, inclusive of tenure security was discussed.

2.1 MASINCEDANE CPA:

Issues raised -

The representative indicated that they are struggling with access to water and other resources on their farm. In addition, they are paying penalties due the impounding of their animals. They have requested DRDLR for assistance with training and development.

Response from DRDLR:

- (a) Meetings between Western Cape Department of Agriculture and DRDLR took place to resolve the water allocation matter with Department of Water Affairs. The latter referred the DRDLR to the Breede Gouritz Catchment Management Area. This matter is not resolved yet and followed up with the Breede Gouritz Catchment Management Area in November.
- (b) WCPDOA has confirmed that the CPA is currently leasing out land to the Thembaletu township livestock owners.
- (c) A meeting with CPA to assess current situation in the CPA and what interventions are required will be held on 17 November 2017.

2.2 Challenges experienced on the Experimental farm (Peter John Paul) – Issue raised: The representative indicate due to a lack of security they have experienced livestock theft.

Response from DRDLR:

- (a) The DRDLR Eden District Office is in the process on investigating conflict amongst the group and will do an application to LRMF for legal aid and mediation if needed
- (b) Meetings are set up for November 2017 to further engage Mr Paul, his group as well as relevant stakeholders
- (c) The concern of Mr Paul on livestock theft and poisoning and the lack of support for their project by the George experimental farm is one of the matters outstanding and will be addressed in a joint working session with WCPDOA on 3 November 2017. Feedback will be provided on the outcome of these discussions and other meeting outcomes.

2.3 HAARLEM CPA –

Issues raised:

Mr Esau raised the matter of the beneficiary list to be checked to ensure that no one is excluded

Mr October commented on the TRANCRAA National Task Team and the link of their mandate to other applicable Acts/legislation related to the understanding of property rights/resources and transformation process (S2, p3 and S3 p9)

Response from DRDLR:

- (a) Haarlem CPA is due to hold the AGM before the end of January 2018. The Tenure Directorate will refer Haarlem CPA to LRMF for assistance regarding the updating of membership and facilitation of the AGM.
- (b) The issues raised around the TRANCRAA National Task Team have been referred to national office for guidance and as agenda points at the next NTT meeting.

2.4. KRANSHOEK CPA –

Issues raised:

The representative indicated that they are landless and wants government to fast track land redistribution. They waited for land for a long time.

They also requested complementary support to land reform. Their area is poverty stricken, hence asking parliament for assistance.

Response from DRDLR:

- (a) Engagements between Bitou Local Municipality, Kranshoek CPA and DRDLR resulted in a written commitment that erf 1; erf 454; portion 4 & 6 in Kranshoek be transferred to the Kranshoek Communal Property Association in line with the TRANCRAA. DRDLR is in the process of appointing a service provider to provide planning and conveyancing services for KRANSHOEK TRANCRAA Project. A submission was made for approval.
- (b) The Western Cape Department of Agriculture provided the following report of support to the Kranshoek community:
 - Food Security project 2010-2011, shade cloth, inputs, water harvesting equipment to Krans Hydro (Mr Abroue) 2013-2014 R40 000 for water tanks, irrigation (This project suffered fire damage in the June 2017 fires. A damage assessment was conducted by DAFF, WCPDOA and RDLR. A report was submitted to the national disaster management committee)
 - 2015-2016 Garden plots R25 000 garden tools and production inputs Kranshoek Primary School :
 - 2017-2018: R120 000 water harvesting equipment Kranshoek Community garden (.5ha), inputs, fencing, water harvesting: R120 000

2.6 PACALTSDORP CPA.

What is the state of affairs regarding the land rights for the Khoi and San communities?

Progress report regarding consultations and policy proposals being discussed must be submitted to the Committee.

Response from DRDLR:

The approval of the Traditional Khoisan Bill (B23/2015) will provide clarity on how to deal with Khoi and San communities.

Chief Director PSSC will refer the matter to Legal Services at National Office before end of November 2017 via the office of the acting DDG: LTA

2.7. TOEKOMS CPA:

Issues raised –

They received land in 1999 but have not received any support from government. Mr Claassen has been to meetings in Johannesburg (called by the Minister), but it appears that there is nothing happening or no one prepared to help.

CPAs do not understand Constitutions

Many CPAs do not have title Deeds

Response from DRDLR:

- (a) On the 3rd November 2017, the district office engaged with the WC Department of Agriculture to look at any additional support that is available for smallholder farmers and agree on how they will be working together and they agreed on a Road map workshop before 15 December to be hosted by DAFF, liaison through WCDOA.
- (b) Support provided thus far: 2014-2015, 2015-2016 13 household gardens were established by WCPDOA. Households received training in vegetable production, and soft skills. This was conducted at FET College at George Experimental farm. Mosselbay Local Municipality, WC PDOA and DRDLR coordinated the effort jointly
- (c) Regularization of the CPA by LRMF are completed

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- (d) The Tenure Directorate will conduct an audit of all the Eden CPAs to establish whether they have Title Deeds and if not, assist them they will linked with the DEEDS office to apply for a replacement Title Deed. This will be completed by January 2018

2.7. MOSSEL BAY AFRICAN FARMERS UNION:

Issues raised –

The group owns 1500 ha, and the group comprises some 106 households. The difficult is that the land is barren and they cannot plant anything. No water, houses dilapidated and inhabitable. They tried to do game farming.

They have approached DRDLR for assistance and submitted a RECAP/RADP application but did not receive any support.

Response from DRDLR:

- (a) A meeting was held in 2016 with the representatives and Mentor of MAFU to explain that the RECAP will be moving to DAFF.
- (b) On the 3rd November 2017, the district office engaged with the WC Department of Agriculture to look at the support that is available for smallholder farmers and agree on how they will be working together to ensure that CPAs benefit.
- (c) It was agreed that an application will be made by the 15th November 2017 for funding from the Comprehensive Agricultural Support Programme by the District Office of the Provincial Department of Agriculture.
- (d) Panellist was appointed to assist with regularisation of CPA, 24 Jan 2016 members meeting. Training was provided on the CPA Act, Constitutions, Basic Governance, Roles and responsibilities at the Eden CPA Forum. A meeting was held 15/05/2016 finalise constitution and to elect executive.

2.8 KARATARA SETTLEMENT:

Issues raised –

The need for low cost housing was expressed. Furthermore the concern was raised that the Knysna Municipality should not allocate land.

Response from DRDLR

- (a) A meeting between Knysna local municipality and DRDLR was held to explore ways to collaborate on matters related to land development
- (b) George office met with the Karatara housing Committee to follow up to Mr Daniels' input in September. Mr Oelf of the Kraaibosch claim was present. The

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Committee raised matters pertaining to development projects, housing and bulk services. A report was submitted to Knysna Municipality. The DRDLR request WCPDOA to advise on potential of agricultural projects (1HH/1HA). A follow up meeting will take place in November 2017 as soon as Knysna municipality confirms they availability to attend.

2.9 ZOAR COMMUNITY:

Issues raised –

Mr Jacobs made the statement that the transformation process (TRANCRAA) is too slow. He indicated that the capacity to deal with matters in the George office is limited to one official

Response from DRDLR

- (a) The Chief Director PSSC has initiated a request to Department of Social Development to avail interns to work with the George office to add to capacity with regards to the administration of ESTA Matters. This will allow the Tenure official more time to focus more on the TRANCRAA matters.

2.10 ISMAEL MOTALA:

Issues raised –

The access to agricultural land for black farmers was raised

Response from DRDLR

- (a) The Land Redistribution and Development officials of the District Office met with the client, explained the acquisition and allocation of agricultural land through the Proactive Land Acquisition Strategy (PLAS). He was also provided with a PLAS application form to capture his details on the database

2.11 MR TANGANA:

Issues raised –

The client raised the issue of little or no access to municipal services in Joe Slovo Township Ward 12.

Response from DRDLR

- (a) The matter must still be investigated by the District Office and feedback will be provided by 24 November 2017

2.12 RUITERBOS:

Issues raised – In 1999 a process was initiated to transfer state land (Public Works) to the community with very little being achieved. The result is that there is limited development taking place. Due to distance from schools, transport providers are making money from the poor through scholar transport

Response from DRDLR

- (a) A meeting took place with the Mossel Bay Municipal Manager on 27 October 2017 and a resolution was taken that the technical manager would engage with the Surveyor in George to provide a quote to DRDLR for the amendment of the general plan. This is to be done by 3 November 2017.
- (b) The transport matter is to be followed up by 30 November and feedback provided.
- (c) WCPDOA has supported the community with 18 household gardens.
- (d) A joint follow up meeting with stakeholders will be held on 15 November to follow up on determining additional intervention support.

2.14 KRAAIBOSCH CLAIM:

Issues raised –

Despite Minister's promise to finalize the Kraaibosch claim during 2010, the current state of affairs is unknown to the Committee.

Furthermore, the claimants are prompted to opt for financial compensation by the George satellite office of the Regional Land Claims Commissioner: Western Cape.

Response from DRDLR (RLCC)

- (a) Continuous communication ensued between the Kraaibosch Land Claim Committee and the Commission office since the Minister's visit during 2010 on all the phases of the settlement of the claim, without this communication, progress made to date would not have materialized;
- (b) The Commission does not encourage financial compensation to claimant communities; in fact claimants are requested to indicate their option as settlement during an Options Workshop which was held with the community, whereby the Commission explain the options available to communities and implications of each settlement option.
- (c) The current status of the claim has been communicated to Mr Oelf during a meeting on 6th July 2017 and a written response on 6th September 2017. The status is as follows:
 - (i) The Phase One submission consisted of twenty nine (29) claimant households that included one-hundred and forty-eight (148) beneficiaries and was approved on 15 November 2012; one (1) claimant household will be consolidated and the office is in the process with the drafting of a memorandum to declare those funds.

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- (ii) The Phase Two submission consists of six (6) claimant households involving thirty one (31) beneficiaries and was approved on 21 February 2015;
- (iii)
- (iv) The Phase Three submission consists of thirty (30) beneficial occupancy claimant households with one-hundred and two (102) beneficiaries and was approved on 13 March 2015;
- (v) The Phase Four submission consists of seven (7) households with thirty seven (37) beneficiaries was approved on 31 March 2016; and
- (vi) The Phase Five submission consists of two (2) verified tenancy claimant households with twelve (12) beneficiaries who were dispossessed from the Kraaibosch allotments awaiting approval.

(d) The status of the remaining fifty four (54) claims is as follows:

- (i) Thirty five (35) claims have been found non-compliant; a Research Report was approved by the Regional Land Claims Commissioner;
- (ii) Twelve (12) claimant households are untraceable;
- (iii) Three (3) claimant households opted for restoration; and
- (iv) Four (4) claims were consolidated.

3. DISCUSSION: WEST COAST DISTRICT

3.1. Elandskloof CPA

Issues raised –

A member said the land claim was not properly settled, they did not receive what they claimed.

The property of the CPA is leased out without their consent.

The CPA is under administration for an extended time.

Why are the members with experience not retained as mentors?

There are ongoing disputes between members

RESPONSE FROM DRDLR (See also Annexure A)

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- (a) The Regional Land Claims Commission has at many occasions met with the CPA to explain the initial claim and has advised that they submit a new or additional claim for the land that was not part of the initial claim.
- (b) Conflict amongst members resulting in High court case made it impossible to continue with the work of the CPA. The DRDLR; through the mediator that was appointed July 2017; intends approaching the Western Cape High Court to set aside the administration order and hand back the administration/management of the CPA to the community before the end of February 2017.
- (c) Second mediator appointed in 2017 through the Land Rights Management Facility has to **date held several meetings with the community as well as with different structures within the community.**
- resolve disputes within the community,
 - regularising the CPA by ensuring that an Annual General Meeting is held since this has not been taking place.
 - This is to form a single structure that will enable more effective interaction between the community and DRDLR.
 - It will further enable the department to hand back the administrative duties of Elandkloof once a CPA Executive has been elected.

3.2. Middelpos CPA (See Also Annexure B)

Issues raised

1. The terms of signed agreement, whether there has been full compliance of these terms by all parties concerned;
2. Circumstances surrounding the withdrawal of the Goedgedacht Trust, the implication of this withdrawal on the project, the financial loss (if any) as well as all the legal implications;
3. The rationale behind the housing project as opposed to providing funding (in the interim) for cash crops whilst waiting for the 5 year period for olives to come into produce. The report should go further to explain whether the Department foresaw this 5 year waiting period in the planning phase, if so what plans were put in place to the benefit of this farming community;
4. The financial breakdown of the R8 million investment by the department;

Response from DRDLR:

1. SLA Requirements were met; District office has scheduled a meeting with Western Cape Department of Agriculture to address the training needs of the CPA, meeting scheduled for the 20 November 2017.
2. The breakdown in the relationship between Ms. Ingrid Lestrade and Goedgedacht Trust impacted negatively on Middelpos. She

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has been the face of Goedgedacht Trust and central in negotiating financial support from both the DRDLR and in general with other stakeholders. The agreement with Goedgedacht Trust as strategic partner and the Recap funding and all other support provided by DRDLR was to ensure that Middelpos become a self-sustaining unit. This was placed in jeopardy with the break of the Le Strade-Goedgedacht relationship.

The Middelpos main house was upgraded through a loan (R400 000) provided for by the Goedgedacht Trust. Records of the decision to incur this debt by the Middelpos CPA could not be provided.

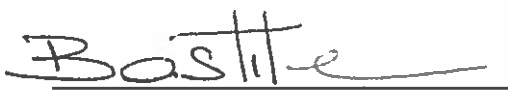
Loan investigation- confirmed by both parties – CPA unable to repay the loan because of the breakdown relationship.

Dept will make legal support available to the CPA should the trust take legal action though no indication of such

3. Housing need exist on the farm and could not be ignored. Application made in July with DOA on the production of the cash crops and it is at an advance stage. To be implemented in the new financial year. CPA was aware of the waiting period, if the trust did not withdraw this would not have been the fact.
4. Breakdown of the R8m, refer to the attached comprehensive report.

4. CONCLUSION

All the matters that were reported by the beneficiaries at the hearings are being attended to by the Department.



MR Z BASTILE

**ACTING CHIEF DIRECTOR: PROVINCIAL SHARED SERVICES: WESTERN CAPE
DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM**

DATE: 03 NOVEMBER 2017

**ANNEXURE A:
ELANDSKLOOF CPA**

REPORT ON THE REPORT ON THE STATUS OF ELANDSKLOOF COMMUNAL PROPERTY ASSOCIATION IN THE WESTERN CAPE

1. BACKGROUND

The Elandskloof community were evicted from the Elandskloof farm in 1962. As a result of the eviction, the Elandskloof community and their descendants dispersed throughout the Western Cape Province over the years

.During 1994 the Elandskloof community instituted a land restitution claim in terms of which they sought the ownership of their land, Elandskloof. To this end the Elandskloof community was required to establish a Communal Property Association (CPA) in accordance with the Communal Property Associations Act No 28 of 1996 ("CPA Act") through which they would claim repossession of their land.

Elandskloof was the first restitution matter to be resolved in South Africa under the Restitution of Land Rights Act 22 of 1994 ("Restitution Act"). Accordingly, the manner in which the farm and its assets are managed on behalf of the

Elands Community is of great importance not only for the Clan William District Office, in general but also for similar restitution matters across the country.

The Elandskloof Communal Property Association (Elandskloof CPA) was established on 02 December 1995 in terms of a constitution. The Constitution was registered on 13 November 1996 in terms of section 8 of the CPA Act.

In terms of a Court Order granted on 15 October 1996 the Land Claims Court (the restitution order) the CPA was granted restitution of the Farm, Elandskloof, in accordance the provisions of the Restitution Act. Moreover, legal ownership in the land (Elandskloof Farm) was transferred to the Elandskloof CPA [the "Elands Community"] on 13 December 1996.

In accordance the CPA Constitution makes provision that nine (9) executive committee be elected every two years. The mandate of the CPA executive is to: adjudicate on membership of Elandkloof; manage assets of Elandskloof; resettle the Elandskloof community; provide infrastructure, housing and other social services and develop agriculture and other economic opportunities for the benefit of all Elands Community.

2. CHALLENGES AT ELANDSKLOOF

Elandskloof was and still is faced with many challenges which ultimately would have entirely destroyed the farm and the potential benefits for this community. Maladministration and conflict within the CPA lead to the Department to intervene by applying for an order to place the CPA under administration in 2005.

As indicated above the Elandskloof community, after the forceful eviction, was dispersed across the Western Cape Province. Naturally, one of the issues which remain a subject of contention is the definition of who qualifies to be a member of the Elandskloof CPA and the nature of the rights to which they were entitled became a major source of conflict.

In 1995 125 families were on the residents list of Elandskloof and as the processes of community consultation and negotiations unfolded 301 families were finally confirmed as the residents through adjudication by the Land Claims Court in 1997. It should be noted that some of these families lives on Elandskloof while others reside throughout the Western Cape Province.

Major conflicts, arose over membership, the legitimacy of the CPA Committee, decision-making processes and the status of certain individuals at general meetings. Further to this, other sources of conflict emanated within this community stems from: disputes on who are defined as a member of the Elandskloof CPA, emerging of sub-groups within the community as concern groups and internal competition for land resources.

Many decisions that were ratified at general meetings were challenged and ultimately certain groups chose to ignore them with the result that for practical purposes the decisions were informally overturned. The aforesaid difficulties pose significant challenges to the functions of the CPA Committee to the extent that this Committee was left dysfunctional.

This prompted the Department to intervene in an attempt to prevent Elandskloof from complete collapse. The primary reason for intervention was because the elected CPA Committee, as a directly result of the on-going conflict at Elandskloof, was [and remained] unable to execute any of its constitutional functions.

3. APPOINTMENT OF AN ADMINISTRATOR

In order to ensure stability and development at Elandskloof the Department on 22 June 2005 applied to the High Court for an order placing Elandskloof [the CPA] under administration in terms of section 13 of the CPA Act. The application was granted on 18 October 2005.

The Department was granted the same powers as the CPA Committee. These powers included the management of the CPA's business, management of its

assets and any other steps necessary to achieve the main objectives of Elandskloof CPA, inter alia:

- (a) the resettlement of the community which was originally dispossessed;
- (b) the provision of appropriate infrastructure, including housing and services such as electricity, sewerage, water and roads; and
- (c) the development of agricultural and other economic activities for the benefit of the CPA's members.

To this end the Department appointed a service provider – Mediation and Transformation Practice (MTP) – to assist with the urgent development work at Elandskloof. The MTP engaged with the community at Elandskloof from December 2005 to February 2009 and achieved a number of objectives. However, on-going conflict among the CPA's members prevented progress being made in certain key areas, including: clarification of members' rights to housing or land;

- (a) necessary constitutional changes; and
- (b) the criteria for a complete list of members of the CPA

4. GENERAL MEETINGS AND NOTIFICATIONS

The Department decided in 2010 to attempt once again to address these problems by appointing a dedicated task team comprised of, among others, Messrs Jacques Pheiffer, Lazarus Joseph and Roger Chennells (Legal Advisors Legal Services Project). The purpose of this task team was, among other things; to lay a firm foundation for healthy and democratic development at Elandskloof.

One of the several effective modes of directly communicating with the Elandskloof community is through convening general meetings (termed Special General Meetings in the Constitution) by means of written notices regarding any

issue which might directly or indirectly affect them. The above meetings are usually held at the local school hall at Elandskloof.

In order to achieve the aforesaid goal or objective, the task team resolved to notify the Elandskloof community of a general meeting to be held, where their active participation will be sought. A number of general and special meetings

were conducted with the Elandskloof community, the details of which are alluded to below:

(a) The May AGM

- (i) An Annual General Meeting convened on 8 May 2010, among others, considered and discussed some of the key issues, which included but were not limited to, the question of commercial farming [BUCHU], infrastructure and an update on the income and expenses of Elandskloof.
- (ii) Mr. Jacques Pheiffer (District Manager of the West Coast District) acted as chairperson (on behalf of the Administrator) at the above AGM. The purpose of this AGM was, among others, to report back on the housing development for the Elandskloof community. In particular, that the housing issue received urgent attention from the Department over the ensuing months.
- (iii) The chairperson advised the AGM that a process of recording current Elandskloof residents would be carried out in the week commencing 14 June 2010. The latter would be followed by a process to clarify and/or identifying the rights of members wishing to apply for a residential plot on Elandskloof.
- (iv) In order to ensure a fair and reasonable process the chairperson specifically emphasised that members were not

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entitled to assume any rights or carry out any building without express written authority from the Department (Administrator).

(v) More importantly, the AGM adopted the following resolutions, namely:

(a) That the updated membership list which was finalised on 10 March 2008, in principle, be accepted by the AGM; and

(b) That clause 6.1 of the Constitution be amended.

(vi) The AGM also considered and discussed the way ahead. In this regard the Department tendered its willingness to assist the Elandskloof community. To this end a panel was formed to undertake specific task in order to advance some of the pressing issues at Elandskloof, namely, housing.

(vii) A panel (consisting of Elandsklowers, the department and legal advisor) were elected and undertook to carefully consider the issue of membership at Elandskloof.

(viii) The panel also undertook to compile a comprehensive list of members at Elandskloof. In particular, the panel was to investigate the number of persons who reside at Elandskloof in order to address the question of housing at Elandskloof. In order to ensure that those members who failed to attend the above AGM are informed, the information considered and discussed was set out in written notices.

(ix) Be that as it may, the members of the Elandskloof task team decided that the most appropriate course of action would be to call a public meeting, the purpose of which is to repeat and emphasise the Department's prohibition of unlawful construction of housing structures at Elandskloof and to

properly advise the members about the proposed housing development for all the members on the members' list.

- (x) More importantly the members were also comprehensively informed about the dangers of so-called self-help schemes. In other words it was made clear that the unlawful conduct of members might place the potential of developing proper housing for all members in jeopardy, something which the Elandskloof community can ill afford, now or in the future.
 - (xi) The first special meeting was called in October 2010 and in February 2011. Accordingly the members of Elandskloof were properly informed and notified about the proper procedures to be followed for purposes of acquiring a plot
- (b) **Special meeting 23 October 2010:** a special meeting called by the panel. The purpose of the above meeting was, among others, to inform the Elandskloof community about the application process for housing, the housing registrar and the planning process.
- (c) **Special meeting on 05 February 2011:** a further special meeting was called where the Elandskloof community was, among others, informed about the developments and the land use plan prepared by CK Rumboll including the issue regarding the members' list and the list of applicants for housing.
- (d) **Special meeting during September 2011:**
- (i) At the meeting during September 2011 all decisions taken by members since 8 May 2010 were once again endorsed and members reaffirmed their commitment to the housing development and that no illegal action by any member or resident that can put any development in jeopardy should be tolerated by the Administrator.

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- (ii) Members of the CPA elected a consultative forum that would replace the panel and who would exclusively focus on identifying all other rights still to be allocated to members as well as drafting rules and regulations for the remainder of the housing development in phases 2 and 3.

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PLANNING THE HOUSING DEVELOPMENT

On 15 November 2010 CK Rumboll and Partners, a firm of professional Town and Regional Planners and Land Surveyors ("Rumboll") was appointed by the Cederberg municipality as planning agents for Elandskloof housing project.

Rumboll advised the department that the lay outs for the proposed housing project was to be done to ensure sustainable settlement at Elandskloof. To achieve the latter it is of the utmost importance that Elandskloof should not experience uncontrolled settlement and growth, because the carrying capacity of the environment and the agricultural potential of Elandskloof are limited.

More importantly haphazard development will make the management of the settlement and the delivery of services impossible for the local authority [Cederberg municipality]. This in turn will directly impact on the Elandsklowers who are waiting for proper services for a period of more than ten [10] years. Should the haphazard settlements be permitted on Elandskloof the members' suffering will be compounded by the ensuing wet and cold winter. In other words any form of unlawful erection of structures will have a direct negative impact on the greater Elandskloof community.

5. CURRENT SITUATION

To date conflict could not be resolved in this community despite the appointment of a mediator. A second mediator was appointed during July 2017 through the Land Rights Management Facility to: resolve disputes within the community, regularising the CPA by ensuring that an Annual General Meeting is held since this has not been taking place. To date several meetings was held with the community as well as with different structures within the community. This is to form a single structure that will enable more effective interaction between the community and DRDLR. It will further enable the department to hand back the administrative duties of Elandkloof once a CPA Executive has been elected.

Department of Agriculture (WC: DoA) was actively involved to support Elands Community with their farming (agricultural) activities. DOA invested funds for

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the erection of a weir and the replacement of the water distribution system at Elandskloof. They further invested funds for house gardens for food security and they build a livestock handling facility for the livestock farmers on Elandskloof. Many temporary job opportunities were and are created through these initiatives, however there are no clear guidelines on how and who is facilitating the engagement with outside institutions.

Cederberg Municipality is on board to assist with the planning and implementation of the housing development. They appointed CK Rumboll and Associates through a delivery agreement with the Department to conduct a planning process; the planning process will be completed by mid-December 2017. A number of job opportunities for the Elandskloof members will be available in the construction phase of the development.

Allocation of substantial rights process is taking place with the support of a legal advisor (Mr. Roger Chennels) appointed through the Legal Services Project (LSP), the work of the panel, the consultative forum and all members at Annual General Meetings and Special General Meetings.

Eskom engaged the community in August 2017 to provide feedback on the provision of electricity to the Elandskloof Community. The design phase is completed and funding was made available by the Department of Energy to implement the design.

The South African Post Office is ready to open a satellite office at Elandskloof to service the community and the surrounding farms which are quite a distance from Citrusdal where the nearest Post Office is situated. For the interim one job opportunity is created and more opportunities can be created as the service will grow.

The South Africa Social Security Agency (SASSA) is exploring the possibility of opening a service point at Elandskloof as the members or residents are forced to travel to Citrusdal to get services from SASSA.

The DRDLR Clan William District Office is preparing a Terms of Reference to appoint a Strategic Partner to assist with the commercial farming aspect at Elandskloof and to apply for recapitalization and development to replace the current citrus and pear orchards to create proper job opportunities for this community. Due to the limited land available for agriculture the possibility of acquiring neighbouring farms through PLAS are also been looked at.

6. CONCLUSION

It is the intention of the Department to approach the Western Cape High Court to set aside the administration order that was granted in 2005 and give back the administration/management to the Elandsklowers to see to their own affairs and development as soon as all rights are allocated to . members, rules and regulations are in place and that the platform for a democratically elected CPA committee is laid. For this a mediator was appointed to resolve and support the functioning and regularisation of the CPA.

ANNEXURE B: MIDDELPOS CPA

**REPORT PORTFOLIO COMMITTEE
PSSC WESTERN CAPE DEVELOPMENT SUPPORT TO
GOEGEDACHT TRUST/MIDDELPOS
AUGUST 2017**

1. BACKGROUND

The Department of Rural Development and Land Reform and the Non-Profit organisation, Goedgedacht Trust signed a service level agreement in October 2012 with the DRDLR's primary focus to provide assistance to the Path out of Poverty (PoP) programme. This programme responds to the poverty-related issues that rural children and youth face from birth to adulthood. This support to Goedgedacht Trust is also to enable it to extend the scope of the PoP programme to other marginalised rural areas in other provinces.

The development support and intervention by the DRDLR involved primarily three service delivery directorates, i.e Rural Infrastructure Development (RID), Rural Enterprises and Industries Development (REID) and Land Redistribution and Development (LRD).

1. RURAL INFRASTRUCTURE DEVELOPMENT

1.1. THE CONSTRUCTION OF THE YOUTH LEADERSHIP COLLEGE AT THE GOEDGEDACHT TRUST FARM

This project was started with funding to the amount of R2 514 772 from the National Lottery Distribution Trust Fund. After 3 years the cost of the building had increased by 90%. The Trust approached the Minister of Rural Development and Land Reform for financial assistance for the completion of this project. The DRDLR funded the shortfall of R1 952 826.20.

A Memorandum of Agreement and a Service Level Agreement (SLA) was undertaken by the DRDLR and the Goedgedacht Trust on 01 October 2012. The construction work on this project commenced in July 2012 and was completed by the Directorate Rural Infrastructure Development, Western Cape in March 2013.

The list of deliverables detailed in the SLA, were all achieved. The

appointed contractor employed 25 local workers on the construction project, creating jobs for a period of 9 months.

The Goedgedacht Trust reports that the following benefits will be experienced by the surrounding community as a result of the construction of the Goedgedacht Youth Leadership College:

- 250 young people (18 – 25 years) from 10 rural communities who will be trained in youth leadership.
- A further 150 children from 20 farms who attend daily after school support programmes and another 100 children who will be receiving life skills programmes in the youth college building.
- A total of 500 children and young people will benefit directly from the main activities that will be provided in the Goedgedacht Youth Leadership College building.
- The youth leaders will be trained will provide 4 school holiday programmes to 3 600 children and youth in 15 different rural communities in South Africa.

1.2. THE CONSTRUCTION OF THE 13 FARM WORKER HOUSES AT THE MIDDELPOS FARM, SWARTLAND MUNICIPALITY

Portion 3 of the Farm no. 611, Middelpoos, Malmesbury Registration Division, in the Western Cape Province measuring 60.0115 hectares in extent was acquired by the DRDLR (Title Deed T72423/2011) through the Proactive Land Acquisition Strategy (PLAS).

The current site consists of 9 farm workers' cottages which houses 13 families. The housing site is situated on a narrow piece of land between a road to the west and the Riebeeksrivier to the east. The state of the cottages is dilapidated and run-down in certain instances and has very little infrastructure. Residents currently make use of portable toilets as no sewage system is in place provided for by the DRDLR.

It is proposed that the run-down farm workers' cottages be replaced with

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proper free-standing houses.

The Minister of Rural Development and Land Reform Mr. Gugile Nkwinito has instructed the RID Directorate, DRDLR, in the Western Cape to assume the responsibility for providing adequate houses and sanitation services for the 13 households currently residing on Middelpoos Farm.

Consulting engineers, Worley Parsons, have been appointed by the DRDLR to provide planning and design services for this project.

The construction of the project is to promote labour intensive construction methods allowing mentorship and training for 20 NARYSEC youth and labour supplied by the local community and the appointed contractor.

Tenders are to be invited by this department while technical oversight and support in terms of project management will be provided by other stakeholders such as the appointed consultant, the municipality and the Department of Human Settlements, where appropriate.

An application for the determination of the applicability of NEMA (EIA) was submitted to The Department of Environmental Affairs and Development Planning (DEADP). DEADP determined that the development would not trigger any activities within NEMA, as it was staying within the current footprint, and an EIA would not be required.

Various drafts of the designs were discussed with the Middelpoos CPA and the Goedgeacht Trust during the planning phase.

The initial tenders were advertised in August 2016. Tenders were evaluated and no responsive tenders were received. The Bid Evaluation Committee recommended to the Provincial Bid Adjudication Committee that the tender be cancelled and re-advertised. This was done that ignited a process of re-advertising. Subsequent bids received were beyond the approved funds and was a decision taken that the project be implemented by the community.

The Directorate RID, together with the consultants, will consider the re-drafting of the current designs for the houses and services for the Middelpoos Farm, looking at “greener” designs and energy efficient alternatives. This was done in conjunction with the Middelpoos Beneficiaries.

2. RURAL ENTERPRISES AND INDUSTRIES DEVELOPMENT

The DRDLR and Goedgedacht Trust joined forces towards addressing issues that affect rural children and have committed to supporting the POP initiative and to expand it to other areas in the country. The results of this partnership and specially the contribution of the DRDLR started when the Minister of the Department of Rural Development and Land Reform visited Goedgedacht Trust on 14 December 2012, and officially handed over the sixty seated bus and minibus, which was to be utilised for the transportation of the school children. It was during this visit that the Minister instructed the DRDLR to further assist the Goedgedacht Trust with the acquisition of furniture to equip the academy of the youth. Furthermore, the instruction given to the Western Cape Province was to assist the Goedgedacht Trust with operational costs of R200 000 per year over a period of three (3) years which was disbursed in accordance.

3. LAND REDISTRIBUTION AND DEVELOPMENT

Portion 3 of the Farm no. 611, Middelpoos, Malmesbury Registration Division, in the Western Cape Province measuring 60.0115 hectares in extent was acquired by the DRDLR (Title Deed T72423/2011) through the Proactive Land Acquisition Strategy (PLAS) for an amount of R4 150 000. The acquisition had a dual objective, namely to secure the tenure of the farm occupiers, the majority being employees of Goedgedacht Trust and to provide an income stream for the Path out of Poverty Programme.

The Middelpoos Communal Property Association was established to represent the interest of the occupier/ farmworker households. The Middelpoos CPA was appointed as the lessee of the farm and Goedgedacht Trust was then appointed as strategic partner to the CPA to jointly manage the farm. Albeit that the Goedgedacht Trust originally was under the impression that the allocation of the lease will be to the trust,

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they accepted that the policies of the DRDLR did not allow for that.

A Credible Development Plan was developed for purposes of a RECAP application that was approved. The DRDLR released R3 983 486 Recapitalization and Development in two tranches into the joint account of the Beneficiaries and Strategic Partner for purposes of establishing of 30ha of olive orchards. The olives will be processed at the Goedgedacht Trust processing plant. The Goedgedacht Trust does have existing delivery agreement with well-known retailers to absorb the additional olive products. The income generated will contribute to the operational and expansion costs of the POP programme. All this was negotiated by Ms. Le Strade.

4. Current Goedgedacht/Middelpos Relationship

It should be noted that Ms. Ingrid Lestrade who have been the face of Goedgedacht Trust and central point negotiating financial support from both the DRDLR and in general with other stakeholders impacted negatively on Middelpos with the breakdown in the relationship. The agreement with Goedgedacht Trust as strategic partner and the Recap funding and all other support provided by DRDLR was to ensure that Middelpos become a self-sustaining unit. This was placed in jeopardy with the break of the Le Strade-Goedgedacht relationship. The Middelpos main house was upgraded through a loan (R400 000) provided for by the Goedgedacht Trust. Records of the decision to incur this debt by the Middelpos CPA could not be provided. This is matter that is currently being investigated by the department as this debt is putting additional stress on the Middelpos CPA.

5. Conclusion and Next Steps

DRDLR have a long standing relationship with Goedgedacht/Middelpos to the extent that the department have been resourcing and funded various initiatives through requests. All contracts between the department and Goedgedacht are being scrutinized as the availing of resources to the Trust was to develop Middelpos into a sustainable unit. Further enquiries are being done on the arrangements that led to Middelpos being indebted to the Trust and the current contractual arrangements between Ms. Le Strade and Middelpos CPA