

Parliamentary question 11, Friday 18 October 2024: Land invasions

(1) Detailed list of illegal land invasions since 2019				(2)	(3)	(3)(b)	(3)(c)	4(a)	
No.	Erf / Farm number	Township	Land invasion reported date	DLG collaboration with relevant authorities	Owners	Original plans or projects intended	How have these plans been affected or delayed	Estimated value of the land	Estimated value of the intended projects
1	6482	Grassy Park	21 March 2019		Provincial Government of the Western Cape	Affordable housing development	Project is still in a planning phase, and DOI is attending to the eviction of the unlawful occupants on the property. The plans, up until now, have not been affected or delayed.	R 31,040,000.00	Still to be determined.
2	1154 Portion 3	Stellenbosch RD	25 March 2019		Provincial Government of the Western Cape	Construction of School	No plans have been affected or delayed.	R 11,000,000.00	
3	918 Portion 187	Stellenbosch RD	09 April 2019		Provincial Government of the Western Cape	Construction of Schools	Land invasion will impact road access to school	R 36,000,000.00	R -
4	918 Portion 34	Stellenbosch RD	09 April 2019		Provincial Government of the Western Cape	Construction of the replacement Helderberg Hospital	The plans have not been affected as the construction is planned for 2030.	R 16,500,000.00	R -
5	308	Zeekoevlei	21 May 2019		Provincial Government of the Western Cape	The subject property has been identified as a land restitution matter. The Department of Agriculture, Rural Development and Land Reform is currently conducting verification of the family that is going to be awarded Erf 308 Zeekoevlei.	The property has a land restitution claim in progress.	R 8,000,000.00	R -
6	7816	Greater Chatsworth	06 September 2019		Provincial Government of the Western Cape	Purchased for a Nature Conservation, occupiers were on property at time of purchase	Nature Conservation plans not affected or delayed by the land invasion.	R 7,355,000.00	R -
7	544 Portion 1	Cape RD	10 July 2020		Provincial Government of the Western Cape	Nature Reserve	Nature Reserve was deproclaimed due to land invasion. WCG will not be able to recover and restore the property for future nature conservation purposes.	R 10,350,000.00	R -
8	732 Portion 19	Paarl RD	30 July 2020		Road Trustees	Primary School for 1200 learners	Site totally invaded.	R 4,030,000.00	R 80,000,000.00
						Hospital and Community Day Centre	Site totally invaded		R 1,000,000,000.00
9	2843	Hout Bay	04 August 2020		Provincial Government of the Western Cape	Reserved for the development of a second school on the property	The Department is attending to the eviction of the illegal occupants on the property. The plans, up until now, have not been affected or delayed.	R 1,000,000.00	R -
10	23304	Maitland	13 October 2021		Provincial Government of the Western Cape	Reserved for the development of a CDC on the property	The plans, up until now, have not been affected or delayed.	R 7,084,000.00	R -

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11	76	Hagley	18 April 2023		Provincial Government of the Western Cape	There is currently no immediate plan or projects intended on the property.	No plans have been affected or delayed.	R 2,400,000.00	R -

4(b)	4(b)
Actions taken by the Department and municipalities	What support is provided to municipalities dealing with invasions
The matter of unlawful occupation has been escalated to Legal Services following the court order obtained on 23 March 2019. Demolition of derelict structures is initiated, but was halted due to interdict from the unlawful occupiers in November 2022. An eviction order was obtained 20 July 2022; and unlawful occupiers who were conducting business were evicted. However, as there is no available property and funding for a transitional residential area, unlawful occupation of residential use continues.	Department of Infrastructure official's provide early warning to municipalities if it is found that municipal land is being invaded and provides assistance if required.
Housing protest resulted in a land invasion on the sites earmarked for schools. Many engagements with the community were held resulting in the land invasion being stopped and the school construction commenced.	Department of Infrastructure official's provide early warning to municipalities if it is found that municipal land is being invaded and provides assistance if required.
Encroaching invaders are impacting the road access to the site but the construction of the schools is proceeding. Eviction of the encroaching invaders will be undertaken.	Department of Infrastructure official's provide early warning to municipalities if it is found that municipal land is being invaded and provides assistance if required.
The land invasion spilled over from the adjacent City of Cape Town site over the cadastral boundaries of the WCG owned site. The occupants of the structures were fenced out of the site to prevent the loss of the whole site which is ear-marked for the construction of the new Helderberg Hospital. The matter has been handed over to Legal Services and Counsel has been appointed for the eviction. Once an eviction order has been granted, the fence will be moved to the cadastral boundaries of the WCG owned site. Active engagements are undertaken with the Ward Councillor to prevent further invasions and risks to the site.	Department of Infrastructure official's provide early warning to municipalities if it is found that municipal land is being invaded and provides assistance if required.
The Farm house on property burned down, families living in the house were given material by City of Cape Town Disaster Management to build temporary structures. These structures were built on Erf 308. An eviction application was sought through Legal Services for the eviction of these persons. A static security service was placed on site to monitor and prevent further unlawful occupation of property. Court proceedings through Legal Services resulted in Interdict Order with vacation of persons by 8 February 2022. Eviction order obtained for the vacation of persons on or by 30 June 2022. Matter was tabled at CoCT ALIU War Room meeting and requested assistance for eviction operation. On 20 July 2022 the Sheriff actioned the eviction of persons and belongings from the site and animals were removed by the SPCA. Derelict structures and rubble were removed from the property. A Security service provider was appointed to prevent further invasions.	Department of Infrastructure official's provide early warning to municipalities if it is found that municipal land is being invaded and provides assistance if required.
DTPW implemented a security presence in 2019 to address issues such as Sand Mining, theft and land encroachment. On the 5 May 2021 an incident occurred which involved a group of protestors who were attempting to erect structures and burn tyres, claiming that the land would be allocated to them for development. Law Enforcement, SAPS and a Tactical team was engaged to dismantle structures and prevent further damage to existing infrastructure. Legal services were consulted, resulting in an interdict to prevent further unlawful activities on the property. DOI engaged with Swartland Municipality regarding subdivision and planning of area.	Department of Infrastructure official's provide early warning to municipalities if it is found that municipal land is being invaded and provides assistance if required.
The Department escalated the matter to Legal Services and erected "no trespassing signs" at prominent points on property. The Department further installed notices at prominent points of impending adverse weather and flooding and engaged community leaders on the unlawful occupation and expected severe weather threat. Western Cape Nature Reserve Board obtained a court order in respect of the invasion of the property. Identified relocation areas within the reserve, outside of the flood zone for voluntary relocation by unlawful occupants.	Department of Infrastructure official's provide early warning to municipalities if it is found that municipal land is being invaded and provides assistance if required.
The adjacent City of Cape Town property was first invaded and spilled over onto the WCG owned site. The land invasion was escalated to Legal Services for the interdict process. The interdict was unsuccessful as by its receipt the property had been vastly invaded and any measure to reclaim the property was lost	Department of Infrastructure official's provide early warning to municipalities if it is found that municipal land is being invaded and provides assistance if required.
The Department investigated the notification of encroachment invasion received. Case number: CAS 26/08/2020 was opened at local the Mfuleni SAPS station and afforded to CoCT ALIU for assistance in removal of structures initially removed on 04 August 2020. the following morning new structures were erected and a new case was opened 19/08/2020 as law enforcement would break down structures however did not have enough manpower and SAPS refused to assist in the absence of a court order. 20 August 2020 an operation by number of law enforcement and contracted entities was conducted inclusive of property and ten unlawful structures were demolished. The Department Inspectorate officials late on a Friday evening with the assistance of the local SAPS station officers placed No Trespassing signs at key points of the property. Land invasion finalised and matter closed.	Department of Infrastructure official's provide early warning to municipalities if it is found that municipal land is being invaded and provides assistance if required.
The Department requested a risk assessment was requested from DPOCS. A drive-by security service was instated to safeguard the property of further unlawful occupation. Matter escalated to Legal Services for interdict against persons, restricting access to and occupation of property. An instance of further unlawful occupation occurred whereby an unknown person parked a caravan on the property for the purposes of habitation, however the Department along with assistance of the City of Cape Town ALIU was able to remove the caravan and person. A fencing project is currently in progress at the property to enclose the vacant portion of the property. The City of Cape Town has fenced off the occupied portion of the property. Structures were erected on the property to accommodate the occupants whom agreed to alternative accommodation, except one occupant whom refused as the dwellings were smaller than her makeshift structure. the occupant was legally removed from the property at her refusal of acceptance of the new structure. The Department is fencing the remaining portion of the site on which the CDC will be constructed to prevent further land invasions.	DOI arranged with the City the relocation of the illegal occupants to the eastern corner of the site. City of Cape Town provided emergency building material for the construction of informal dwellings in a controlled manner. One family did not agree to the relocation and DOI is following a legal process for eviction. The CDC is still in a planning phase and the plans have not been affected or delayed.

4(b)	4(b)
Actions taken by the Department and municipalities	What support is provided to municipalities dealing with invasions
<p>The Department opened case of trespassing CAS 383/5/2024. Escalated matter to Legal Services for Urgent Application. Notices of Cease and Desist of Building works issued to occupants. Security service provider posted to prevent further occupation/settlement into dwelling. The remaining vacant portion fenced off to prevent further unlawful construction and access to the site. Names and contact details sourced for case and record purposes.</p>	<p>Department of Infrastructure official's provide early warning to municipalities if it is found that municipal land is being invaded and provides assistance if required.</p>