



water affairs

Department:
Water Affairs
REPUBLIC OF SOUTH AFRICA

MINISTRY OF WATER AND
ENVIRONMENTAL AFFAIRS

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MINISTER OF WATER AND ENVIRONMENTAL AFFAIRS


NATIONAL ASSEMBLY: QUESTION 2079 FOR WRITTEN REPLY

A draft reply to the above-mentioned question asked by Mr M J Ellis (DA); is attached for your consideration.


DIRECTOR-GENERAL (Acting)

DATE: 9/9/10

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DRAFT REPLY APPROVED/AMENDED


MS B P SONJICA, MP
MINISTER OF WATER AND ENVIRONMENTAL AFFAIRS

DATE: 11/09/2010

NATIONAL ASSEMBLY

FOR WRITTEN REPLY

QUESTION NO 2079

DATE OF PUBLICATION IN INTERNAL QUESTION PAPER: 06 AUGUST 2010
(INTERNAL QUESTION PAPER NO. 19)

2079. Mr M J Ellis (DA) to ask the Minister of Water and Environmental Affairs:

- (1) Whether, with reference to the recent alienation of certain properties (details furnished) on the banks of the Hartbeespoort Dam, there are any concerns about decreased access to the dam for members of the public; if not, how was this conclusion reached; if so, what are the relevant details;
- (2) Whether her department raised any objections to the alienation of these properties; if not, why not; if so, what are the relevant details;
- (3) Whether the alienation of these properties will have an impact on the operations of the Hartbeespoort dam remediation programme; if not, (a) why not and (b) how was this conclusion reached; if so, what are the relevant details;
- (4) Whether her department has set a servitude line on these properties below which development is prohibited; if not, why not; if so, what are the relevant details;
- (5) Whether there has been any pressure on her department from the developers of these properties to allow them to build closer to the water's edge, contrary to the parameters set by her department; if not, what is the position in this regard; if so, what was her department's response?

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REPLY:

- (1) Yes, there are concerns about the decreased access to the dam. Madibeng Local Authority had controlled access of the public to Oberon and Kommandonek until the sale of these properties to the Developer. It must be highlighted that there were 99-year lease agreements entered into on 3 January 1993 between the former Transvaal Provincial Administration and the then Town Council of Hartbeespoort regarding the Oberon Holiday Resort and the Kommandonek Resort. The Municipality of Madibeng and the North West Provincial Government respectively became the successors to Transvaal Provincial Administration and the Hartbeespoort Town Council.

A report by my Department on the alienation of these properties indicated that the effective shoreline access available to the general public would decrease from 16% of the dam shoreline to only about 6% if public access onto Oberon and Kommandonek was to be prohibited or reduced (calculated on the length of the shoreline).

- (2) Yes, my department did raise objections and set out clear requirements to ensure access for future remediation and management of the dam. The objections raised were to ensure that the State Land needed was retained to safely operate and maintain the resource and to properly exercise the mandate of my department including registering relevant servitudes on Oberon and Kommandonek in favour of my Department for the remediation programme of the Hartbeespoort Dam.

- (3) Yes, the alienation of these properties does pose a risk on the effective remediation and management of the dam if the required access and land needs are not met. The required servitudes have not yet been registered. My Department will ensure that all favourable servitudes are registered as required.

Both Oberon and Kommandonek are strategic in playing an important role in the implementation of operational projects on the Hartbeespoort Dam Remediation Programme. The following add to the strategic value of these two properties:

1. Provides easy access to the dam from the water and from the land
2. Covers access from the south and north on this fairly large impoundment
3. Oberon in particular provides access to the Crocodile River where most of the catchment pollution, debris and sediment enter the dam.

- (4) Yes, my department determined the required "dam boundary line" which was retained as the minimum required State Land needed and furthermore identified additional servitudes that need to be registered on the disposed properties outside the "dam boundary line" prior to the transfer of these properties.

In the case of Oberon the "dam boundary line" was determined taking into consideration and including the full supply level of the Hartbeespoort dam (fsl), 1:100 year flood line being the high flood level (hfl) and a buffer area calculated in accordance with my Department's policy to accommodate impact that influences the storage capacity of the dam such as silting in the reservoir as well as changes in the characteristics of the catchments.

In the case of Kommandonek the "dam boundary line" already existed. My Department has in accordance with policies taken steps to ensure that this land is retained as State Land for the use of my Department where no major development will be allowed and this has been communicated with the developer. Any contraventions will be dealt with in terms of the National Water Act.

- (5) Yes, the developers would like to develop as close as possible and even within the demarcated "dam boundary line" of the dam. Certain unauthorised activities have already occurred at Oberon with the development of a harbour and this is being dealt with in accordance with the National Water Act.

Various informal proposals were made to my Department by the Developer for potential developments on Oberon and Kommandonek, including water front developments; however no formal submissions or requests for developments within the dam boundary line have been received by my Department.