



# Wes-Kaapse Provinsiale Parlement Western Cape Provincial Parliament IPalamente yePhondo leNtshona Koloni

WCPP 11/4/12

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Report of the Petitions Committee on its fact-finding visits to Groote Brak Rivier and Power Town, Klein Brak Rivier in Mossel Bay from 19 and 20 July 2022, as follows:

## Delegation

The delegation consisted of the following members:

Dugmore, CM (ANC)  
Mackenzie, RD (DA)  
Makamba-Botya, N (EEF)  
Plato, D (DA: Chairperson and leader of the delegation)  
Sayed, MK (ANC)

## 1. Introduction and background

The statutory requirements of the Petitions Committee are contained in the Directive on Petitions and executive undertakings, issued by the Honourable Speaker, Masizole Mngasela. This directive was issued in accordance with Standing Rule 1 of the Western Cape Provincial Parliament (WCPP) and provides direction regarding the processing of petitions at the WCPP. and, furthermore, pursues all assurances, undertakings and commitments given by the Executive and determines the extent to which these assurances must be fulfilled.

In September 2019, the Committee considered the Petition from Power Town, Klein Brak River in Mossel Bay.

### Salient elements of the Petition

The Power Town Community is a group of more than 150 families, residing on a riverbank in Klein Brak, and experiences continuous flooding during heavy rains. At least 10 relocation sites were considered by Department of Human Settlements in July 2008, in collaboration with the community, the Mossel Bay Municipality and the Department of Environmental Affairs and Development Planning. A developer (Hartenbos Landgoed) stepped forward and offered to house the 150 families as part of his mixed income residential development, a commitment they intended to cap at ±R30 million.

The petitioners stated that they have been living in Power Town, Klein Brak Rivier for several generations and were never provided proper housing or basic services and a lack of adequate healthcare facilities.

More than 130 households are without drinking water, electricity, flushing toilets, and proper housing. According to the petitioner the previous leadership of the Mossel Bay

Municipality was reluctant to hand over the property rights to the Power Town community members.

Letters were sent to various government departments including the Western Cape Department of Human Settlements, the Premier's office, and the national Department of Human Settlements with no substantive feedback from the respective departments according to the petitioners.

In August 2020, the Western Cape Provincial Parliament's Public Education Outreach unit (PEO) briefed the Committee on the Groot Brak Rivier petition from Mossel Bay.

The Committee resolved to conduct a fact-finding visit to Power Town (Klein Brak Rivier) to inspect and engage with the petitioners of Power Town and the Mossel Bay Municipality.

### **Salient elements of the petition**

The petitioner lodged several land claims regarding the removal of former tenants that resided in different areas within the Groot Brak Rivier. Some of the claims that were lodged with the Land Claims Commission were settled in phases except for Souwesia and Voetpad land claims. The claim submitted for Souwesia was found to be non-complaint with the Restitution of Land Rights Act, 2014 (Act 15 of 2014) and the claim for Voetpad is still awaiting a final research report.

The petitioner is unhappy with the process followed during the land claims process and alleges that, except claims for Souwesia and Voetpad of which responses were received, several claims remain uncompleted. The Land Claims Commission responded to the matters raised in the petition and the petitioner was requested to submit evidence against the claims indicated in the letter dated 29 May 2019.

The Petition was supported by several signatories from the Groot Brak Rivier area.

The Committee resolved to conduct a fact-finding visit to the Groot Brak Rivier area to inspect the various areas indicated in the petition.

Similarly in July 2020 and subsequently in August 2020, the Committee was briefed by the Mossel Bay Municipality, the Land Claims Commission and the petitioners.

The afore-mentioned engagements and emanating resolutions informed the need for the fact-finding visits to Power Town (Klein Brak Rivier) and Groot Brak Rivier in Mossel Bay.

The Committee visited the Power Town (Klein Brak Rivier) on Tuesday, 19 July 2022.

The Committee visited the Groot Brak Rivier sites from Souwesia, Voetpad and various other sights which spanned over the Groot Brak Rivier.

The Committee had an engagement session with both petitioners in Mossel Bay.

**2. Visit to Power Town (Klein Brak Rivier): Tuesday 19 July 2022  
Engagement session with the petitioners of Power Town: Wednesday 20 July 2022**

**2.1.** The Committee conducted a walk-about (tour) of the Power Town, it was evident that the community had established heritages in area for over 25 years. The Committee observed the flood line area as indicated by the Environmental Impact Assessment (EIA) conducted. It was evident that the area of Power Town had not experienced flooding over the years during the winter season. The Committee visited the Sonskynvallei housing project. This has been established with the intention of accommodating the residents of Power Town and backyard dwellers residing at Sonskynvallei[BD1] [WM2]. The concern raised during the visit to Sonskynvallie was that the sand mine adjacent to the housing project caused sand to blow harshly in the area.

The petitioners were given an opportunity to provide an overview of the petition during the meeting on 20 July 2022.

The Mossel Bay Municipality informed the Committee that the community of Power Town had raised their concerns about relocating. The community of Power Town indicated that their families had established heritage in the area and the community worked in the area. The Municipality informed the Committee that they had and will never force any of the Power Town Community to leave the area. They indicated that the community will be given a chance to move voluntarily.

The Municipality confirmed that it never received any complaints from the community of Sonskynvallei about the wind and sand from the sand mines but will investigate the complaint. The Municipality informed the committee that the reason why the area of Power Town was not upgraded was due to the area being in a flood line. As a result, the Department of Human Settlements does not allocate subsidies to informal settlements in flood line area. In addition, the Department of Energy does not connect electricity to areas in flood lines.

The Municipality also informed the Committee that the other sites that were suggested by National, Provincial departments and the community of Power Town were not environmentally suitable or designated for other uses.

The Municipality has agreed that they will proceed by requesting a revised environmental impact assessment of the Power Town area to make it possible to build on that land.

**2.2. Recommendations**

The Committee RECOMMENDED that:

**2.2.1.** The Mossel Bay Municipality submits a revised request to the Department of Local Government for an Environmental Impact Assessment (EIA) of the area to propose the development of the Power Town area. The EIA needs to investigate all possible options to allow this area to be developed.

**2.2.2.** The Minister of Local Government, Environmental Affairs and Development Planning, Mr A Bredell to engage with the Mossel Bay Municipal to ensure that the EIA process is resolved faster.

**3. Visit to various sites of Groot Brak Rivier: Tuesday 19 July 2022  
Engagement session with the petitioners of Groot Brak Rivier: Wednesday 20 July 2022**

**3.1.** The Committee conducted a walk-about (tour) of multi land claims sites that include Souwesia, Otto, Voetpad, the agricultural land, the footpath land, the Cong camp land, the Dutch Reformed camp land, the Sandhoogte or Die Dam, Cong Church Land, Landedrift, the Erf 135, Kalkrug land, the Wesso land and the historical cemeteries areas. It was evident that the community was unhappy with the process of the land claims, those that have not been concluded.

The petitioners were given an opportunity to provide an overview of the petition during the meeting of 20 July 2022.

**3.2. Resolutions**

The Committee RESOLVED:

3.2.1. To engage with the Office of the Regional Land Claims Commissioner: Western Cape. Moreover, to provide the method that was used to determine the amount allocated to claimants.

3.2.2. To engage with the Portfolio Committee of Agriculture, Land Reform and Rural Development on the land claims petition of Groote Brak Rivier. This will enable the two Committees to work together to find a solution to the petition before the Committee.

3.2.3. To engage with the National Department of Agriculture, Land Reform and Rural Development on its perspective concerning the petition.

3.2.4. Following the engagement with the Office of the Regional Land Claims Commissioner the Committee should request legal advice on the petition. Due to this, legal advice needs to be based on how the claimant's allegations can be re-evaluated through an assessment. In the petition, it is stated that the claimants received below-market values for the land.

**4. Acknowledgements**

The Committee expressed its appreciation to the petitioners of Groote Brak Rivier and Klein Brak Rivier, the Mayor of Mossel Bay Municipality, Ward Councillors, municipal officials, and officials from the Land Claims Commission for coordinating the visits and for informative engagements.

*D. Plato*

**MR D PLATO MPP  
CHAIRPERSON: PETITIONS COMMITTEE  
WESTERN CAPE PROVINCIAL PARLIAMENT**

**DATE: 8 November 2022**