

PROVINSIE
WES-KAAP

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414	Provinsie Wes-Kaap: Beleid vir die vestiging van plaaswerkers	2

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PROVINSIALE KENNISGEWING

Die volgende Provinsiale Kennisgewing word vir algemene inligting gepubliseer.

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DIREKTEUR-GENERAAL

Provinsiale-gebou,
Waalstraat,
Kaapstad.

P.K. 414/2000

1 September 2000

PROVINSIE WES-KAAP:

BELEID VIR DIE VESTIGING VAN PLAASWERKERS

September 2000

INHOUD

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WOORDOMSKRYWINGS

Aftree-dorpie: 'n Woonbuurt spesifiek ontwikkel vir bona fide plaaswerkers, maar wat 'n funksionele deel van 'n dorpsgebied vorm. Die ontwikkeling en bestuur van sulke komplekse moet verteenwoordigend wees van 'n vennootskap tussen die boer, plaaswerker en staat, verteenwoordig deur 'n regsliggaam (bv. Trust, regs persoon, Gemeenskaplike Eiendomsvereniging). Verblyfsekuriteit is volgens lewensreg en sluit nie noodwendig eiendomsreg in nie. Aftree-dorpie kan op private, openbare of vennootskapsbasis ontwikkel en bestuur word.

Boeregemeenskap: Sluit alle plaasbewoners in, hetsy plaaseienaars, plaaswerkers en hulle onderskeie afhanklikes in.

PROVINCIAL NOTICE

The following Provincial Notice is published for general information.

L. D. BARNARD,
DIRECTOR-GENERAL

Provincial Building,
Wale Street,
Cape Town.

P.N. 414/2000

1 September 2000

PROVINCE OF WESTERN CAPE:

POLICY FOR THE SETTLEMENT OF FARM WORKERS

September 2000

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DEFINITIONS

Agri-suburb: A residential area developed specifically to accommodate farm workers and their dependents and which forms a functional part of a town. Security of tenure is according to right of ownership. Agri-suburbs may be developed on a private, public or joint-venture basis.

Agri-village: A private settlement of restricted size established and managed by a legal institution that is situated within an agricultural area and where residence is restricted to bona fide farm workers and their dependents of the farms involved in the development. Security of tenure does not include right of ownership, but can include a Trust, Communal Property Association or Sectional Title. The development of agri-villages represents a partnership between farmer, farm worker and state.

Distriksmunisipaliteit:	'n Munisipaliteit wat munisipale uitvoerende en wetgewende gesag het in 'n gebied wat meer as een munisipaliteit insluit, en wat in artikel 155(1) van die Grondwet beskryf word as 'n kategorie C munisipaliteit.	District Municipality:	Means a municipality that has municipal executive and legislative authority in an area that includes more than one municipality, and which is described in section 155(1) of the Constitution as a category C municipality.
Dorp:	'n Openbare nedersetting onder die jurisdiksie van 'n munisipaliteit en wat voorsiening maak vir volle grondbesit. In die verband van hierdie beleid word die term dorp gebruik as sinoniem met 'n landbou-dienssentrum, dorpie of nedersetting.	ESTA:	The Extension of Security of Tenure Act, 1997 (Act 62 of 1997).
ESTA:	Wet op die Uitbreiding van Sekerheid van Verblyfreg, 1997 (Wet 62 van 1997).	Farming community:	Includes all farm dwellers be they farm owners, farm workers and their respective dependents.
Geïntegreerde Ontwikkelingsplan:	'n Ontwikkelingsplan wat handel met die integrering van verskillende strategieë en sektorale planne in verband met ontwikkeling, soos ekonomiese, ruimtelike, sosiale, infrastrukturele, behuisings-, institusionele, fiskale, grondhervormings-, vervoer, omgewings- en waterplanne, om die optimale toekenning van skaars hulpbronne in 'n bepaalde geografiese gebied te verkry, en omvat dit 'n geïntegreerde ontwikkelingsplan soos in artikel 10B van die Oorgangswet op Plaaslike Regering, 1993 (Wet 209 van 1993), omskryf.	Farm workers:	Includes all farm dwellers be they permanent, periodic, domestic, contract or seasonal workers.
Landbou-buurt:	'n Woonbuurt wat spesifiek vir plaaswerkers en hulle afhanklikes ontwikkel is, en 'n funksionele deel van 'n dorpsgebied uitmaak. Verblyfsekuriteit is volgens eiendomsreg. Landbou-buurte kan op private, openbare of gesamentlike basis ontwikkel word.	Integrated Development Plan:	A development plan which deals with the integration of different strategies and sectoral plans relating to development, such as economic, spatial, social, infrastructural, housing, institutional, fiscal, land reform, transport, environmental and water plans, to attain the optimal allocation of scarce resources in a particular geographic area, and includes an integrated development plan as defined in section 10B of the Local Government Transition Act, 1993 (Act 209 of 1993).
Landbou-dorpie:	'n Privaat nedersetting van beperkte grootte, binne 'n landbougebied, wat deur 'n regsliggaam ontwikkel en bestuur word. Verblyf is beperk tot bona fide plaaswerkers en hulle afhanklikes van die plase wat by die ontwikkeling betrokke is. Verblyfsekuriteit sluit nie eiendomsreg in nie, maar kan 'n Trust of Gemeenskaplike Eiendomsvereniging of Deeltitel insluit. Die ontwikkeling van landbou-dorpie verteenwoordig 'n vennootskap tussen boer, plaaswerker en die staat.	Local Municipality:	Means a municipality that shares municipal executive and legislative authority in its area with a district municipality within whose area it falls, and which is described in section 155(1) of the Constitution as a category B municipality.
Metropolitaanse Munisipaliteit:	'n Munisipaliteit wat eksklusiewe uitvoerende en wetgewende gesag in sy gebied het, en wat in artikel 155(1) van die Grondwet beskryf word as 'n kategorie A munisipaliteit.	Metropolitan Municipality:	Means a municipality that has exclusive executive and legislative authority in its area, and which is described in section 155(1) of the Constitution as a category A municipality.
Munisipaliteit:	'n Plaaslike Munisipaliteit of 'n Metropolitaanse Munisipaliteit of 'n Distriksmunisipaliteit, soos omskryf in die Wet op Plaaslike Regering: Munisipale Strukture, 1998 (Wet 117 van 1998).	Municipality:	A Local Municipality or a District Municipality or a Metropolitan Municipality as described in the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998).
Plaaslike Munisipaliteit:	'n Munisipaliteit wat munisipale uitvoerende en wetgewende gesag in sy gebied deel met 'n distriksmunisipaliteit in wie se gebied hy geleë is, en wat in artikel 155(1) van die Grondwet beskryf word as 'n kategorie B munisipaliteit.	Retirement village:	A residential complex developed specially to accommodate retired farm workers but which forms a functional part of a town. The development and management of such complexes must represent a partnership between farmer, worker and state, represented by a legal entity (e.g. Trust, Body Corporate, Communal Property Association). Security of tenure may be by usufruct and does not necessarily include right of ownership. Retirement villages may be developed and managed on a private, public or joint venture basis.
Plaaswerkers:	Sluit alle plaasbewoners in, hetsy permanente, termyn-, huis-, kontrak- of seisoenswerkers.	Sectoral Plan:	A written strategy or plan which deals mainly with one of the sectors or elements or particular subjects that form part of an integrated development plan and which may be a spatial, economic, land reform, environmental, housing, water or transport plan.
Sektoral Plan:	'n Skriftelike strategie of plan wat hoofsaaklik met een van die sektore of	Town:	A public settlement under the jurisdiction of a municipality and providing for full land

elemente of bepaalde onderwerpe wat deel vorm van 'n geïntegreerde ontwikkelingsplan, handel en kan 'n ruimtelike, ekonomiese, grondhervormings-, omgewings-, behuisings-, water- of vervoerplan wees.

1. INLEIDING

Dit is die visie van die Provinsiale Regering van die Wes-Kaap dat alle plaaswerkers in staat moet wees om hulle permanent te vestig. Alternatiewe vestigings-opsies behoort beskikbaar te wees om sodanige permanente vestiging te bevorder en fasiliteer, in ooreenstemming met plaaslike behoeftes en omstandighede. Die uitvoering van vestigings-opsies moet bydra tot volhoubare gemeenskaps-, landelike-, en landbou-ontwikkeling in die Wes-Kaap.

2. DOEL

Die beleid streef na die daarstelling van “op-die-plaas” en “buite-die-plaas” vestigings-opsies om Wes-Kaapse plaaswerkers en hulle afhanklikes in staat te stel om die verskillende verblyf-, behuising-, en subsidievoordele en regte wat tot hulle beskikking is, ten volle te benut, en die verduideliking van hoe en waar hierdie geleenthede verwesenlik kan word.

3. PROVINSIALE BELEIDSVEREISTE

Die behoefte aan 'n provinsiale beleid ten opsigte van die prosedures en praktyke waardeur vestigings-opsies vir plaaswerkers bevorder kan word, berus op die volgende:

- (i) Die behoefte aan kongruensie tussen die omstandighede in die Wes-Kaap en verskeie nasionale inisiatiewe wat fokus op die bevordering van verblyfsekuriteit en vestiging van plaaswerkers, insluitend Die Grondhervormingsbeleid; en die Wet op die Uitbreiding van Sekerheid van Verblyfreg, 1997 (Wet 62 van 1997). Hierdie inisiatiewe sluit loodsprogramme, aansoek-, en ontwikkelingsprosedures, sowel as finansieringsreëlings in. Provinsiale riglyne vir die implementering van hierdie inisiatiewe is nodig.
- (ii) Die behoefte om vestigings-opsies te voorsien wat die voorkeure van die Wes-Kaapse plaaswerkers in ag neem.
- (iii) Die behoefte om vestigings-opsies te ontwikkel wat aanpasbaar is by Wes-Kaapse omstandighede, veral in landbou-areas met unieke klimaats-, en verbouings-eienskappe, wisselende digtheid van plaaswerker verspreiding en wisselende standaarde van plaaswerker behuising.
- (iv) Die behoefte om sekere bestaande leemtes te vul in die provinsiale ontwikkelingsbeleid ten opsigte van landbou-dorpiens en ander vorms van plaaswerker-vestiging in die landelike gebiede van die Wes-Kaap.
- (v) Die behoefte om landelike beplanning en ontwikkelings-inisiatiewe op provinsiale vlak te koördineer.
- (vi) Die behoefte om teiken begunstigdes (d.w.s. plaaswerker-gemeenskappe) en die sleutel rolspelers (d.w.s. boere en munisipaliteite) op grondvlak by die besluitnemingsproses te betrek.
- (vii) Die behoefte om 'n vennootskap tussen boer, plaaswerker en die staat daar te stel met betrekking tot vestiging van plaaswerkers.

4. OMVANG VAN DIE BELEID

Die beleid:

- (i) is gerig op die verskeidenheid van verblyfsbehoefes van die Wes-Kaapse plaaswerker-gemeenskap:
 - a) dit beteken alle plaasbewoners, insluitend permanente, termyn-, huis-, kontrak- en seisoenswerkers en hulle afhanklikes (\pm 200 000 huishoudings),

ownership. In the context of this policy the term town is used synonymously with agricultural service centre, village or hamlet.

1. INTRODUCTION

It is the vision of the Provincial Government of the Western Cape that all farm workers must be able to be settled permanently. Alternative settlement options should be available to promote and facilitate such permanent settlement, in line with local needs and circumstances. The execution of settlement options must contribute to sustainable community, rural and agricultural development in the Western Cape.

2. AIM

The policy strives at creating “on the farm” and “off the farm” settlement options to allow Western Cape farm workers and their dependents to fully benefit from the various tenure, housing and subsidy benefits and rights which are availed to them, and explaining how and where these options can be achieved.

3. PROVINCIAL POLICY REQUIREMENT

The need for provincial policy guidelines with respect to the procedures and practices through which settlement options for farm workers can be promoted, is based on the following:

- (i) The need for congruence between Western Cape circumstances and several national initiatives which focus on promoting security of tenure and settlement of farm workers, inclusive of: the Land Reform Policy; and the Extension of Security of Tenure Act, 1997 (Act 62 of 1997). These initiatives include pilot programmes, application and development procedures and funding arrangements. Provincial guidelines for the implementation of these initiatives are required.
- (ii) The need to provide settlement options which take cognizance of the preferences of Western Cape farm workers.
- (iii) The need to develop settlement options compatible with Western Cape circumstances, especially in farming areas with unique climate and cultivation characteristics, varying densities of farm worker distribution and varying standards of farm worker housing.
- (iv) The need to fill certain gaps which exist in the Western Cape provincial development policy regarding agri-villages and other forms of farm worker settlement in the rural areas of the Western Cape.
- (v) The need to co-ordinate rural planning and development initiatives at provincial level.
- (vi) The need to involve target beneficiaries (i.e. farm worker communities) and key stakeholders (i.e. farmers and municipalities) in the decision making process at grass roots level.
- (vii) The need to establish a farmer, worker, state partnership in farm worker settlement.

4. SCOPE OF THE POLICY

The policy:

- (i) is focussed on the variety of settlement needs of the Western Cape farm worker community:
 - a) that is all farm dwellers, including permanent, periodic, domestic, contract and seasonal farm workers and their dependents (\pm 200 000 households),

- | | |
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| <ul style="list-style-type: none"> b) gedurende hulle dienstermyn en na aftrede, c) afgesien van waar hulle tans woon, en d) met betrekking tot hulle “op-die-plaas” sowel as “buite-die-plaas” verblyfsvoorkeure; <ul style="list-style-type: none"> (ii) spreek nie die vestigingsbehoefes van alle gemarginaliseerde landelike gemeenskappe in die provinsie (b.v. regeringswerkers wat in bosbou-dorpie woon, “mense-van-die-plaas” ens.) aan nie; (iii) sal vestigings-opsies daarstel om die verblyfsregte wat deur ESTA aan plaaswerkers voorsien word, te fasiliteer; (iv) sal ’n skakel voorsien tussen volhoubare vestigings- en verblyfsregte deur die implementering van vestigings-opsies, verblyfs-opsies en bestuurs-meganismes; (v) het ten doel om die befondsing vir verkryging van grond en behuising meer toeganklik te maak vir plaaswerkers in die Wes-Kaap; (vi) stem ooreen met die nasionale wetgewende raamwerk wat die Wes-Kaap se Provinsiale Regering en munisipaliteite in staat stel om hulle bevoegdheid ten opsigte van plaaswerker-behuising te implementeer; (vii) ondersteun die volgehoue benutting van landbou hulpbronne in belang van die breër boeregemeenskap van die Wes-Kaap; (viii) beklemtoon die belangrikheid van die uitbouing van vennootskappe tussen boere, plaaswerkers en munisipaliteite om verblyfsbehoefes aan te spreek; (ix) dra by tot die omvattende sosiale sekuriteit van die plaaswerkers; (x) vereis landelike en stedelike ontwikkeling ondersteuningsprogramme om die deelname van die plaaswerker-gemeenskap te verseker; (xi) streef daarna om die boeregemeenskap bewus te maak van vestigings-opsies en hoe om dit uit te oefen; en (xii) erken die korttermyn en langtermyn vermoëns van munisipaliteite om dorpe/landbou-dorpie te finansier en bestuur. | <ul style="list-style-type: none"> b) during their period of service and after retirement, c) regardless of where they are now living, and d) concerning both their “on the farm” and “off the farm” settlement preferences; <ul style="list-style-type: none"> (ii) does not address the settlements needs of all marginalised rural communities in the province (e.g. government workers living in forestry villages, “people of the farm”, etc); (iii) will afford settlement options to facilitate tenure rights afforded to farm workers through ESTA; (iv) will provide a linkage between sustainable settlement and tenure rights through the implementation of settlement types, tenure options and management mechanisms; (v) has the aim of making the funding for land acquisition and housing, more accessible to farm workers in the Western Cape; (vi) corresponds with the national legislative framework which enables the Western Cape Provincial Government and municipalities to implement their capabilities with respect to farm worker settlement; (vii) supports the sustainable utilisation of agricultural resources in the interest of the broader Western Cape farming community; (viii) emphasizes the importance of building partnerships between farmers, farm workers, and municipalities to address settlement needs; (ix) contributes to the overall social security of farm workers; (x) requires rural and urban development support programmes necessary to ensure the participation of the farm worker community; (xi) strives to make the farming community aware of settlement options and how to pursue these; and (xii) recognizes the short and long term ability of municipalities to finance and manage towns and agri-villages. |
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5. BELEIDSBEGINSELS

Die beleid is op die volgende gebaseer:

- (i) **Keuse**—As gevolg van die verskeidenheid van landbou en vestigingsomstandighede in die verskillende distrikte van die Wes-Kaap, sowel as die diversiteit van vestigingsvoorkeure van plaaswerkers, behoort vestigingskeuses binne sekere perke (b.v. beskikbaarheid van grond, beskikbaarheid van fondse, langtermyn volhoubaarheid, ens.) vir plaaswerkers beskikbaar te wees.
- (ii) **Regverdigheid en Deursigtigheid**—Regverdige en deursigtige prosesse is nodig vir die identifisering van verblyfsalternatiewe en besluitneming oor toepaslike opsies.
- (iii) **Vennootskappe**—Die vestiging van plaaswerkers is die gesamentlike verantwoordelikheid van die plaaswerker-gemeenskappe, boere, en provinsiale regering en munisipaliteite.
- (iv) **Bekostigbaarheid**—Opsies vir plaaswerker-vestiging behoort te lei tot verbetering van behuising en behoort bekostigbaar te wees vir die teiken begunstigdes.
- (v) **Uitvoerbaarheid**—Die implementering van “op-die-plaas” vestigingsopsies moet uitvoerbaar wees beide vir die plaaseienaars en die plaaswerkers, en “buite-die-plaas” vestigingsopsies moet uitvoerbaar wees vir die munisipaliteite sowel as vir ander diensverskaffers.

5. POLICY PRINCIPLES

The policy is based on the following principles:

- (i) **Choice**—Due to the variety of agricultural and settlement circumstances in the different districts of the Western Cape as well as the diversity of settlement preferences of farm workers, settlement choices should be available to farm workers within certain limits (e.g. availability of land, availability of funds, long-term sustainability, etc).
- (ii) **Justness and Transparency**—Just and transparent processes are required for the identification of accommodation alternatives and decision making about applicable options.
- (iii) **Partnerships**—It is the joint responsibility of farm worker communities, farmers, and provincial government and municipalities to address the settlement of farm workers.
- (iv) **Affordability**—Options for farm worker settlement should lead to housing improvement and be affordable for the target beneficiaries.
- (v) **Feasibility**—The implementation of “on the farm” settlement options should be feasible for both farm owners and farm workers, and “off the farm” settlement options should be feasible for municipalities as well as other service providers.

- (vi) **Integrasie**—Die vestiging van plaaswerkers, veral “buite-die-plaas” opsies, behoort geïmplementeer te word in ooreenstemming met die Geïntegreerde Ontwikkelingsplanne van plaaslike-, metropolitaanse- en distriksmunisipaliteite.
- (vii) **Volhoubaarheid**—Volhoubare plaaswerker vestiging is nodig, veral by die landbou-dorpie opsie, om te verseker dat daar nie toekomstige finansiële druk op die gemeenskappe en munisipaliteite geplaas word nie.
- (viii) **Omgewingsbewaring**—Die aangewese vestiging opsie moet die integriteit van sowel die natuurlike as die beboude omgewing van die Wes-Kaap bewaar.
- (ix) **Koste Effektiwiteit**—Aangesien ontwikkelingsbehoefes die huidige hulpbronne oorskrei, moet voorgestelde verbeterings aan verblyfsomstandighede koste effektief wees.

6. VESTIGINGS-OPSIES VIR PLAASWERKERS

Vestigings-opsies vir plaaswerkers kan in twee breë modelle verdeel word, naamlik “op-die-plaas” en “buite-die-plaas” opsies.

6.1 “Op-die-plaas” Opsies

“Op-die-plaas” opsies is beskikbaar vir plaaswerkers wat tans op die plaas woon en in die toekoms daar sal woon, as gevolg van persoonlike voorkeur (b.v. as gevolg van die kwaliteit van behuising, hulle verblyfsregte in terme van ESTA, landelike omgewing, sekuriteit, plek vir aftrede, ens.) of omdat omstandighede dit vereis (b.v. afstand van naaste dorpe, werksure, ens.).

Die “op-die-plaas” vestigingsmodel behels ’n reeks moontlikhede wat individueel of gesamentlik toepaslik is vir die vestiging van plaaswerkers in die Wes-Kaap.

6.1.1 Reg van Verblyf

Alle plaaswerkers het ’n reg van verblyf “op die plaas” in terme van die Wet op Uitbreiding van Sekerheid van Verblyf, 1997 (Wet 62 van 1997) of ESTA (sien addendum A). Hierdie Wet beskerm die sekerheid van verblyf van plaaswerkers met betrekking tot:

- (i) Die regte van plaaswerkers wat “op die plaas” woon, soos uiteengesit in Artikel 6(1) van die Wet, soos volg:

“ ’n Okkupeerder het, behoudens die bepalings van hierdie Wet, die reg om grond waarop hy of sy op of na 4 Februarie 1997 gewoon het en wat hy of sy op of na daardie datum gebruik het, te bewoon en te gebruik, en het die reg tot toegang tot die dienste waartoe, hetsy uitdruklik of stilswyend, met die eienaar of persoon in beheer ooreengekom is.”
- (ii) Ander regte en pligte van plaaswerkers as bewoners soos uiteengesit in Artikel 6 (2-4) van die Wet.
- (iii) Die prosedure vir die beëindiging van die reg van bewoning soos uiteengesit in Artikel 8 van die Wet (sien addendum A).

Bykomend voorsien Artikel 4 van die Wet maatreëls (subsidies) om langtermyn sekerheid van verblyfsreg vir plaaswerkers te fasiliteer.

6.1.2 Onderverdeling van die Plaas-eenheid

Die opsie van onderverdeling van die plaas sal vestiging, met die gepaardgaande reg van eienaarskap, fasiliteer. Verder sal sodanige onderverdeling die verkryging van langtermyn sekuriteit deur die benutting van regeringsfondse in terme van Artikel 4 van ESTA, fasiliteer. Onderverdeling van die plaas moet die volgende in ag neem:

- (i) Dit moet die belange van beide die plaaswerkers en eienaars in ag neem.
- (ii) Die beoogde ontwikkeling op die onderverdeelde gedeelte(s) moet koste-effektief en uitvoerbaar wees (d.i. in terme van voorsiening van toegang, behuising en dienste) met die

- (vi) **Integration**—The settlement of farm workers, especially “off the farm” options, should be implemented in line with the Integrated Development Plans of local, metropolitan and district municipalities.
- (vii) **Sustainability**— Sustainable farm worker settlement is required, specially with regards to the agri-village option, so as to ensure that no future financial burden is placed on communities and municipalities.
- (viii) **Environmental Conservation**—The selected settlement option should conserve the integrity of both the natural and built environment of the Western Cape.
- (ix) **Cost Effectiveness**—As development needs out-weigh current resources, proposed improvements to current settlement circumstances should be cost effective.

6. SETTLEMENT OPTIONS FOR FARM WORKERS

Settlement options for farm workers may be grouped into two broad models, namely “on the farm” and “off the farm” options.

6.1 “On the farm” Options

“On the farm” options are available to farm workers who presently reside on the farm and will be living there in future, either due to personal preference (e.g. because of the quality of the housing, their tenure rights in terms of ESTA, rural surroundings, security, place for retirement, etc.) or because circumstances require it (e.g. distance from nearest towns, working hours, etc.).

The “on the farm” settlement model encompasses a range of possibilities which may be individually or collectively applicable in the settlement of Western Cape farm workers.

6.1.1 Right of Residence

All the farm workers have a right of residence “on the farm” in terms of the Extension of Security of Tenure Act, 1997 (Act 62 of 1997) or ESTA (see Addendum A). This Act legally protects the security of tenure of farm workers with reference to:

- (i) The rights of farm workers living “on the farm” as set out in Section 6(1) of the Act as follows:

“Subject to the provisions of this act, an occupier shall have the right to reside on and use the land on which he or she resided and which he or she used on or after 4 February 1997, and to have access to such services as have been agreed upon with the owner or person in charge, whether expressly or tacitly.”
- (ii) Other rights and duties of farm workers as occupiers as set out in Section 6 (2-4) of the Act.
- (iii) The procedure for the termination of right of residency as set out in Section 8 of the Act (see Addendum A).

Additionally, Section 4 of the Act provides measures (subsidies) to facilitate long-term security of tenure for farm workers.

6.1.2 Sub-division of the Farm Unit

The option of sub-dividing the farm unit will facilitate settlement with the accompanying right of ownership. Furthermore, such sub-division will facilitate the securing of long-term security through employing government funds in terms of Section 4 of ESTA. Subdivision of the farm needs to consider the following:

- (i) It must entail a mutual accommodation of the interests of farm workers and owners.
- (ii) The development envisaged on the subdivided portion/s must be cost effective and feasible (i.e. in terms of the provision of access, housing and services), with existing

benutting van bestaande behuising, paaie en dienste, sover moontlik.

- (iii) Die volhoubare benutting van landbou hulpbronne moet verseker word, en die kadastrale fragmentasie van grond vir landbouoelendes en die “verstedeliking” van landelike gebiede moet sover moontlik vermy word.
- (iv) Die opgradering en omskepping van hostelle na gesins-eenhede om seisoenale en kontrakwerkers en hulle gesinne te huisves, ten einde ’n reg op gesinslewe te verseker in ooreenstemming met Artikel 6(1)(d) van ESTA.

In gevalle waar onderverdeling nie moontlik of ’n onmiddellike behoefte is nie (bv. projekte wat die Institusionele Subsidie van die Provinsiale Behuisingontwikkelingsraad benut), kan verblyfsregte versterk word deur middel van ’n notariële akte van serwituut of ’n huurkontrak wat teen die titelakte van die grond geregistreer word. So ’n notariële akte kan die regte van plaaswerkers, die terme van bewoning en beëindiging daarvan, uiteensit.

Die opsie van onderverdeling van die plaas-eenheid verskil van die verskillende aandeel- en herverspreidings skemas wat as deel van die Grondhervormingsprogram geïnisieer word. Besigheidsplanne vir sodanige skemas moet spesifiek die vestigingsvoorstelle vir begunstigdes aandui, aangesien vestigingsregte nie outomaties ingesluit is in sulke projekte nie.

6.1.3 Voorsiening vir Aftrede

Die volgende vestigings-opsies is beskikbaar vir plaaswerkers wat aftree:

- (i) Voorsiening vir “op-die-plaas” vestiging deur ESTA.

ESTA maak soos volg voorsiening vir die reg van bewoning van plaaswerkers wat “op-die-plaas” wil aftree:

Artikel 8(4) van ESTA (sien Addendum A) verseker wettiglik die reg van bewoning van ’n bewoner/plaaswerker wat vir 10 jaar op die plaas of enige ander grond wat aan die eienaar behoort, gewoon het en;

- a) die ouderdom van 60 jaar bereik het; of
 - b) ’n werknemer of gewese werknemer van die eienaar of persoon in beheer is, en as gevolg van swak gesondheid, besering of gestremdheid nie in staat is om arbeid te bied aan die eienaar of persoon in beheer nie.
- (ii) Ander vestigings-opsies

Waar omstandighede die aftrede van plaaswerkers “op-die-plaas” verhoed, of waar plaaswerkers nie “op-die-plaas” wil aftree nie, moet “buite-die-plaas” opsies deeglik geëvalueer word in die lig van die kwesbaarheid van afgetrede plaaswerkers. Vestigings-opsies sluit in ouetehuse, aftreedorpie en behuisingprojekte in nabygeleë dorpe of landbou-dorpie. Terwyl die ontwikkeling van sulke nedersettings as openbare, private of gesamentlike ondernemings kan geskied, moet die ontwikkeling en bestuur van sulke fasiliteite ’n vennootskap tussen boer, werker en Staat wees, soos verteenwoordig deur ’n wetlike entiteit (bv. Trust, regs persoon, Gemeenskaplike Eiendomsvereniging).

6.1.4 Bykomende Meganismes

Bykomende meganismes ter ondersteuning van “op-die-plaas” vestiging van plaaswerkers sluit in:

- (i) Die opstel van ’n formele behuisingkontrak tussen die plaas-eienaar en die plaaswerker, wat die voorwaardes van bewoning, huur, verantwoordelikhede, en prosedures vir beëindiging van bewoning en uitsetting spesifiseer. Die inhoud van so ’n kontrak moet ten minste die voorsienings wat in ESTA vervat is, insluit en moet verseker dat alle betrokke partye vertrouwd is met sodanige voorsienings.
- (ii) ’n Omskrywing van die monetêre waarde van die behuisingvoordeel van die plaaswerker se besoldigings-

housing stock, roads and services being employed where possible.

- (iii) The sustainable utilisation of agricultural resources must be insured, with the cadastral fragmentation of land for agricultural purposes and the “urbanisation” of rural areas in general being avoided.
- (iv) The upgrading and conversion of hostels to family units to accommodate seasonal and contract workers and their families, in order to ensure a right to family life in accordance with Section 6(1)(d) of ESTA.

In instances where subdivision is not possible or an immediate requirement (e.g. projects employing the Institutional Subsidy of the Provincial Housing Development Board), tenure rights can be strengthened by means of a notarial deed of servitude or lease being registered against the title deed of the land. Such a notarial deed can set out the rights of the farm workers, terms of occupation and the termination thereof.

The option of subdividing the farm unit is different to the various share equity or redistribution schemes being initiated as part of the Land Reform Programme. Business Plans for such schemes must specifically stipulate the settlement proposals for beneficiaries, as settlement rights are not automatic in such projects.

6.1.3 Provision for Retirement

The following settlement options are available to retiring farm workers:

- (i) Provision for “on the farm” settlement through ESTA.

ESTA provides for the right of residence to retired farm workers “on the farm” as follows:

Section 8(4) of ESTA (see Addendum A) legally secures the right of residence of an occupier/farm worker who has resided on the farm or any other land belonging to the owner for 10 years and;

- a) has reached the age of 60 years; or
 - b) is an employee or former employee of the owner or person in charge, and as a result of ill health, injury or disability is unable to supply labour to the owner or person in charge.
- (ii) Other Settlement Options

Where circumstances prevent the retirement of farm workers “on the farm” or where farm workers do not wish to retire “on the farm”, “off the farm” retirement options need to be carefully evaluated given the vulnerability of farm worker retirees. Settlement options include old age homes, retirement villages and housing projects in nearby towns or agri-villages. While the development of such settlements can be undertaken as public, private or joint venture initiatives, the development and management of such facilities must represent a partnership between farmer, worker and State represented by a legal entity (e.g. Trust, Body Corporate, Communal Property Association).

6.1.4 Additional Mechanisms

Additional mechanisms to support the “on the farm” settlement of farmworkers, include:

- (i) The drafting of a formal housing contract between the farm owner and farm worker specifying the term of occupation, rental, right of tenure, responsibilities, and procedures for termination of occupation and eviction. The content of such contract should, at minimum, include the provisions contained in ESTA and ensure that all parties concerned are familiar with such provisions.
- (ii) Defining the monetary value of the housing benefit component of the farm worker’s remuneration package, thereby enabling

pakket, om sodoende die plaaswerker in staat te stel om sy/haar behuisingstoelaag elders te benut vir akkommodasie, indien hy/sy dit sou verkies.

- (iii) Die instelling van minimum standaarde vir plaaswerker behuising deur munisipaliteite, insluitend:
- alle strukture wat plaaswerkers akkommodeer moet beantwoord aan die bouregulasies van die munisipaliteit;
 - “op-die-plaas” behuising wat deur subsidies en toekennings gefinansier is, moet beantwoord aan die vereistes van die Provinsiale Behuisings-ontwikkelingsraad in terme van grootte, boumateriaal, konstruksiemetodes, ens.;
 - drinkwater moet beskikbaar wees in ooreenstemming met die minimumstandaarde van die Departement van Waterwese en Bosbou; en
 - elke huis moet sy eie toiletgeriewe hê.

6.2 “Buite-die-plaas” Opsies

“Buite-die-plaas” vestiging kan gefasiliteer word deur middel van twee tipes vestiging, naamlik:

- in ’n **bestaande dorp** of, in uitsonderlike gevalle, ’n **nuwe landelike dorp**—waar albei openbare nedersettings is onder die jurisdiksie van ’n munisipaliteit, en waar begunstigdes hulle eie huise kan besit; en
- in ’n **landbou-dorp**—wat ’n private nedersetting is vir die uitsluitlike behuising van die plaaslike plaaswerker-gemeenskap wat binne ’n landbougebied geleë is en waar inwoners se verblyfsreg beskerm word deur ’n notariële akte van serwituut.

6.2.1 Vestiging in ’n Bestaande of Nuwe Dorp

Vestiging in ’n bestaande of nuwe dorp kan van toepassing wees op die volgende kategorieë plaaswerkers:

- Termyn-, huis- kontrak- en seisoenswerkers wat nie kwalifiseer vir permanente verblyf op plase nie, maar wat landboueroepe wil beoefen. Dit geld veral die plaaswerkers en hulle gesinne wat voorheen trekarbeiders was in die landboubedryf.
- Voorheen permanente plaaswerkers wat nou landbou-subkontraakteurs is en nie langer permanente verbintenis met, of verblyf op ’n plaas het nie.
- Plaaswerkers (termyn-, huis-, kontrak-, seisoenaal en permanent) wat verkies om op ’n nabygeleë dorp te woon of selfs eendag beoog om daar af te tree om die volgende redes:
 - die bestaan van ’n sekerheid van ’n verskeidenheid van infrastruktuur;
 - algemene beskikbaarheid van vervoer deur die informele vervoerbedryf;
 - beter markwaarde van dorps huise teenoor plaashuise; en
 - gemaklike opneem van huise in ’n dorpsomgewing deur kinders of naasbestaandes met erfopvolging.
- Plaaswerkers wat verkies om nie “op-die-plaas” af te tree nie.

Uitbreidings aan bestaande dorpe of, in buitengewone omstandighede, die ontwikkeling van nuwe landelike dorpe, mag geregverdig wees afhangende van die vraag na hierdie soort behuising. Elke geval sal sorgvuldig op meriete beoordeel moet word en die statutêre prosedure vir aansoeke vir stigting van nuwe dorpe sal gevolg moet word, saam met die aansoeke vir toegang tot behuisingsubsidies. In die lig van die hoë koste vir die stigting en instandhouding van nuwe landelike dorpe asook die

the farm worker to use his/her housing allowance elsewhere for accommodation, if he/she so chooses.

- (iii) The introduction of minimum standards for farm worker housing by municipalities, with such standards being inclusive of:
- all structures accommodating farm workers must comply with the building regulations of the municipality;
 - “on the farm” housing financed from subsidies and grants must conform to the Provincial Housing Development Board’s requirements in terms of size, building materials, construction methods, etc.;
 - drinking water must be available in accordance with the minimum standards of the Department of Water Affairs and Forestry; and
 - each house must have its own toilet facility.

6.2 “Off the farm” Options

“Off the farm” settlement may be facilitated in two types of settlement, namely:

- in an **existing town** or, in exceptional cases, a **new rural town**—both of which represent public settlements under the jurisdiction of a municipality, and within which beneficiaries may own their homes; and
- in an **agri-village**—which represents a private settlement exclusively accommodating the local farm worker community which is situated within an agricultural area, and within which residents tenure is protected by a lease or notarial deed of servitude.

6.2.1 Settlement in an Existing or New Town

Settlement in an existing or new town could be applicable to the following categories of farm workers:

- Term, domestic, contract and seasonal farm workers who do not qualify for permanent residence on farms, but who wish to pursue agricultural occupations. This applies especially to those farm workers and their families who were previously migratory workers in the agricultural industry.
- Previous permanent farm workers who are now agricultural sub-contractors and no longer have a permanent connection with or residence on a farm.
- Farm workers (term, domestic, contract, seasonal and permanent) who prefer to live in a nearby town, or wish to retire there for the following reasons:
 - the existence of a variety of infrastructure;
 - general availability of transport provided by the informal transport industry;
 - better market value for urban as opposed to farm dwellings; and
 - easier take-over of homes in the urban environment by children or next-of-kin in the event of inheritance.
- Farm workers who prefer not to retire “on the farm”.

Depending on the extent of demand for this form of settlement, extensions to existing towns or, in exceptional circumstances, the establishment of new rural towns may be justified. Each case will need to be carefully evaluated on its merits and the statutory application procedures for township establishment must be followed parallel to applications to access housing subsidies. In light of the substantial cost of establishing and maintaining new rural towns and fiscal constraints

fiskale beperkings op munisipaliteite, het die ontwikkeling van nuwe dorpe beperkte toepassing in die Wes-Kaap. Die verkieslike benadering is om optimum gebruik te maak van die bestaande openbare belegging in bestaande dorpe/nedersettings.

Die aanvraag vir vestiging van plaaswerkers in bestaande of nuwe dorpe moet verkieslik op 'n distriksbasis vasgestel word. In elke distrik moet gesamentlike plaaswerker-behuisingsinisiatiewe (d.i. waar plaaswerker-organisasies, landbou-organisasies, nie-regerings organisasies, en munisipaliteite betrek word) aangemoedig word. Die behoefte aan nuwe woonbuurte, landbou-buurte of afree-dorpie wat spesifiek op plaaswerkers gemik is, kan deur so 'n proses geïdentifiseer word. Ongeag of 'n openbare, private of vennootskapsprojek beoog word, moet dit funksioneel geïntegreer wees by die bestaande dorp.

Alhoewel ontwikkeling in bestaande dorpe die mees koste-effektiewe manier van "buite-die-plaas" vestiging is, sal die toepassing daarvan deur die volgende faktore beperk word:

- (i) Reisafstande, veral in die uitgestrekte en yl bevolkte landbou-distrikte van die Wes-Kaap, sal implementering beperk tot 'n weeklikse of maandelikse pendel van werkers na behuising in nabygeleë dorpe.
- (ii) Die tempo van huisaflewering sal afhang van die beskikbaarheid van fondse vir behuising en belegging in infrastruktuur, veral weens die bestaande agterstand in behuising in verskeie Wes-Kaapse dorpe. Hierdie is 'n belangrike oorweging aangesien landbou arbeids-intensiwiteit tot hoë mates van verstedeliking in sekere distrikte van die Wes-Kaap kan lei.
- (iii) Die toekenning van staatsfondse vir "buite-die-plaas" vestiging sal, in terme van ESTA, slegs geskied indien sulke "buite-die-plaas" vestiging aan die minimum standaarde van die Provinsiale Behuisingsontwikkelingsraad voldoen.

6.2.2 Stigting van Landbou-dorpie

In sekere gevalle kan die stigting van landbou-dorpie 'n toepaslike opsie wees as alternatief vir die vestiging van plaaswerkers in bestaande of nuwe openbare dorpe. 'n Landbou-dorp is 'n privaat ontwikkelde en bestuurde nedersetting op private grond binne 'n landbougebied, wat uitsluitlik die plaaslike plaaswerker-gemeenskap huisves. Omstandighede waarbinne hierdie opsie toepaslik sou wees, sluit die volgende in:

- (i) in 'n landbougebied waar daar groot aanvraag is na "buite-die-plaas" vestiging, met geen bestaande nedersettings binne praktiese pendel-afstand nie en 'n munisipaliteit wat nie die vermoë het om 'n nuwe openbare dorp/nedersetting te stig of te bestuur nie;
- (ii) waar die eienaars en werkers van 'n maatskappy plaas, of 'n groep naasliggende plase, genoegsame aanvraag en die kapasiteit vir die stigting van 'n sentraal geleë nedersetting, waar behuising en gemeenskapsgeriewe koste-effektief voorsien kan word aan die plaaslike plaaswerker-gemeenskap, identifiseer;
- (iii) waar daar in 'n sekere area 'n genoegsame getal plaaswerkers is wat verkies om "buite-die-plaas" af te tree, maar nie stedelike aftrede verkies nie en liever binne hulle bekende landelike omgewing wil bly woon; en
- (iv) waar die tipe produk wat geproduseer word, of die aard van die landbou-bedrywigheid (b.v. plaagbeheer) "op-die-plaas" behuising uitskakel.

Die kenmerkende eienskap van 'n landbou-dorp is dat dit ontwikkel, besit en bestuur word deur 'n wetlik saamgestelde instelling (b.v. 'n Trust of Artikel 21 maatskappy of 'n Gemeenskaplike Eiendomsvereniging) wat 'n vennootskap verteenwoordig tussen boer/e, plaaswerkers en die Staat. Toegang tot behuising word beperk tot bona fide plaaswerkers en hulle afhanklikes. Sekerheid van verblyf word toegestaan volgens 'n huurkontrak of notariële akte van serwituit, aangesien die grond en behuising die eiendom van die instelling bly.

confronting municipalities, the development of new towns has limited applicability in the Western Cape. The preferred approach is to make optimum use of existing public investment in established towns/villages/hamlets.

Ascertaining the demand for farm worker settlement in existing or new towns should preferably be undertaken on a district basis. In each district, joint farm worker housing initiatives (i.e. involving farm worker organizations, farmer organizations, non-governmental organizations, and municipalities) should be promoted. The need for new residential neighbourhoods, agri-suburbs or retirement villages specifically targeted at farm workers may be identified through such a process. Irrespective of whether a public, private or joint-venture housing project is proposed, they must be functionally integrated into the existing town.

Whilst development in existing towns is the most cost effective means of "off the farm" settlement, its application will be limited by the following:

- (i) Travelling distances, especially in the vast and sparsely populated agricultural districts of the Western Cape, where this option will be restricted to a weekly or monthly commuting of workers to housing in nearby towns.
- (ii) Depending on the labour intensity of agriculture in a district, this option can lead to substantial urbanization of the farm worker population. The speed of housing delivery will depend on the availability of funds for housing and infrastructural investment, considering existing housing backlogs in several Western Cape towns. This is an important consideration where agricultural labour intensity can lead to substantial urbanization in certain districts of the Western Cape.
- (iii) The allocation of state funds for "off the farm" settlement will, in terms of ESTA, only be allocated if such "off the farm" settlement conforms to the minimum standards of the Provincial Housing Development Board.

6.2.2 Establishment of Agri-villages

As an alternative to farm workers settling in existing or new public towns, in certain cases the agri-village option may be applicable. An agri-village is a privately established and managed settlement situated on private land within a farming area and exclusively accommodates the local farm worker community. Circumstances under which this option may be applicable include the following:

- (i) in a farming area that has a substantial demand for "off the farm" settlement, no established settlements within practical commuting distance, and a municipality that has no feasible means of establishing and managing a new public town / settlement;
- (ii) where the owners and workforce of a company farm, or a group of neighbouring farms, identify sufficient demand and the capacity for the establishment of a centrally located settlement where housing and communal facilities and services can be cost-effectively provided to the local farm worker community;
- (iii) where there are substantial numbers of farm workers in an area who choose to retire "off the farm", but do not aspire to an urban retirement and prefer living in their familiar rural environment; and
- (iv) where the type of product cultivated or nature of farming activities (e.g. pest control) precludes "on the farm" housing.

The essential feature of an agri-village is that it is developed, owned and managed by a legally constituted institution (e.g. a Trust, Section 21 Company or Communal Property Association) representing a partnership between farmer/s, farm workers and State. Access to housing is restricted to bona-fide farm workers and their dependents. Security of tenure is afforded by way of a lease or notarial deed of servitude, as the land and housing remain the property of the institution.

Aansoek vir die ontwikkeling van landbou-dorpie moet ingedien en beoordeel word volgens die statutêre goedkeuringsprosedures vir dorpsontwikkeling. Terwyl die voorsiening en instandhouding van behuising, plaaslike dienste en gemeenskapsgereie in 'n landbou-dorpie die beherende instelling se verantwoordelikheid is, kan die munisipaliteit versoek word om hoofmaatsdienste te verskaf. In die lig van die risiko's verbonde aan die volhoubaarheid van 'n instelling wat 'n landbou-dorpie beheer, moet ontwikkelaars waarborge aan Distriksmunisipaliteite voorsien ten opsigte van die langtermyn voorsiening en onderhoud van dienste.

In die lig van die bestuurs- en finansiële bronne wat nodig is om plaaslike nedersettings te stig en onderhou, en hulle potensiele negatiewe impak op die omgewing, het die stig van landbou-dorpie of nuwe dorpe as "buite-die-plaas" opsies beperkte toepassing in die Wes-Kaap.

7. FINANSIERINGSBRONNE

Die mate waarin die verskillende "op-die-plaas" en "buite-die-plaas" geleenthede vir vestiging van die Wes-Kaap se plaaswerkers geïmplementeer kan word, hang af van die verkryging van die nodige fondse. Die beskikbaarheid van fondse sal wissel na gelang van die heersende monetêre en fiskale omstandighede. Daar is geen waarborg dat fondse verkry kan word om 'n verkose vestigingsopsie te implementeer nie.

Die volgende bronne van befondsing is geïdentifiseer:

- (i) Artikel 4 van ESTA omskryf prosedures waarvolgens bewoners (insluitend plaaswerkers) toegang kan verkry tot sekere subsidies/toekennings om hulle verblyfsreg te versterk, hetsy in "op-die-plaas" of "buite-die-plaas" ontwikkelings. Hierdie prosedures sluit in die Vestigings-/Grondverkrygingstoelaag soos geadministreer deur die Departement van Grondsake, en die Behuisingssubsidie (d.i. Individuele, Projek-gekoppelde, of Institusionele Subsidies) soos geadministreer deur die Provinsiale Behuisingsontwikkelingsraad.

In 'n "op-die-plaas" ontwikkeling moet die staatsubsidie gebruik word om bewoners (insluitend plaaswerkers) onafhanklike bewoningsregte te gee op die grond waar hulle tans woon of gewoon het, indien die eienaar instem. Indien moontlik kan die bewoners volle eiendomsreg verkry. Indien dit nie moontlik is nie, kan 'n notariële akte van serwituut of huur teen die titelakte van die plaas geregistreer word om die verblyfsreg te versterk. Die doel is om die fondse (subsidie/toekenning) so te gebruik dat verblyfsregte verbeter word in terme van bewoning en toestande soos vasgestel deur ESTA.

'n "Buite-die-plaas" ontwikkeling wat deur die subsidie/toekenning befonds is, word bedoel om bewoners (insluitend plaaswerkers) 'n onafhanklike bewoningsreg te gee op grond wat besit word deur iemand anders as die eienaar van die grond waar hulle tans woon. "Buite-die-plaas" ontwikkelings sal onderneem word wanneer 'n eienaar goeie redes het om "op-die-plaas" ontwikkeling te weier. Bewoners (insluitend plaaswerkers) kan ook self hierdie opsie verkies, of deur ooreenkoms met die eienaar.

Die toekenning van "op en buite-die-plaas" staatsubsidies en toekennings is onderhewig aan:

- a) Om te kwalifiseer vir beide die Vestigings-/Grondverkryging-toelaag en die Behuisingssubsidie, moet aansoekes voldoen aan die vereistes soos neergelê in die regering se Grondhervormingsprogram.
 - b) In beide "op en buite-die-plaas" ontwikkelings, sal die staat slegs fondse beskikbaar stel indien die betrokke ontwikkelings inderdaad beter voorwaardes en omstandighede (verblyf) bied aan die "op-die-plaas" bewoner (insluitend plaaswerkers) of grondregte verseker op grond ("buite-die-plaas") wat sterker is as die wat tans deur die bewoners (insluitend plaaswerkers) geniet word.
- (ii) Om plaaswerkers, boere, munisipaliteite en nie-regeringsorganisasies by te staan om geskikte metodes van befondsing te vind om verblyfsreg te versterk, kan aansoek

Applications for the development of agri-villages must be submitted and adjudicated in terms of the statutory township establishment approval procedures. Whilst the provision and maintenance of housing, local services and community facilities in an agri-village is the responsibility of the institution, the municipality may be requested to provide bulk services. Given the risks associated with the sustainability of an institution running an agri-village, developers must provide guarantees to municipalities for the long term provision and maintenance of services.

In light of the substantial managerial and financial resources required to establish and maintain rural settlements, and their potential negative impact on the environment, the establishment of agri-villages or new towns as "off the farm" options both have limited applicability in the Western Cape.

7. FUNDING SOURCES

The extent to which the various "on the farm" and "off the farm" options for the settlement of Western Cape farm workers can be implemented, is dependent on securing the required funding. The availability of funds will vary in accordance to monetary and fiscal circumstances prevailing at the time. There are no guarantees that funds can be secured to implement a preferred settlement option.

The following sources of funding are identified:

- (i) Section 4 of ESTA details procedures whereby occupiers (including farm workers) can access certain subsidies/grants to strengthen their security of tenure, either in an "on the farm" or "off the farm" development. These procedures include the release of the Settlement/Land Acquisition Grant administered by the Department of Land Affairs and the Housing Subsidy (i.e. Individual, Project-linked, or Institutional Subsidies) administered by the Provincial Housing Development Board.

In an "on the farm" development the state subsidy is to be used to give occupiers (including farm workers) independent tenure rights on the land where they are currently living or used to live, if the owner agrees. If possible, occupiers will get full ownership rights. If this is not possible, a notarial deed of servitude or lease may be registered against the title deed of the farm to strengthen the tenure rights. The aim is to use the funds (subsidy/grant) to achieve improved tenure rights, terms of occupation and conditions than those provided by ESTA.

An "off the farm" development funded through the grant/subsidy aims to afford occupiers (including farm workers) an independent tenure right on land owned by someone other than the owner of land on which they are currently residing. "Off the farm" developments will be undertaken when an owner has good reasons for refusing to agree to "on the farm" development. Occupiers (including farm workers) may also choose this option themselves or by agreement with the owner.

The allocation of the "on and off the farm" state subsidies and grants are subject to:

- a) Applicants must meet the requirements laid down in the government's Land Reform Programme, that is to qualify for both the Settlement/Land Acquisition Grant and the Housing Subsidy.
 - b) In both "on and off the farm" developments, the state will only make the funds available if the respective developments do indeed offer better terms and conditions (tenure) to the "on the farm" occupier (including farm workers) or secure rights to land ("off the farm") which are stronger than those currently enjoyed by the occupiers (including farm workers).
- (ii) To assist farm workers, farmers, municipalities and non-governmental organizations in finding appropriate ways of strengthening security of tenure, application can be made to the

gedoen word by die Provinsiale Behuisingsontwikkelingsraad, of by die Provinsiale Direkteur van die Departement van Grondsake vir 'n toekenning om gemeenskapsfasiliteite, kapasiteitsbou, beplanning en dispuutbeslegting te befonds.

- (iii) Munisipaliteite kan by die provinsiale owerheid aansoek doen vir finansiering vir die voorsiening van grootmaat infrastruktuur, en toekennings en subsidies kan ook van private befondsingsbronne verkry word. Verder kan plaaswerkers en boere ook self bydra tot die finansiering van voorkeur vestigingsalternatiewe.
- (iv) Indien ander bronne van fondse wat vir plaaswerkerbehuising geormerk word, beskikbaar word, moet dit in trust gehou word en beskikbaar gemaak word aan plaaswerkers wat deur omstandighede verhoed word om toegang tot die bogenoemde subsidies en toekennings gedurende hul diensperiode te verkry.
- (v) Ander bronne van finansiering moet ook ontgin word (bv. Landbank, Khula Finance Enterprise Ltd.) vir die verkryging van grond, die opgradering van bestaande huise en omskepping van "op-die-plaas" hostelle vir gesins-huisvesting.

8. BEKENDSTELLING VAN DIE BELEID

8.1 Publisiteitsveldtog

Die provinsiale beleid vir die vestiging van plaaswerkers behoort bekend gestel te word deur middel van 'n publisiteitsveldtog in elke distrik van die Wes-Kaap. Die publisiteitsveldtog moet gemik wees op plaaswerker-verenigings en -unies, munisipaliteite, georganiseerde landbou, en nie-regerings organisasies wat in die landelike gebiede funksioneer.

Hierdie publisiteitsveldtog moet beklemtoon hoe belangrik dit vir distriks-rolspelers is om vennootskappe te sluit om plaaslike behoeftes te identifiseer en aan te spreek. Die bestaande regte van plaaswerkers in terme van ESTA, die voorwaardes en prosedures wat nodig is om die beskikbare toelaes en subsidies wat vir plaaswerkers beskikbaar is, te benut, moet verduidelik word. Die statutêre goedkeuringsproses wat van toepassing is op die verskillende "op-die-plaas" en "buite-die-plaas" vestiging-opsies moet duidelik uiteengesit word in die veldtog.

8.2 Bepaling van Behoeftes en Konsultasie oor Opsies

Voorstelle vir bevordering van die vestiging van plaaswerkers in die Wes-Kaap moet gegrond wees op hulle uitgesproke behoeftes, en dit moet gebaseer wees op 'n konsultasie proses tussen sleutel rolspelers.

Op individuele plaasvlak is dit die gesamentlike verantwoordelikheid van die plaaseienaar en die plaaswerkers om plaaslike behoeftes vas te stel en praktiese oplossings vir die behoeftes te ondersoek. Om hierdie proses te fasiliteer, kan die dienste van nie-regeringsorganisasies of konsultante ingeroep word. Die munisipaliteit moet reeds in die aanvangstadium genader word om insette te lewer oor die praktiese uitvoerbaarheid van die geïdentifiseerde opsie, of om alternatiewe opsies voor te stel vir oorweging.

Op distriksvlak is dit die gesamentlike verantwoordelikheid van plaaswerkers en landbou-organisasies om die bepaling van behoeftes en identifikasie van opsies op 'n area-basis te inisiëer. Die dienste van nie-regeringsorganisasies of konsultante kan gebruik word om hierdie distriks-prosesse te fasiliteer. Die munisipaliteit moet ook in 'n vroeë stadium betrek word om die bepaling van vestigingsbehoefte van plaaswerkers in die distrik te koördineer, die groei-implikasies van bestaande nedersettings te bepaal, en riglyne te voorsien hoe die geïdentifiseerde behoeftes aangespreek kan word. Verder moet die munisipaliteit verseker dat die plaaswerkers se vestigingsbehoefte by die betrokke dorpe en die distrikte se Geïntegreerde Ontwikkelings-raamwerke ingeskakel word.

9. VERANTWOORDELIKE PARTYE

Alhoewel die inisiatiewe van die begunstigdes nodig is om die vestiging van plaaswerkers in die Wes-Kaap te bevorder, sal die verantwoordelikheid vir die beplanning, ontwikkeling en bestuur van projekte wissel na gelang van die verkose opsie en die vermoëns van die betrokke organisasies.

Provincial Housing Development Board or the Provincial Director of the Department of Land Affairs for a grant to finance community facilitation, capacity building, planning and dispute resolution.

- (iii) Municipalities can make application to the provincial authority to secure finance for bulk infrastructure provision, and grant or loan finance can also be secured from private funding sources. Furthermore farm workers and farmers may have to contribute to the financing of preferred settlement alternatives.
- (iv) Should additional sources of funds earmarked for farm worker housing become available in future, such funds must be held in trust and made available to farm workers who are prevented by circumstances from making use of the above-mentioned subsidies and grants during their period of service.
- (v) Other sources of funds should be pursued (e.g. Land Bank, Khula Finance Enterprise Ltd) for the acquisition of land, the upgrading of existing dwellings and conversion of "on the farm" hostels for family accommodation.

8. INTRODUCING THE POLICY

8.1 Publicity Campaign

The provincial policy for the settlement of farm workers should be initiated by way of a publicity campaign in each district of the Western Cape. The publicity campaign should be targeted at farm worker associations and unions, municipalities, organized agriculture, and non-governmental organizations active in the rural areas. The Provincial Development Council can play a leading role in such a publicity campaign.

The publicity campaign should emphasize the importance of district role players forming partnerships to identify and address local needs. The existing rights of farm workers in terms of ESTA, the conditions of and procedures to be followed in accessing the various grants and subsidies available to farm workers must be explained and the statutory approval process applicable to the different "on the farm" and "off the farm" settlement options must be spelt out in the campaign.

8.2 Assessment of Needs and Consultation on Options

Proposals for promoting the settlement of Western Cape farm workers must originate in response to their expressed needs and be based on a process of consultation between key role players.

At the level of the individual farm it is the combined responsibility of the land owner and farm workers to assess local needs and explore practical ways in which these needs can be addressed. The services of non-governmental organizations or consultants may be used to facilitate this process. The municipality should be consulted in the initial stage to provide input on the practicalities of the options identified, or suggest alternative options for consideration.

At district level it is the joint responsibility of farm worker and farmer organizations to initiate the assessment of needs and identification of options on an area-wide basis. The services of non-governmental organizations or consultants may be used to facilitate district processes. The municipality must also be involved at an early stage to co-ordinate the settlement needs of farm workers in the district, assess the growth implications on existing settlements, and provide guidance on how the identified needs can be addressed. Furthermore, the municipalities must ensure that farm worker settlement needs are incorporated into the Integrated Development Frameworks of the relevant towns and districts.

9. RESPONSIBLE PARTIES

Whilst beneficiary driven initiatives are required to promote the settlement of Western Cape farm workers, the responsibility for planning, developing and managing projects will vary according to what the preferred option is and the capacity of organizations involved.

In die geval van “op-die-plaas” opsies is die plaaseienaars en die plaaswerkers gesamentlik die verantwoordelike partye. In die geval van die “buite-die-plaas” opsie om ’n landbou-dorpie te stig, is die wetlike instelling wat die deelnemende boere en die plaaswerkers en die staat verteenwoordig, die verantwoordelike party. Indien “buite-die-plaas” vestiging in ’n bestaande of nuwe dorp verkies word, kan ’n openbare of ’n private organisasie die verantwoordelike party wees of dit kan ’n vennootskapsprojek wees.

In alle gevalle het die verantwoordelike partye die diskresie om agente (b.v. nie-regerings organisasies of konsultante) aan te stel om namens hulle op te tree.

10. VOORBEREIDINGSPROSES VIR DIE PROJEEK

Om te verhoed dat onrealistiese verwagtings geskep word, die risiko te verminder dat onnodige werk aangegaan word en die goedkeuring van die haalbare opsies te bespoedig, moet die verantwoordelike party projekvoorstelle voorberei in ooreenstemming met ’n gefaseerde beplanningsproses. Elke fase van die voorbereidingsproses van die projek vorm ’n belangrike mylpaal om ooreenstemming met die beleidsbeginsels, soos uiteengesit in Afdeling 5, te kontroleer, voordat voortgegaan word na die volgende fase.

Indien die verkose opsie om die vestiging van plaaswerkers in die Wes-Kaap te bevorder, die stigting van ’n nuwe nedersetting (d.i. ’n landbou-dorpie of nuwe dorp), uitbreidings van bestaande nedersettings en/of die onderverdeling van die plaas-eenheid behels, is die volgende projek voorbereidingsproses van toepassing:

Fase I: Projek Identifiseringsverslag

Die verantwoordelike party moet ’n Projek Identifiseringsverslag opstel wat die oorsprong van die behoefte, waarin die projek moet voorsien, verduidelik, die teiken begunstigdes van die projek identifiseer en die aard en omvang van die voorgestelde verbetering van verblyf uiteensit. Die Projek Identifiseringsverslag moet met die munisipaliteit bespreek word om vas te stel of dit ooreenstem met hierdie beleid en om sake wat verdere ondersoek verg, te identifiseer.

Fase II: Beplanningsopname

Die daaropvolgende beplanningsopname moet ondersoek instel na die voorstel se versoenbaarheid binne die streeks-, en plaaslike konteks, en parameters vasstel (d.i. erfgruotte, vlak van dienste, grootte van die nedersetting, ens.) waarbinne die gedetailleerde beplanning van die projek moet plaasvind. Aspekte waaraan in hierdie stadium aandag gegee moet word, sluit die volgende in:

- a) ligging en terrein toestande;
- b) ooreenstemming met huidige plaaslike- en distriks-beplannings-inisiatiewe;
- c) sosio-ekonomiese en bekostigbaarheids profiel van begunstigdes;
- d) konsultasie met begunstigdes en sleutel rolspelers;
- e) vestigingsreëlings;
- f) omvangsbepaling van die omgewingsimpak;
- g) beskikbaarheid van grond en hoofmaatsdienste en haalbaarheid van interne dienste;
- h) kapasiteit vir bestuur en finansiële implementering;
- i) vooruitsigte vir langtermyn volhoubaarheid; en
- j) vereistes vir statutêre goedkeuring.

Fase III: Gedetailleerde Beplanning

Vervolgens moet gedetailleerde beplanning van die projek volg in ooreenstemming met die grense wat in die beplanningsopname vasgestel is en in konsultasie met die sleutel rolspelers wat in Fase II geïdentifiseer is. Afhangende van die skaal en impak van die beplande projek, moet gedetailleerde beplanningsvereistes vir groter projekte die opstel van ’n Sektorale Plan insluit, wat aandui hoe die projek inpas in die plaaslike omgewing. Gedetailleerde beplanningsvereistes sal die volgende insluit:

In the case of “on the farm” options, the land owners and farm workers are jointly the responsible parties. In the case of the “off the farm” option of establishing an agri-village, the legal institution representative of the participating farmers, farm workers and state is the responsible party. Where “off the farm” settlement in an existing or new town is preferred, the responsible party may be either a public or private organization, or a joint-venture.

In all cases the responsible parties have the discretion to appoint agents (e.g. non-governmental organizations or consultants) to act on their behalf.

10. PROJECT PREPARATION PROCESS

To minimize unrealistic expectations being raised, reduce the risk of unnecessary work being undertaken, and expedite the approval of viable options, the responsible party should prepare project proposals in accordance with a phased planning process. Each phase of the project preparation process represents an important milestone for checking conformity with the policy principles as set out in Section 5, before proceeding to the next phase.

Where the preferred option for the settlement of Western Cape farm workers involves the establishment of a new settlement (i.e. an agri-village or new town), extensions to existing settlements, and/or the sub-division of the farm unit, the following project preparation process applies:

Phase I: Project Identification Report

The responsible party must prepare a Project Identification Report that explains the origin of the need that the project aims to address, identifies the beneficiaries the project is targeted at, and describes the nature and extent of the tenure improvement proposed. The Project Identification Report must be discussed with the municipality to ascertain its conformity to this policy and identify issues that require further investigation.

Phase II: Planning Survey

The subsequent planning survey must investigate the proposal’s compatibility with the regional and local context, and establish parameters (i.e. plot size, levels of service, size of settlement, etc.) within which the detailed planning of the project should take place. Aspects to be covered at this stage include the following:

- a) locality and site conditions;
- b) conformity with current local and district planning initiatives;
- c) socio-economic and affordability profile of beneficiaries;
- d) consultation with beneficiaries and key role players;
- e) tenure arrangements;
- f) scoping of environmental impacts;
- g) land and bulk services availability, and internal services feasibility;
- h) managerial and financial implementation capacity;
- i) long-term sustainability; and
- j) statutory approval requirements.

Phase III: Detailed Planning

Detailed planning of the project should subsequently be undertaken in accordance with the parameters established in the planning survey, and in consultation with key role players identified in Phase II. Depending on the scale and impact of the proposed project, detailed planning requirements may include the drafting of a Sectoral Plan, showing how the project will fit into the local environment. Detailed planning requirements will include:

- a) die voorbereiding van 'n **Uitlegplan** wat besonderhede van voorgestelde grondgebruik en dienste-voorsiening in ooreenstemming met die spesifikasies van die munisipaliteit, aandui; en
- b) die opstel van 'n **Besigheidsplan** in ooreenstemming met die spesifikasies van die Provinsiale Behuisingsontwikkelingsraad (indien aansoek gedoen word vir die Behuisingssubsidie), of die Departement van Grondsake (indien aansoek gedoen word vir Vestigings-/Grondverkrygingstoelaag).

Die uiteindelijke sukses van die beplanningsproses sal afhang van die betrokkenheid van die munisipaliteit in 'n vroeë stadium en van betekenisvolle publieke deelname.

11. PROSEDURES VIR AANSOEKE EN GOEDKEURING

Indien die voorneme is om gebruik te maak van behuisingssubsidies of grondverkryging- en vestigingstoelaes om die vestiging van plaaswerkers te finansier, moet die verantwoordelike party 'n formele finansieringsaansoek indien by die Provinsiale Behuisingsontwikkelingsraad (in die geval van subsidies) of by die Provinsiale Direkteur van die Departement van Grondsake (in die geval van toelaes). Beide hierdie befondsingsagentskappe het handleidings gepubliseer met kwalifikasie-kriteria vir aansoekers, riglyne vir die indien van aansoekes soos die voorwaardes vir die gebruik van goedgekeurde fondse.

In gevalle waar "buite-die-plaas" opsies voorgestel word, of waar die "op-die-plaas" opsie van onderverdeling van die plaas voorgestel word, moet die verantwoordelike party ook by die munisipaliteit aansoek doen vir goedkeuring vir die beplanning. Afhangende van die voorstel, mag dit behels dat 'n formele aansoek vir hersonering van grondgebruik, onderverdeling van grond en/of dorpsstigting, ingedien moet word.

Die munisipaliteit, in konsultasie met die provinsiale owerheid, moet die applikant van raad bedien oor watter statutêre goedkeurings nodig is en in terme van watter wetgewing sulke aansoekes ingedien moet word. Indien die projek 'n wysiging van die bestaande grondgebruikregte behels, en/of die onderverdeling of konsolidasie van kadastrale gedeeltes, moet die prosedures in terme van die Wes-Kaapse Wet op Beplanning en Ontwikkeling, 1999 (Wet 7 van 1999), gevolg word om sulke veranderinge teweeg te bring. Afhangende van die aard en omvang van die voorstelle, mag die bepalings van die Wet op Omgewingsbewaring, 1989 (Wet 73 van 1989) ook van toepassing wees.

Alle aansoekes vir projekte moet ingedien word by die betrokke munisipaliteit. Die munisipaliteit moet by die projekvoorbereidingsproses betrokke wees (soos uiteengesit in Afdeling 10) voordat formele aansoekes ingedien word vir subsidies of toelaes.

12. VERANTWOORDELIKHEDE VAN STATUTÊRE OWERHEDE

Alhoewel hierdie beleid dien om plaaswerkersvestiging te fasiliteer, impliseer dit geen addisionele beplannings- en finansiële verantwoordelikhede, anders as, soos vereis deur bestaande wetgewing en beleid, nie.

Die verantwoordelikhede van die Wes-Kaap se statutêre owerhede vir die implementering van hierdie beleid is soos hieronder uiteengesit:

12.1 Provinsiale Regering

Die Provinsiale Regering moet:

- (i) Die bekendstelling van die Beleid aan munisipaliteite en breë gemeenskap in die Wes-Kaap inisieer en koördineer.
- (ii) Verseker dat die proses vir die opstel van die Geïntegreerde Ontwikkelingsplanne in die provinsie die vestigingsbehoefes van plaaswerkers op plaaslike-, metropolitaanse- en distriksmunisipale vlakke aanspreek.
- (iii) Meganismes ondersoek om die vestigingsinisiatiewe van die Provinsiale Behuisingsontwikkelingsraad en die Departement van Grondsake in die Wes-Kaap te koördineer.
- (iv) Verseker dat plaaswerkers in die Wes-Kaap toegang het tot bestaande behuisingssubsidies en toelaes.

- a) the preparation of a **Layout Plan** detailing proposed land uses and services provision, in accordance with the specifications of the municipality; and
- b) the drafting of a **Business Plan**, in accordance with the specifications of either the Provincial Housing Development Board (if application is being made for the Housing Subsidy) or the Department of Land Affairs (if application is being made for the Settlement/Land Acquisition Grant).

The ultimate success of the planning process is dependent on the involvement of the municipality at an early stage and meaningful public participation.

11. APPLICATION AND APPROVAL PROCEDURES

Where the intention is to make use of housing subsidies or land acquisition and settlement grants as a means of financing the settlement of farm workers, the responsible party must submit a formal funding application to either the Provincial Housing Development Board (in the case of subsidies) or the Provincial Director of the Department of Land Affairs (in the case of grants). Both these funding agencies have published manuals which set out qualification criteria for applicants, guidelines for submitting applications and conditions for the use of approved funds.

In cases where an "off the farm" settlement option is proposed, or where the "on the farm" option of sub-dividing the farm unit is envisaged, the responsible party must also apply to the municipality for planning permission. Depending on the proposal, this may involve the submission of a formal application for land-use rezoning, subdivision of land, and/or township establishment.

The municipality, in consultation with the provincial authority, must guide the applicant as to which statutory approvals are required and in terms of which legislative framework these applications should be submitted. Where the project involves an amendment to existing land use rights, and/or the subdivision or consolidation of cadastral portions, the procedures in terms of Chapter IV, Accelerated Development (Sections 33-42) of the Western Cape Planning and Development Act, 1999 (Act 7 of 1999), must be followed to effect such changes. Furthermore, depending on the nature and scale of the proposal, the provisions of the Environmental Conservation Act, 1989 (Act 73 of 1989) may also apply.

All application for projects must be submitted to the municipality. The municipality must be involved in the project preparation process as set out in Section 10, before formal application is made for subsidy or grant finance.

12. STATUTORY AUTHORITY RESPONSIBILITIES

Although this policy serves to facilitate farm worker settlement, it does not imply any additional planning or financial responsibility for municipalities, other than that required in terms of existing legislation and policy.

The responsibilities of Western Cape statutory authorities for the implementation of this policy are as set out below.

12.1 Provincial Government

The Provincial Government shall:

- (i) Initiate and co-ordinate the introduction of the Policy to Western Cape municipalities and the broader community.
- (ii) Ensure that the process for the drafting of Integrated Development Plans in the province addresses the settlement needs of farm workers at local, metropolitan and district municipal levels.
- (iii) Investigate mechanisms to co-ordinate the settlement initiatives of the Provincial Housing Development Board and the Department of Land Affairs in the Western Cape.
- (iv) Ensure that Western Cape farm workers can access existing housing subsidies and grants.

- (v) Ondersteuning bied aan munisipaliteite wat nie beskik oor die vermoë om die vestigingsbehoefes van plaaswerkers te hanteer nie.
- (vi) Minimum standaard opstel vir plaaswerkerbehuising en dit sirkuleer onder munisipaliteite vir kommentaar voordat finale regulasies vasgestel word.
- (vii) 'n Monitoring en evaluering stelsel instel om te verseker dat die Beleid suksesvol toegepas word. Hierdie stelsel moet die volgende hersien:
 - a) die omvang van deelname en toewyding van sleutel rolspelers;
 - b) die navolging van beleidsbeginsels en prosedures;
 - c) die toepaslikheid van geïdentifiseerde vestigingsmodelle; en
 - d) struikelblokke in die suksesvolle implementering van die beleid.
- (viii) Die finansiële en logistiese implikasies van die voorsiening van dienste vir vestiging van plaaswerkers in die Wes-Kaap bereken, as deel van die proses om die Provinsiale Geïntegreerde Ontwikkelingsplan te formuleer.

12.2 Distriksmunisipaliteite

Die Distriksmunisipaliteite moet:

- (i) Die vasstelling van plaaswerker-vestigingsbehoefes op distriksvlak koördineer en fasiliteer.
- (ii) Die haalbaarheid van die hoofmaatvoorsiening van dienste aan bestaande en voorgestelde nedersettings ondersoek.
- (iii) Distrik-vestigingsplanne wat die vestigingsvoorkeure van plaaswerkers insluit, formuleer.
- (iv) Bestaande Struktuurplanne hersien sodat dit plaaswerker-vestigingsbehoefes aanspreek.
- (v) Plaaswerker-vestigingsbehoefes in die beplanningsproses van Geïntegreerde Ontwikkelingsplanne inkorporeer.
- (vi) Institusionele vermoëns vir die implementering van vestigingsopsies evalueer.
- (vii) 'n Plaaswerker-vestiging inligtingsveldtog inisieer wat gemik is op plaaswerkers en boere in die distrik.
- (viii) Die implementering van haalbare voorstelle wat as loodsprojekte kan dien, identifiseer en fasiliteer.
- (ix) Beplanning en implementering reël tussendeur plaaslike munisipaliteite koördineer.
- (x) Optree as ontwikkelaars en koördineerders van voorkeurprojekte in gevalle waar 'n dringende behoefte bestaan en geen ander partye belangstel of oor die vermoë beskik om die projek te implementeer nie.

12.3 Plaaslike en Metropolitaanse Munisipaliteite

Sulke munisipaliteite moet:

- (i) Die aansoek prosedures en vereistes vir projekvoorbereiding aan omliggende plaasienaars en plaaswerkers bekend stel.
- (ii) Bestaande Struktuurplanne hersien om die implikasies van verhoogde verstedeliking van plaaswerker-gemeenskappe te weerspieël.
- (iii) Die vestigingsbehoefes van plaaswerkers wat tans in dorpe, nedersettings en landelike gebiede woon ondersoek.
- (iv) Verseker dat plaaswerkers die geleentheid het om hul name op bestaande waglyste vir behuising te plaas.

- (v) Provide assistance to municipalities lacking the capacity to address the settlement needs of farm workers.
- (vi) Compile draft minimum standards for farm worker housing and circulate these to municipalities for comment before final regulations are laid down.
- (vii) Establish a monitoring and evaluation system to ensure the successful implementation of the Policy. This system must review:
 - a) the scope of participation and commitment of key role players;
 - b) adherence to policy principles and procedures;
 - c) the appropriateness of identified settlement models; and
 - d) obstacles to the successful implementation of the policy.
- (viii) Calculate the financial and logistical implications of providing services for Western Cape farm worker settlement, as part of the process of formulating the Provincial Integrated Development Plan.

12.2 District Municipalities

District Municipalities shall:

- (i) Co-ordinate and facilitate the assessment of farm worker settlement needs at district level.
- (ii) Investigate the feasibility of providing bulk services to existing and proposed settlements.
- (iii) Formulate district settlement plans that incorporate the settlement preferences of farm workers.
- (iv) Revise existing Structure Plans so that they address farm worker settlement needs.
- (v) Incorporate farm worker settlement needs into planning processes of Integrated Development Plans.
- (vi) Evaluate institutional capacity for the implementation of settlement options.
- (vii) Initiate a farm worker settlement information campaign targeted at farm workers and farmers in the district.
- (viii) Identify and facilitate the implementation of viable proposals that can serve as pilot projects.
- (ix) Co-ordinate planning and implementation arrangements between Municipalities.
- (x) Act as developers and co-ordinators of priority projects in cases where an urgent need exists and no other parties are interested or have the capacity to implement the project.

12.3 Local and Metropolitan Municipalities

Such municipalities shall:

- (i) Introduce the application procedures and requirements for project preparation to surrounding farm owners and farm workers.
- (ii) Revise existing structure plans to reflect the implications of increased urbanization of farm worker communities.
- (iii) Investigate settlement needs of farm workers presently living in towns, villages and rural areas.
- (iv) Ensure that farm workers have the opportunity to place their names on existing housing waiting lists.

- (v) Plaaswerker-vestigingsvereistes in die beplanningsproses van Geïntegreerde Ontwikkelingsplanne inkorporeer.
- (vi) Aansoek doen vir die toekenning van fondse van die “Consolidated Municipal Infrastructure Programme” (“CMIP”) vir die opgradering van hoofmaatsdienste.
- (vii) In konsultasie met die betrokke Distriksmunisipaliteit, die haalbaarheid van die voorsiening van hoofmaatsdienste aan bestaande en voorgestelde nedersettings ondersoek.
- (viii) Die beplanning en ontwikkeling van behuisingsprojekte koördineer en fasiliteer.
- (ix) Optree as ontwikkelaars en koördineerders van voorkeur behuising waar geen ander geskikte partye beskikbaar is nie.

13. SLOTSOM

Die Provinsiale Regering van die Wes-Kaap sien die Beleid vir die Vestiging van Plaaswerkers as beide ’n uitdaging en ’n geleentheid. Met verwysing na die bevordering van landelike ontwikkeling sal die beleid bydra tot die bevordering van sosiale sekuriteit van die plaaswerker-gemeenskap.

ADDENDUM A

tot Wes-Kaap Konsepbeleid vir die Vestiging van Plaaswerkers:

Wet op die Uitbreiding van Sekerheid van Verblyfreg, 1997 (Wet 62 van 1997)

September 2000

Die hoofdoel van hierdie wet is om voorsiening te maak vir die sekerheid van bewoningsreg vir kwesbare okkuperders van grond buite dorpsgebiede en waar toepaslik, die verkryging van grond deur sodanige okkuperders. Daar word voorsiening gemaak dat die staat die daarstelling van langtermynsekuriteit van bewoningsreg vir kwesbare okkuperders aktief kan bevorder en ondersteun en hulle terselfdertyd teen onbillike uitsetting kan beskerm.

- (i) Die regte van die okkuperder (wat plaaswerkers insluit) word in Artikel 6 soos volg uiteengesit:

“6. (1) ’n Okkuperder het, behoudens die bepalings van hierdie Wet, die reg om grond waarop hy of sy op of na 4 Februarie 1997 gewoon het en wat hy of sy op of na daardie datum gebruik het, te bewoon en te gebruik, en het die reg tot toegang tot die dienste waartoe, hetsy uitdruklik of stilswyend, met die eienaar of persoon in beheer ooreengekom is.”

- (ii) Die beëindiging van verblyfreg is soos volg in Artikel 8 uiteengesit:

“8. (2) Indien ’n okkuperder ’n werknemer is wie se verblyfreg slegs uit ’n diensoooreenkoms voortspruit, kan die verblyfreg beëindig word indien die okkuperder uit die diens bedank of ooreenkoms die bepalings van die Wet op Arbeidsverhoudinge ontslaan word.”

“8. (4) Die verblyfreg van ’n okkuperder wat vir 10 jaar op die betrokke grond of enige ander grond wat aan die eienaar behoort, gewoon het en—

- a) die ouderdom van 60 jaar bereik het; of
- b) ’n werknemer of voormalige werknemer van die eienaar of persoon in beheer is en as gevolg van swak gesondheid, besering of ongeskiktheid nie in staat is om arbeid aan die eienaar of persoon in beheer te verskaf nie,

kan nie beëindig word nie tensy sodanige okkuperder ’n verbreking soos beoog in artikel 10(1)(a), (b) of (c) begaan het . . .”

“8. (5) By die afsterwe van ’n okkuperder in subartikel (4) beoog, kan die verblyfreg van ’n okkuperder wat sy of haar gade of afhanklike was slegs beëindig word indien 12 maande skriftelike kennis gegee is dat die grond ontruim moet word, tensy so ’n gade of afhanklike ’n verbreking soos beoog in artikel 10(1) gepleeg het.”

- (v) Incorporate farm worker settlement requirements into the planning processes of Integrated Development Plans.
- (vi) Apply for the allocation of funds from the Consolidated Municipal Infrastructure Programme (CMIP) for the upgrading of bulk services.
- (vii) Investigate, in consultation with the relevant district municipality, the feasibility of providing bulk services to existing and proposed settlements.
- (viii) Co-ordinate and facilitate the planning and development of housing projects.
- (ix) Act as developers and co-ordinators of priority housing where no other suitable parties are available.

13. CONCLUSION

The Provincial Government of Western Cape sees the Policy for the Settlement of Farm Workers as both a challenge and opportunity. With reference to the promotion of rural development the policy will contribute to improving the social security of the farm worker community.

ADDENDUM A

To the Western Cape Draft Policy for the Settlement of Farm Workers:

Extension of Security of Tenure Act, 1997 (Act 62 of 1997)

September 2000

The main purpose of this Act is to provide for the security of tenure of vulnerable occupiers of land outside townships and, where applicable, the acquisition of land by such occupiers. Provision is made that the state can actively promote and support the provision of long term security of tenure for vulnerable occupiers, while at the same time protecting them from unfair eviction.

- (i) The rights of the occupier (including farm workers) are set out as follows in Section 6:

“6. (1) Subject to the provisions of this act, an occupier shall have the right to reside on and use the land on which he or she resided and which he or she used on or after 4 February 1997, and to have access to such services as have been agreed upon with the owner or person in charge, whether expressly or tacitly.”

- (ii) Termination of the right of residence is set out as follows in Section 8:

“8. (2) The right of residence of an occupier who is an employee and whose right of residence arises solely from an employment agreement, may be terminated if the occupier resigns from employment or is dismissed in accordance with the provisions of the Labour Relations Act.”

“8. (4) The right of residence of an occupier who has resided on the land in question or any other land belonging to the owner for 10 years and—

- a) has reached the age of 60 years; or
- b) is an employee or former employee of the owner or person in charge, and as a result of ill health, injury or disability is unable to supply labour to the owner or person in charge,

may not be terminated unless that occupier has committed a breach contemplated in section 10(1)(a), (b) or (c) . . .”

“8. (5) On the death of an occupier contemplated in subsection (4), the right of residence of an occupier who was his or her spouse or dependant may be terminated only on 12 calendar months’ written notice to leave the land, unless such a spouse or dependant has committed a breach contemplated in Section 10(1).”

