



**MINISTRY:
HUMAN SETTLEMENTS, WATER AND SANITATION
REPUBLIC OF SOUTH AFRICA**

NATIONAL ASSEMBLY

FOR WRITTEN REPLY

QUESTION NO 903

DATE OF PUBLICATION IN INTERNAL QUESTION PAPER: 13 SEPTEMBER 2019
(INTERNAL QUESTION PAPER NO. 16)

903. Mr R A Lees (DA) to ask the Minister of Human Settlements, Water and Sanitation:

- (1) What are the relevant details of the (a) persons using the land within the basin of the Qedusizi flood attenuation dam situated outside Ladysmith in KwaZulu-Natal, including the (i) full names, (ii) area in hectares rented and/or leased by each person and (iii) duration of the period of use, rent and/or lease and the lease or rental charges charged to each person, and (b) parameters applied in allocating land to each person;
- (2) what are the relevant details of the plans to convert the specified dam into a dual flood attenuation and storage dam;
- (3) who or which government department is responsible for ensuring that no environmental damage is caused by the persons using the land in the dam basin;
- (4) what are the relevant details of limitations placed on the persons renting or leasing the land in the dam basin, including the (a) number of livestock permitted to be run on the land, (b) maintenance of fencing and other fixtures and (c) requirements to (i) inoculate livestock, (ii) burn firebreaks and (iii) be members of the Fire Protection Association?

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MINISTER OF HUMAN SETTLEMENTS, WATER AND SANITATION

- (1) (a) The Honourable Member is referred to **Annexure A** below for the relevant details of persons using the land within the basin of Qedusizi flood attenuation dam situated in Ladysmith in KwaZulu-Natal. However, I am constrained and prohibited by the document titled "*Guide to Parliamentary Questions in the National Assembly*" from providing the names of each person using the land within the Qedusizi flood attenuation dam. The document referred to states that:

*“Questions are to be framed as concisely as possible. All unnecessary adjectives, references and quotations are omitted. **Names of persons, bodies and, for example, newspapers are only used in questions if the facts surrounding the case have been proven. As the mere mention of such names could be construed as publicity for or against them, it should be clear that this practice is highly undesirable. If a question will be unintelligible without mentioning such names, the Departments concerned are notified of the name (-s) and this phrase is used: “.....a certain person (name furnished)”**”*

- (b) The Department of Water and Sanitation has held various meetings and round table discussions with all interested parties. Most of the state land within the dam boundary line was allocated to the commercial farmers whose lease agreements were due to expire. Due to emerging farmers requesting the Department to allow access to the state land for grazing purposes the land was re-allocated. Land was then divided so that all parties who applied could be accommodated. The allocation of land was negotiated with all the lessees before it was submitted for approval to the Acting Director-General.

The parameters applied in allocating land to each person are in accordance with the valuation report received and have been applied as follows:-

- R100/ha/annum is for those around the dam (high risk area), and
- R110/ha/annum for those away from the dam (low risk).

- (2) The Department of Water and Sanitation has no plans currently to convert the Qedusizi Dam from a flood attenuation dam to a storage dam.
- (3) In terms of section 1(i)(x) of the National Water Act, 1998(Act 36 of 1998), the Minister of Human Settlements, Water and Sanitation is the owner of the land on which a Government Waterworks is situated. Therefore, the Department of Water and Sanitation is responsible as the land owner to ensure that there is no environmental damage caused by the lessees. The Department also does monitoring of the government waterworks and management thereof. The leases can be terminated if the lessees do not comply with the conditions set out in the lease agreements.
- (4) Because the dam is a flood control dam and poses a danger to animals and humans, the following special conditions were included into the lease agreements.
- (a) The number of livestock permitted on the land is done in consultation with the Department of Agriculture to determine the carrying capacity of the land.
- (b) According to the conditions of the lease agreements, fences must be erected and maintained by the lessees.
- (c) (i) It is a condition of the signed lease agreements that animals must be inoculated and marked/tagged.
- (ii) Another condition of the lease agreements that the lessees must adhere to the National Veld and Forest Act, 1998(Act 101 of 1998) as well as all other applicable legislation.
- (iii) The lease agreement also states that lessees must form part of a Fire Protection Association, if one exists in the area.

ANNEXURE A

Hectares	Lease Period and rental charges (Amount due per year with a 10% escalation (Rental is market related))	
32.3449 h	2 years from August 2019	R2660.78
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32.3449 h	2 years from August 2019	R2660.78
32.3449 h	2 years from August 2019	R2660.78
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32.3449 h	2 years from August 2019	R2660.78
32.3449 h	2 years from August 2019	R2660.78
198.161 0	2 years from August 2019	R19 816.10
361.535 5	2 years from August 2019	R39 768.90
291.522 6	2 years from August 2019	R32 067.47
261.535 9	2 years from August 2019	R28 768.94
138.379 2	2 years from August 2019	R15 221.70
103.000 0	2 years from August 2019	R11 330-00

Hectares	Lease Period and rental charges (Amount due per year with a 10% escalation (Rental is market related))	
402.1545	2 years from August 2019	R44 236.99
177.1824	2 years from August 2019	R19 490.04
351.7589	2 years from August 2019	R36 928.89
46.2043h	2 years from August 2019	R5 082.47
1167.722	2 years from August 2019	R94 170.46
918.7344	2 years from August 2019	R101 060.76
121.5646	2 years from August 2019	R23 301-01
120.6878	2 years from August 2019	R13 275.91

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