

"TAZG"



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DISPOSAL OF LAND ON WHICH TAFELBERG REMEDIAL SCHOOL WAS PREVIOUSLY SITUATE

With reference to your letter of 18 March 2016 addressed to Minister Madikizela and Mr. Steenkamp, I have been tasked with providing you with a response, as Minister Madikizela is currently not in office, and do so below.

1. As you are aware, the Tafelberg site, which is the subject matter of your letter, whilst owned by the Western Cape Provincial Government, falls under the custodianship and control of the Provincial Minister of Transport and Public Works, as does every other piece of immovable property owned by the Provincial Government, save for land that transferred to the Provincial Government when the Provincial Housing Development Board was disestablished, which falls under the custodianship and control of the Provincial Minister of Human Settlements. The rights and obligations which pertain to the acquisition or disposal of immovable property, in terms of legislation and policy are hence exercised by the Department of Transport and Public Works as the custodian thereof. Accordingly any questions or concerns with regard to that process, both in general and with reference to the Tafelberg site in particular, can only be dealt with by that Department. To this end I am informed that you have already addressed a very similar letter to the Department of Transport and Public Works, and to which a response has been provided.
2. Given this, whilst you have quoted comments made recently by our Mr. Steenkamp as apparent support for your contentions regarding the process that was applied to the disposal of the Tafelberg site, you have failed to point out that Mr. Steenkamp specifically advised you at the outset of the discussion that he did not speak, nor had a mandate, to discuss the Tafelberg disposal on behalf of the Minister of Transport and Public Works, (so I am advised), and all his comments must be viewed within that context. Whilst the provision of housing to beneficiaries currently on the housing list data-base is clearly a priority for the Department of Human Settlements, this does not equate to a conclusion that every piece of immovable land owned by the Province should and must only be used for that purpose. The need to balance this priority (of Human Settlements) against, inter alia, vital income-generation projects required for infrastructure development and upgrades, as well as vital resources needed in both

our Education and Health competencies - especially given the massive cuts that have recently been applied to provincial budgets by National Treasury for the forthcoming year - means that the use, acquisition and disposal of land by any province is a legislatively dense, polycentric, multi-pronged approach, which is hardly ever done in isolation, and is anything but simplistic.

3. In addition, I am informed that your offices have been aware, since March 2014, of the proposal by the Department of Transport and Public Works to dispose of this property, if due process favoured that outcome and it is hence not correct that you only learnt of this in January this year. In addition to this, I am advised that on 11 December 2015, a firm intention to dispose of this property was duly advertised in the press and comments or objections in relation thereto were called for. It appears that your offices declined and/or failed to provide comment regarding this disposal and a deed of sale has accordingly now been signed which has created binding contractual obligations for both parties thereto.
4. I am also informed that in response to your previous letters to the Department of Transport and Public Works relating to the disposal process which has been followed by that department to date, you were referred to the provisions of PAIA for the purpose of gaining access to the record of the process to date, but that you have failed or refused to submit a PAIA application in this regard. Given that it does not hence appear that you currently have lawful access to the record of the chain of decisions that have been taken in the process of disposal to date, it is unclear as to the factual basis upon which you can currently assert that same was unlawful – as per paragraph 6 of your letter.
5. This notwithstanding, in response to your questions to the Minister of Human Settlements as set out in paragraph 22 of your letter, I am authorized to respond as follows:

Ad para 22.1

Your question in paragraph 22.1 is somewhat curious given that your organization appears to be well aware of the answer to it already. In this regard I refer you to your own Facebook page, on which you have posted a copy of the initial proposal that was initially made by the Department of Human Settlements with regard to the use of this site. The comments of your organization with respect to the said proposal on your own Facebook page make it clear that you are well aware of this, i.e. "This is the Tafelberg School Site in Sea Point with a mock up of 204 units of mixed income housing. The WC Province saw it, rejected it, and sold the land to one wealthy white individual

with no strings attached. Why?" Given this I can only conclude that the real objective in you asking this question is to avoid the necessity of proving that you obtained the said proposal other than via the lawful process that PAIA sets out with respect to the accessing of public records. In this regard I can also confirm that the proposal (already in your possession) was later withdrawn.

Ad para 22.2

See above.

Ad para 22.3

I refer you to what has been said in your own letter, as well as that set out above and confirm that the decision in question was taken by the Provincial Minister of Transport and Public Works as the custodian of the land in question and in terms of the applicable laws relating thereto. Any questions you have in that regard must hence be directed to his office.

Yours faithfully



BONGINKOSI MADIKIZELA
MINISTER OF HUMAN SETTLEMENTS
WESTERN CAPE GOVERNMENT
DATE: 30/3/16