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# INGONYAMA TRUST BOARD

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## MINUTES OF THE SPECIAL TENURE EXCO MEETING OF THE INGONYAMA TRUST BOARD HELD ON 17TH JANUARY 2014 @ 10:00AM AT THE BOARDROOM, 65 TRELAWNEY ROAD PIETERMARITZBURG

### 1. WELCOME:

The meeting commenced at 10:00am. The Chairperson welcomed all members present.

**Board Members Present**

Justice S.J. Ngwenya
Adv. W.E.R. Raubenheimer
Mr B.L. Shabalala
Miss J. Bhengu

**IN ATTENDANCE** : Mr B, Bhebhe, Mr D. Pakkies, Mr S. Makhathini, Mrs T. Pitout , Ms N. Gumbi

**APOLOGIES**
Nil

### 2. ADOPTION OF AGENDA

The agenda of the meeting postponed on 13 December 2013 was adopted as presented for the meeting of 17th January 2013.

### 3. DECLARATION OF INTEREST

See attached declaration forms.

### 4. PRESENTATION: EUREKA CAPITAL SOLAR PV PROJECT

This item was withdrawn from the Agenda.

### 5. APPROVAL OF MINUTES

**MINUTES OF THE SPECIAL TENURE EXCO HELD ON 18TH OCTOBER 2013**

The minutes of the 18TH October 2013 were adopted following a proposal for adoption by Mr B.L. Shabalala, seconded by Miss J. Bhengu, subject to the following corrections.

Ms N. Gumbi 's name to be added to those who attended the meeting on the 18th October 2013.

**7.6 REQUEST TO REVIEW LEASE TERMS IN RESPECT OF LEASE 5382MT IN THE NAME OF INKOSI J.Z. JIYANE**

Resolution to read: medium term

1) The matter be deferred subject to:

a) Progress report to be submitted to the Board
b) Boundaries to be looked at.
c) The CEO to acknowledge the application.
c) This item to be resubmitted to the next Tenure Exco.

**7.12 APPLICATION FOR CONVERSION OF SHORT TERM LEASE TO A LONG TERM LEASE – TIMOCENTO (PTY**

Resolution to read:

1) The Board approves the Memorandum of Agreement between the Ingonyama Trust Board the Ethekwini Municipality on the same terms and conditions as the agreement currently in place for rural housing projects.
2) Exco in its delegated powers approves the Dassenhoek housing project aimed at delivering 115 553 housing units.

**9.2 VULAMEHLO WARD 5 RURAL HOUSING PROJECTS**

Exco Resolved

1) The Board approves a Memorandum of Agreement between the Ingonyama Trust Board and the Vulamehlo Municipality on the same terms and conditions as the agreement currently in place for rural housing projects in respect of Ward 5 at Vulamehlo.

**10.2 REPORT ON LEGAL MATTERS:**

1) Mpeko - the matter was in court, but has been adjourned. A written report will be sent by the Attorneys.

**MINUTES OF THE SPECIAL TENURE EXCO HELD ON 13TH SEPTEMBER 2013**

The minutes of the 13th September 2014 were adopted following a proposal for adoption by Adv. W.E.R. Raubenheimer and seconded by Mr B.L. Shabalala, subject to the following corrections.

**7.1 APPLICATIONS FOR RESIDENTIAL TENURE RIGHTS : MADLEBE TRADITIONAL COUNCIL - UTHUNGULU**

1) Replace : "the applications for residential tenure rights " with "to grant the leases for residential purposes."

**9.1 THOYANE PROPOSED RURAL HOUSING PROJECT – THOYANE TRADITIONAL COUNCIL**

L.J

To read: "The request by Vulamehlo Local Municipality with the support of Thoyane and Maphumulo Traditiona Councils to enter into a Memoranda of Agreement for Rural Housing Project with the ITB was noted and Exco under its delegated powers:"

## 6. MATTERS ARISING

## 7. SPECIAL TENURE APPLICATIONS

### 7.1 APPLICATION FOR TENURE: WINDLAB DEVELOPMENT SOUTH AFRICA (PTY) LTD

The recommendation that the Board approves the proposed changes to the Location Agreement of Windlab Development South Africa (PTY) Ltd, and the structure of the applicable fees payable in respect of this agreemen was considered and Exco under its delegated powers:

Resolved that:

1) ITB enters into a 6 year access lease agreement with Windlab Development South Africa (Pty) Ltd so that the conduct the necessary feasibility studies and receive the required development approvals.
2) The designated signatory of the Board be authorised to sign all relevant documents pertaining to the agreement.

### 7.2 PHANGELA PROJECT DEVELOPMENT (PTY) LTD - REG. NO. M 2010/015103/07 - UTHUNGULU

Exco deliberated on the submission for approval to issue a short term lease to Phangela Project Development (Pty) Ltd, for the purpose of conducting research on the feasibility of using the land on a long term basis for a fuel storage tank farm that will act as a hub when receiving fuel from ship tankers and distribution thereof by rail and road infrastructure. Exco, under its delegated powers:

Resolved that:

1) The item be deferred.
2) A site inspection to be done.

### 7.3 REQUEST TO REVIEW LEASE TERMS IN RESPECT OF LEASE 3687ST IN THE NAME OF IMVULA YENHLANHLA TRADING PROJECTS CC

The request to review lease terms in respect of Lease 3687st in the name of Imvula Yenhlanhla Trading Projects cc was noted. Exco proposed that:

1) This item be deferred.
2) Imvula Yenhlanhla Trade and Projects cc report on how far they have gone with the funding.
3) A feasibility study to be conducted.
4) The issue of capital to be looked into.
5) A conditional letter be sent to Imvula Yenhlanhla Trading Projects cc, requesting a progress report on the current status of the project.

### 7.4 STATE DOMESTIC FACILITIES - HEALTH CLINICS

L.J

The following applications received from the KZN Provincial Government in respect of State Domestic Facilities Health Clinics for additional clinics as part of its mandate to provide health services, were considered and Exco under its delegated powers:

Resolved:

1) To approve the following health facilities:

| Name | Lessee | Municipality | PTN NO. | FARM NO. | FARM NAME | EXTENT | TA |
|---|---|---|---|---|---|---|---|
| Hlokozi | KZN Provincial Government | Ubuhlebezwe | 0 | 16421 | Upper Umkomaas Location No.7 | 4217m² | Ikhwezi Lokusa |
| Isithebe | KZN Provincial Government | Ndodakusuka | 0 | 16882 | Reserve No. 21 | 8657m² | Mathonsi |
| KwaSenge | KZN Provincial Government | Umzinyathi | 0 | 4674 | Tugela Location | 5888m² | Amakhabe |
| Mkhontokayise | KZN Provincial Government | Umhlathuze | 0 | 15971 | Kraal Hill No. 2 | 3955m² | Mkhwanaz |
| Mphaphala | KZN Provincial Government | Uthungulu | 0 | 15841 | Reserve No. 21 | 2649m² | Ntuli |
| Mphise | KZN Provincial Government | Ndodakusuka | 0 | 16514 | Hohoza | 4242m² | Cele Mphise |
| Mthandeni | KZN Provincial Government | Maphumulo | 27 | 4667 | Umvoti Location | 1 ha | Qwabe |
| Ohwebede | KZN Provincial Government | Ndodakusuka | 0 | 15826 | Reserve No. 7A | 4210m² | Macambini |
| Oqaqeni | KZN Provincial Government | Maphumulo | 0 | 4667 | Umvoti Location | 3769 | Nodunga |
| Phatheni | KZN Provincial Government | Mgungundlovu | 0 | 1057 | Vinks Rivier | 8015m² | Esiphahleni |
| Sibuyane | KZN Provincial Government | Zululand | 0 | 4674 | Tugela Location | 1.2ha | Amakhabela |
| Usuthu | KZN Provincial Government | Nongoma | 13 | 15832 | Reserve No. 12 | 1.6ha | Usuthu/ Egazini |

2) The designated signatory of the Board is authorized to sign any documentation relating to the above leases.

**7.5 RE-SUBMISSION: MASITHULAMANDLA OUTDOOR SPORT & LEISURE - ETHEKWINI**

Exco deliberated on the above matter and proposed that:

L.J

1) This matter be resubmitted inclusive of the information at hand as well as the additional information that will be obtained.
2) Masithulamandla Outdoor Sport & Leisure submit a letter substantiating their capital.
3) This submission should go through the planning and environmental processes and the Town Planner to provide the planning approval.

### 7.6 TELECOMMUNICATION LEASES: MTN

The request by MTN to enter into two Telecommunication leases with the ITB was noted. The decision was deferred by the Board to the next Tenure Exco meeting subject to the following proposal:

1) Ms N. Gumbi to look at the legislation that governs Telecommunication.
2) Work on the relevant Acts.

### 7.7 TELECOMMUNICATION LEASE: MTN – VODACOM SITE SHARING

Exco noted the request by MTN to effect certain amendments to the principal agreement of this lease; however the decision was deferred by the Board subject to the proposal in Item 7.6 above.

### 7.8 MR M.P. KHOZA – BHAMSHELA SHOPPING CENTRE : ILLEMBE

Exco noted the above submission but could not deal with this matter and decided that the Secretariat resubmit this item to the Board and provide accurate information.

Exco proposed that:

a) A new ITB2 form be completed as the one presented was old.
b) The property description be accurate.
c) A new Heads of Terms be completed

### 7.9 APPLICATION FOR A SUBLEASE – WINDWARD DIRECTION TRUST TO MANGUZI PROPERTY INVESTMENTS (PTY) LTD

The request from Windward Directions Trust to sublease the entire area to a company named Manguzi Property Investments (Pty) Ltd was considered and notes the condition of clause 11.1 of the main lease. Exco under its delegated powers:-

Resolved:

1) To approve that Windward Directions Trust enter into a sublease agreement with Manguzi Property Investments (Pty) Ltd.
2) That the designated signatory of the Board is authorized to sign all relevant documents relating to the sublease.

### 7.10 APPLICATIONS FOR RESIDENTIAL TENURE RIGHTS – MADLEBE TRADITIONAL COUNCIL – UTHUNGULU

The residential applications as listed below were considered and Exco under its delegated powers:

Resolved:

1) To support all the applications provided that the use does not change.

**NGWELEZANE SOUTH**

| ID | LESSEE | USEAGE | GIS_AREA | RENTAL | LEASE NO. |
|---|---|---|---|---|---|
| 1 | Xolani Mthimkhulu | Residential | 472.2078 | R 180 | |
| 2 | Raymond S Nzuza | Residential | 547.8080 | R 210 | |
| 3 | Philangani Analis Masondo | Residential | 634.5149 | R 245 | |
| 4 | Peace Langa | Residential | 584.2203 | R 190 | |
| 5 | Sinenhlanhla Thobile Mzangwa | Residential | 1523.3290 | R 785 | |
| 6 | Nondumiso Valeria Chiyi | Residential | 642.7363 | R 250 | |
| 7 | Mbongeni Brain Mthembu | Residential | 1485.8493 | R 760 | |
| 8 | Thembile Patricia Mnguni | Residential | 525.8887 | R 205 | |
| 9 | Lindiwe Desiree Ndlovu | Residential | 400.6778 | R 155 | |
| 10 | John Sphiwe Thusi | Residential | 1068.4663 | R 435 | |
| 11 | Mzwakhe D.Mkhize | Residential | 2888.5809 | R 1 835 | |
| 12 | Nelisiwe Gladness Cele | Residential | 413.2054 | R 160 | |
| 13 | Esther Ntombiyenkosi Majola | Residential | 784.6754 | R 300 | |
| 14 | King Zibuse Ngonyama | Residential | 876.4527 | R 340 | |
| 15 | Muziwandile Victor Mthethwa | Residential | 634.3968 | R 245 | |
| 16 | Timothy Jameson Kanjira | Residential | 646.3945 | R 250 | |
| 17 | David Mdletshe | Residential | 726.2205 | R 280 | |
| 18 | Vida Gerlie Mthethwa | Residential | 500.8628 | R 195 | |
| 19 | Gabriel Zibuse Shandu | Residential | 797.2187 | R 310 | |
| 20 | Kotiza Rosemary Mthiyane | Residential | 576.9014 | R 220 | |
| 21 | Sifiso Senzo Ntshangase | Residential | 321.5488 | R 125 | |
| 22 | Amanda Percy Sefage | Residential | 525.8816 | R 200 | |
| 23 | Sibusiso A Mdaka | Residential | 1110.5214 | R 470 | |
| 24 | Ntombizinhle Bonakele Khumalo | Residential | 717.8813 | R 275 | |
| 25 | Thandiwe N Mthethwa | Residential | 1714.3291 | R 935 | |
| 26 | Lindani M Khumalo | Residential | 1013.6373 | R 395 | |
| 27 | Sibusisiwe Maria Khuzwayo | Residential | 513.2939 | R 200 | |
| 28 | Eric Madoda Ndlovu | Residential | 463.2276 | R 180 | |
| 29 | Wiseman Z Shandu | Residential | 550.9270 | R 210 | |
| 30 | Gabriel Mlambo | Residential | 533.5847 | R 205 | |
| 31 | Sibusiso Ndela Cele | Residential | 306.3224 | R 120 | |
| 32 | Professor Bongani Mlambo | Residential | 1076.8387 | R 445 | |
| 33 | Mfakazeleni Fordman Tabete | Residential | 509.1566 | R 195 | |
| 34 | Nkosinathi Diginity Mathenjwa | Residential | 575.9740 | R 220 | |
| 35 | Mazwi D Khumalo | Residential | 568.7213 | R 220 | |
| 36 | Audrey Thulisiwe Gumede | Residential | 530.0742 | R 205 | |
| 37 | Patrick Sihle Manyathi | Residential | 559.2673 | R 215 | |

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|---|---|---|---|---|---|
| 38 | Sandile Michael Mathonsi | Residential | 1277.0962 | R 600 | |

**NGWELEZANE NORTH**

| ID | LESSEE | USEAGE | GIS_AREA | RENTAL | LEASE NO. |
|---|---|---|---|---|---|
| 1 | Zwethanda D Msimango | Residential | 513.0742 | R 195 | |
| 2 | Sgananda Elliot Mbonambi | Residential | 922.3595 | R 355 | |
| 3 | Nkosingabantu Dladla | Residential | 1201.6124 | R 540 | |
| 4 | Mduduzi Linda | Residential | 1323.9890 | R 635 | |
| 5 | Gumede Justice Cebolenkosi | Residential | 506.3256 | R 195 | |
| 6 | Buhlebakhe Michael Zwane | Residential | 587.4668 | R 225 | |
| 7 | Bongani Sifiso Shandu | Residential | 782.4902 | R 300 | |
| 8 | Bhekithemba Fakude | Residential | 483.7602 | R 185 | |
| 9 | Alfred Bocco Ngcobo | Residential | 266.6107 | R 105 | |
| 10 | Dorothy Radebe | Residential | 927.0043 | R 355 | |
| 11 | Mbongeni Kenneth Shabalala | Residential | 864.4220 | R 330 | |
| 12 | Velaphi Enock Madlopha | Residential | 526.1621 | R 200 | |
| 13 | Mzambiya Zwelihle Nowa Jiyane | Residential | 505.2772 | R 195 | |
| 14 | Thuleleni Cristinah Ntombela | Residential | 905.9391 | R 350 | |
| 15 | Lethuxolo Zipho Ngubane | Residential | 488.1782 | R 190 | |
| 16 | Funindlela Thotshisiwe Zondi | Residential | 601.3244 | R 230 | |
| 17 | Sbongiseni Jerome Mkhize | Residential | 747.4996 | R 290 | |
| 18 | Zanele Jessie Mtshali | Residential | 922.8599 | R 255 | |
| 19 | Welile Nomalungele Mtshali | Residential | 434.2795 | R 170 | |
| 20 | Teressa Thembeni Mthembu | Residential | 630.5432 | R 240 | |
| 21 | Julie Celiwe Mathenjwa | Residential | 283.9537 | R 110 | |
| 22 | Kuhlekonke Dludla | Residential | 529.4016 | R 205 | |
| 23 | Hlengiwe True - Love Zungu | Residential | 1029.2219 | R 410 | |
| 24 | Ntombifuthi Clarah Biyela | Residential | 463.2542 | R 180 | |
| 25 | Eugene Lucky Sibisi | Residential | 675.4812 | R 260 | |
| 26 | Thokozani Kingdom Sibiya | Residential | 755.9284 | R 290 | |
| 27 | Thamsanqa Gumede | Residential | 887.8033 | R 340 | |
| 28 | Zandile Happy Wanda | Residential | 464.2375 | R 180 | |
| 29 | Hlobisile Mbali Mhlongo | Residential | 499.8407 | R 190 | |
| 30 | Thembekile Mnyango | Residential | 534.6989 | R 205 | |
| 31 | Busisiwe D Mthungwa | Residential | 543.0808 | R 210 | |
| 32 | Angel Phindile Mathenjwa | Residential | 410.6296 | R 160 | |
| 33 | Bongekile Mbambo | Residential | 766.7067 | R 295 | |
| 34 | Manqele Bhekinkosi Mfaniseni | Residential | 860.2418 | R 330 | |
| 35 | Nompucuko Khwela | Residential | 526.1373 | R 205 | |
| 36 | Phindile Promise Xulu | Residential | 618.0493 | R 240 | |
| 37 | Sibusiso Henry Mthimkhulu | Residential | 722.4212 | R 280 | |
| 38 | Senzo Sandile Maphanga | Residential | 542.8678 | R 210 | |
| 39 | Thuli Ntombikayise Mbatha | Residential | 602.9657 | R 235 | |

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| 40 | Ngcweti Muziwandile Malembe | Residential | 1044.0057 | R 420 | |
| 41 | Betty Lubuta | Residential | 1259.9141 | R 585 | |
| 42 | Solomon James Mthembu | Residential | 552.9306 | R 210 | |
| 43 | Sakhile Trevor Mthembu | Residential | 564.1192 | R 215 | |
| 44 | Phumzile Cathrine Mthembu | Residential | 1116.1899 | R 475 | |
| 45 | Mphumzeni Paul Malinga | Residential | 620.2777 | R 240 | |
| 46 | Petros Mhlekiseni Ntshangase | Residential | 552.3772 | R 210 | |
| 47 | Mathews Dumusani Dubazana | Residential | 439.4066 | R 170 | |
| 48 | Theresa Lindiwe Nzuza | Residential | 1051.1103 | R 425 | |
| 49 | Musa Khanyile | Residential | 608.1206 | R 235 | |
| 50 | Thulisa Khulekani Ndlovu | Residential | 783.1087 | R 300 | |
| 51 | Cebisile N.ngobese | Residential | 524.5304 | R 200 | |
| 52 | Mthokozeleni J Dangazela | Residential | 453.0815 | R 175 | |
| 53 | Siphiwo Maud Shabalala | Residential | 552.5350 | R 210 | |
| 54 | Rejoice Zodwa Myeni | Residential | 612.1441 | R 235 | |
| 55 | Duduzile M Khumalo | Residential | 552.8720 | R 215 | |
| 56 | Nomthandazo Beauty Cele | Residential | 515.6416 | R 200 | |
| 57 | Grace Ngema | Residential | 1792.7774 | R 995 | |
| 58 | Syllion Sigwebela | Residential | 1164.6518 | R 510 | |
| 59 | Bonginkosi Micha Mkhize | Residential | 750.1279 | R 290 | |
| 60 | Cebile S.mchunu | Residential | 528.6718 | R 205 | |
| 61 | Thulani Zakios Mpanza | Residential | 471.3368 | R 180 | |
| 62 | Jabulani Goodman Ngwenya | Residential | 554.3237 | R 215 | |
| 63 | Hlengiwe Fikisiwe Mhlongo | Residential | 520.3574 | R 200 | |
| 64 | Zethu Annaterese Mbonambi | Residential | 489.7033 | R 190 | |
| 65 | Thembi Margaret Ndaba | Residential | 706.0693 | R 270 | |
| 66 | Dorcas L.mbuyisa | Residential | 436.3296 | R 170 | |
| 67 | M.m.shabalala | Residential | 1160.6871 | R 510 | |
| 68 | Nokuthula O Mbatha | Residential | 323.3187 | R 125 | |
| 69 | Musawenkosi V.mahaye | Residential | 525.2575 | R 200 | |
| 70 | Bongumusa Khanyile | Residential | 544.5705 | R 210 | |
| 71 | Bhekizenzo Moses Madonsela | Residential | 2084.6510 | R 1 220 | |
| 72 | Eugen Sipho Fakude | Residential | 478.4819 | R 185 | |
| 73 | M.m.mthimkhulu | Residential | 515.6825 | R 200 | |
| 74 | Thokozani Simon Nene | Residential | 1089.8888 | R 455 | |
| 75 | Simeon M.ximba | Residential | 689.0771 | R 265 | |
| 76 | Zizile Edith Mkhonza | Residential | 405.2105 | R 155 | |
| 77 | Sebenzile Christinah Mthethwa | Residential | 641.4303 | R 250 | |
| 78 | Xolani Mhlongo | Residential | 524.2260 | R 200 | |
| 79 | Muzi Vitalis Nzama | Residential | 1043.1700 | R 420 | |
| 80 | S.a.shongwe | Residential | 383.1078 | R 150 | |
| 81 | Lungelo Ngcobo | Residential | 701.2267 | R 270 | |
| 82 | Victoria Duduzile Buthelezi | Residential | 498.5882 | R 190 | |
| 83 | Vusi Goodnews Phoseka | Residential | 801.0328 | R 310 | |
| 84 | Michael M.buthelezi | Residential | 534.7910 | R 205 | |

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| 85 | Lungisile Buyisile Mbokazi | Residential | 523.6292 | R 200 | |
| 86 | S.s.nxumalo | Residential | 487.4187 | R 190 | |
| 87 | Zamangwane N.khanyile | Residential | 369.1950 | R 140 | |
| 88 | Sibusiso G.dladla | Residential | 562.2020 | R 215 | |
| 89 | Senzo J.sibisi | Residential | 451.9083 | R 175 | |
| 90 | Peaceful Noxolo N.myeza | Residential | 1216.8532 | R 550 | |
| 91 | Thulisile Lizzia G Nxumalo | Residential | 536.1938 | R 205 | |
| 92 | Sibusiso A Dlamini | Residential | 683.4784 | R 265 | |
| 93 | Thabani C.ngema | Residential | 642.9155 | R 250 | |
| 94 | Zandile S.c.zulu | Residential | 664.5105 | R 255 | |
| 95 | Wilfred Londani Mdletshe | Residential | 791.4927 | R 305 | |
| 96 | Sithembile Maureen Nyawo | Residential | 513.7598 | R 200 | |
| 97 | Nokuthula P.mlungwana | Residential | 472.6371 | R 180 | |
| 98 | Sakhiseni J.biyela | Residential | 571.9796 | R 220 | |
| 99 | Phakamile Precious N.mnisi | Residential | 474.3516 | R 185 | |
| 100 | Innocent Xolani Nkuku | Residential | 675.9335 | R 260 | |
| 101 | Sifiso T Ntetha | Residential | 974.6377 | R 375 | |
| 102 | Danisile M.mthiyane | Residential | 533.0059 | R 206 | |
| 103 | Lungile M.nyembe | Residential | 239.3592 | R 90 | |
| 104 | Bongi Caroline Msweli | Residential | 435.4757 | R 170 | |
| 105 | Bantubani P Simelane | Residential | 940.5446 | R 360 | |
| 106 | Mzikawuko Philimon Ndaba | Residential | 1480.5449 | R 755 | |
| 107 | Sibusiso Ndunakazi | Residential | 583.6930 | R 225 | |
| 108 | Mandisa Nonhlanhla Mnguni | Residential | 508.1272 | R 195 | |
| 109 | Lorraine Y Nyawo | Residential | 441.4674 | R 170 | |
| 110 | Vukile Lucia Mtshali | Residential | 633.8089 | R 245 | |
| 111 | Nyamazane P Zikhali | Residential | 2205.5801 | R 1 310 | |
| 112 | Thamsanqa H.Gumede | Residential | 877.3606 | R 340 | |
| 113 | Nomcebo P.N.Ndlovu | Residential | 585.0681 | R 225 | |
| 114 | Khanyisiwe Mtetwa | Residential | 910.5908 | R 350 | |
| 115 | Nomvuselelo R Biyela | Residential | 552.2425 | R 210 | |
| 116 | Hapiness J Gumede | Residential | 524.1115 | R 200 | |
| 117 | Zanele J.T.Ngema | Residential | 743.6423 | R 285 | |
| 118 | Walter Edwin Hurst | Residential | 565.1677 | R 220 | |
| 119 | Ntoyami Tholakele Mnguni | Residential | 638.9261 | R 245 | |
| 120 | Sylvia T Mbata | Residential | 696.1675 | R 270 | |
| 121 | Sithabiso P.S.Masondo | Residential | 1076.3439 | R 445 | |
| 122 | Bonginhlanhla A Mkhonza | Residential | 835.7435 | R 320 | |
| 123 | Thulani W Mhlongo | Residential | 1309.7358 | R 620 | |
| 124 | Siyabonga L Mkhwanazi | Residential | 541.1768 | R 210 | |
| 125 | Samukelisiwe C.T.Jili | Residential | 512.7310 | R 200 | |
| 126 | Sandiswa Olgah Nzama | Residential | 548.7663 | R 210 | |
| 127 | Nzuzo P.Mthethwa | Residential | 822.5811 | R 315 | |
| 128 | Patience J Mdlovu | Residential | 1581.6252 | R 830 | |
| 129 | Nomusa Gugu Sibiya | Residential | 1053.8060 | R 425 | |

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| 130 | Sbonelo Mduduzi Buthelezi | Residential | 563.8352 | R 220 | |
| 131 | Mfaniseni E Dlamini | Residential | 520.8027 | R 200 | |
| 132 | Simon M Gumbi | Residential | 778.8520 | R 300 | |
| 133 | Thulani S Makhathini | Residential | 1066.7835 | R 435 | |
| 134 | Sifiso Jabulani Sangweni | Residential | 1123.3409 | R 480 | |
| 135 | Shise N Mazibuko | Residential | 582.9830 | R 225 | |
| 136 | Busisiwe D Mthethwa | Residential | 521.4964 | R 200 | |
| 137 | Bhekumuzi B Mazibuko | Residential | 787.6909 | R 305 | |
| 138 | Lunga Motebele | Residential | 560.4066 | R 215 | |
| 139 | Senzo S Myeni | Residential | 1102.9520 | R 465 | |
| 140 | Patrick Gcinangaye Mathonsi | Residential | 438.5768 | R 170 | |
| 141 | Bonginkosi Bernard Khumalo | Residential | 601.2758 | R 230 | |
| 142 | Sibusiso Alifiyose Ngubane | Residential | 727.8307 | R 280 | |
| 143 | Msawenkosi R Dladla | Residential | 516.5389 | R 200 | |
| 144 | Nkosinathi S.Makhoba | Residential | 578.6160 | R 225 | |
| 145 | Cynthia B Nene | Residential | 615.5187 | R 240 | |
| 146 | Minenhle Z Mlungwana | Residential | 1163.4428 | R 510 | |
| 147 | Slindile Mkhwanazi | Residential | 591.9858 | R 230 | |
| 148 | Zanele M.Ndlovu | Residential | 681.1797 | R 260 | |
| 149 | Happiness H.M.Khanyile | Residential | 736.5066 | R 285 | |
| 150 | Nonhlanhla N Manjawira | Residential | 605.9943 | R 235 | |
| 151 | Manazile Glenrose Buthelezi | Residential | 467.6360 | R 180 | |
| 152 | Lindiwe D Ndlovu | Residential | 552.0547 | R 210 | |
| 153 | Mukelisiwe B Buthelezi | Residential | 1148.9449 | R 500 | |
| 154 | Sambulo R Hlophe | Residential | 840.3054 | R 325 | |
| 155 | Nkosinomusa G Myeni | Residential | 523.8190 | R 200 | |
| 156 | Hlengiwe B Mnomiya | Residential | 547.3749 | R 205 | |
| 157 | Lawrence S Madlala | Residential | 517.5573 | R 310 | |
| 158 | Makhosazana Sibiya | Residential | 534.4579 | R 235 | |
| 159 | Mandla Msweli | Residential | 804.8287 | R 200 | |
| 160 | Lindi A Ngubane | Residential | 608.9779 | R 300 | |
| 161 | Nozipho Mashazi | Residential | 524.8325 | R 160 | |
| 162 | Gugu M Ndlovu | Residential | 778.7076 | R 185 | |
| 163 | Hlalanathi Mlamuli Sithembiso Myeni | Residential | 409.2465 | R 335 | |
| 164 | Johanne S.Khumalo | Residential | 477.4510 | R 250 | |
| 165 | Winstar K Mthembu | Residential | 868.8471 | R 205 | |
| 166 | Ntuthuko R Sabela | Residential | 651.0855 | R 205 | |
| 167 | Prudence S Msane | Residential | 536.1880 | R 220 | |
| 168 | Godslove M.Masondo | Residential | 537.4724 | R 485 | |
| 169 | Sandile Mzwakhe Vilikazi | Residential | 572.0954 | R 170 | |
| 170 | Nicholus Vusumuzi Ximba | Commercial | 1127.7696 | R 190 | |
| 171 | Nokuthula Cherrol Ngobese | Residential | 438.0942 | R 440 | |
| 172 | Zakhele Sifiso Menyuka | Residential | 484.3955 | R 175 | |
| 173 | Roderick Themba Mcetywa | Residential | 1070.6420 | R 190 | |

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| | | | | | |
|---|---|---|---|---|---|
| 174 | Sizile Gugu Ximba | Residential | 451.0001 | R 230 | |
| 175 | Nomkhosi Goodness Mazibuko | Residential | 496.9248 | R 190 | |
| 176 | Thathezakhe Ephraim Shandu | Residential | 598.4006 | R 230 | |
| 177 | Bongani Skweletu Mngomezulu | Residential | 481.9009 | R 185 | |
| 178 | Bhiza Sibongiseni Vundla | Residential | 584.7553 | R 225 | |
| 179 | Phiwayinkosi Gumede | Residential | 400.9997 | R 155 | |
| 180 | Samukelisiwe Miseleni Zondi | Residential | 513.7378 | R 200 | |
| 181 | Sibongiseni Njabulo Mkhwanazi | Residential | 451.0896 | R 175 | |

1) The designated signatory of the Board is authorized to sign all relevant documents relating to the above applications.

**8. APPROVAL OF LEASES**

**15$^{TH}$ NOVEMBER 2013**

The residential, commercial, institutional and agricultural leases detailed in circular 8 of 2013 dated 15$^{th}$ November 2013, (copies of schedules of each region attached hereto) were considered and Exco under its delegated powers:

Resolved:

1) To approve the November 2013 lease applications listed below from each Region as per attached schedules.

| AREA | REGION | ALL APPLICATIONS AS PER SCHEDULES ATTACHED | MARKED CIRCULAR | EXCEPTIONS |
|---|---|---|---|---|
| Newcastle | 1 | Approved | 8 of 2013 dated 17$^{th}$ January 2014 | |
| Mkhanyakude | 2 | Approved | 8 of 2013 dated 17$^{th}$ January 2014 | *Lease No. 6030lt. The word banking corrected to baking.* |
| Zululand | 3 | Approved | 8 of 2013 dated 17$^{th}$ January 2014 | |
| uThungulu | 4 | Approved | 8 of 2013 dated 17$^{th}$ January 2014 | |
| Ethekwini/Ugu | 5 | Approved | 8 of 2013 dated 17$^{th}$ January 2014 | |
| Umgungundlovu | 6 | Approved | 8 of 2013 dated 17$^{th}$ January 2014 | |

2) That the delegated signatory of the Board is authorized to sign all the relevant documents relating to the attached schedules of leases.

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13th DECEMBER 2013

The residential, commercial, institutional and agricultural leases detailed in circular 8 of 2013 dated 13th December 2013, (copies of schedules of each region attached hereto) were considered, however Exco raised concern regarding the high rental that were being charged. Exco under its delegated powers:

Resolved:

1) To approve the December 2013 lease applications listed below from each Region as per attached schedule subject to following:

   a) A formula on how the rental is calculated would have to be looked into.
   b) High rental amounts to be held over and communication to take place with the persons concerned.
   c) The Board will to look at the residential and commercial leases.

| AREA | REGION | ALL APPLICATIONS AS PER SCHEDULES ATTACHED | MARKED CIRCULAR | EXCEPTIONS |
|---|---|---|---|---|
| Newcastle | 1 | Approved | 8 of 2013 dated 17th January 2014 | |
| Mkhanyakude | 2 | Approved | 8 of 2013 dated 17th January 2014 | *Lease No. 6228st and Lease No. 6255al –To be held over* |
| Zululand | 3 | Approved | 8 of 2013 dated 17th January 2014 | *Lease No. 6148st – To be held over.* |
| uThungulu | 4 | Approved | 8 of 2013 dated 17th January 2014 | |
| Ethekwini/Ugu | 5 | Approved | 8 of 2013 dated 17th January 2014 | Lease No. 6665st – Shopping Centre – To be held over Lease No. 6184al – Spelling of the word farming. |
| Umgungundlovu | 6 | Approved | 8 of 2013 dated 17th January 2014 | |

2) To authorize the designated signatory of the Board to sign all the relevant documents relating to the approved schedules of leases.

9. **RURAL HOUSING**

9.1 **OSUTHU : A PROPOSED RURAL HOUSING PROJECT – USUTHU/EGAZINI TRADITIONAL COUNCIL**

The request by Nongoma Municipality and the Usuthu Traditional Council to enter into Memorandum of Agreement for Rural Housing Project was noted and Exco proposed that:

1) The item be held over to the next Tenure Exco meeting.
2) The Real Estate Manager to set up a meeting with Usuthu Traditional Council.

9.2 **MATHENI A PROPOSED RURAL HOUSING PROJECT – MATHENI TRADITIONAL COUNCIL**

Call us on 033 846 9900 Email us on info@ingonyamatrust.org.za

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INGONYAMA TRUST BOARD

☰ Menu

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# Trust Land Rights

The Board sees real estate management as its major core function and encourages development on its land which will be of benefit to the various communities not only from a rental income point of view but also through employment and other opportunities.

Sales of Trust land

The Board does not usually agree to the sale of land as this could have the effect of diminishing the area of land in Black ownership. Occasionally however, where the circumstances indicate that a sale is the logical approach and with the consent of the relevant Traditional Council (if any) land is sold.

In the very few instances where land is sold, the Board is committed to getting the best possible price so as to maximize the benefits to the beneficiaries of the Trust.

Leases of Trust land

In most cases the Board prefers to enter into leases for the use of Trust land. Ownership thus remains with the Trust for ultimate transfer in due course to its beneficiaries.

It is standard policy, in the case of undeveloped sites, to issue a short term lease for up to two years to enable would-be developers to obtain planning and environmental consents and to secure finance for the development. Thereafter a lease for a term of up to forty years with an option to renew for a further forty years is normally granted once the requirements of the short term lease have been met.

Shorter term leases are however granted for agricultural uses and for short to medium term developments. Unless there are exceptional cases the Board cho

..larket related rent and lessees are responsible for all outgoings including assessment rates and other Municipal charges and for obtaining any necessary environmental or development planning consents.

2.15

Permission to Occupy

In addition to applications for commercial and agricultural purposes the Board processes many applications for residential sites. Many of these sites are the subject of Permissions to Occupy which were granted up until 1st April 2007.

Permissions to Occupy are no longer issued, except in exceptional circumstances as they afford limited security for funding and are not registrable interests.

Servitudes

The Board has a considerable amount of public infrastructure on its land such as roads, transmission lines, pipelines, bulk water and, railway lines. It is standard policy for such infrastructure to be evidenced by a registered deed of servitude.

Applications for Tenure Rights

Applicants for tenure rights on Trust land are required to complete and return a Tenure Option Application Form. Form**ITB1** can be viewed or downloaded from this website. The Board attempts to process these applications as timeously as possible but delays may occur if the information requested has not been fully supplied or where a site survey is required.

Traditional Council Consent

It is a requirement of the Ingonyama Trust legislation that the formal consent of the relevant Traditional Council be obtained before a tenure rights application can be processed.

This should be in the form of the draft pro-form **ITB2** which can be viewed or downloaded from this website.

It is important to note that this formal consent is only required where the subject site falls within a proclaimed Traditional Council area. Applicants should confirm this with the Board's Secretariat before approach is made to a Traditional Council.

Specific Enquiries

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... general information, tenure application queries and land ownership queries please contact the relevant desk officer in the Secretariat as shown under the heading "Where to find us" on this website.

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# INGONYAMA TRUST BOARD

• 65 Trelawney Road, Southgate, Pietermaritzburg, 3201 • P.O. Box 601, Pietermaritzburg, 3200
•Tel: 033 846 9900 •Fax: 033 386 2528 •www.ingonyamatrust.org.za


FORM ITB 1

## INGONYAMA TRUST TENURE OPTION APPLICATION FORM



**Notes**

- An original application form, completed in black ink, should be lodged by the applicant with the Secretariat, Ingonyama Trust Board, P.O.Box 601, Pietermaritzburg 3200. It may be delivered to 65 Trelawney Road, Southgate, Pietermaritzburg.
- Telephone queries may be directed to 033–846 9900.
- If more space is required for an adequate response, then additional information should be annexed and clearly referenced.
- In cases of applications involving new development it is the policy of the Board to initially grant a short term lease usually for a period of two years to enable applicants to obtain all necessary planning and environmental consents and to finalise any financial arrangements.
  Upon receipt of these consents the Board will consider the granting of a long term lease for a period of up to forty years. This lease may be renewed for a further period of forty years.
- To obtain information as to what planning and environmental consents are required references should be made to the Municipality within whose area the site falls.
- The application must be supported by the written consent of the relevant Traditional Council (*if applicable*).

### SECTION A: SUMMARY INFORMATION

**1. Particulars of Applicant Indicate whether Individual**
**Registered Company**
**Close Corporation Other**

Name of applicant……………………………………………………………

Address………………………………………………………………………

……………………………………………………………………………………

Telephone number.................................. Fax number...............................

Cell phone number................................ E-mail address.........................

If the applicant is a ***registered company*** or ***close corporation*** please provide the following details together with a copy of the certificate of confirmation issued by the Registrar of Companies.

- full name of the company or close corporation
- registration number
- address of registered office
- details of directors, shareholders or members

If the applicant is a non-profit organisation or co-operative then please provide a copy of the certificate of confirmation of registration.

Name of development consultant (if applicable)............................................

Address.........................................................................................................

.....................................................................................................................

Telephone number...................................Fax number...............................

Cell phone number................................. Email address............................

**2. Property and Tenure Description**

Municipality..........................Magisterial District.......................................

Cadastral Description of Property.......................................................

Common Name of Property (as per Title Deed)..........................................

Title Deed Number(s) and date(s) [including servitudes]................................

.....................................................................................................................

Extent of site (in hectares or square metres)................................................

Are there any registered land claims or expropriations to the best of your knowledge on the property concerned? .........

If yes, briefly supply details thereof...............................................................

.....................................................................................................................

Are there any other rights against the property such as servitudes, leases or Permission to Occupy? ..........................................

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3. **Physical Characteristics**

Briefly describe the physical characteristics of the site e.g. level, hilly, sloping etc.

..........................................................................................

4. **Land use**

Current activities on the site......................................................................

..........................................................................................

Briefly describe the land use on the surrounding properties....................

..........................................................................................

..........................................................................................

5. **What do you intend to use the site for: Residential Agricultural**

**Commercial Institutional Place of Worship Other** ............ (please specify)



**SECTION B: DESCRIPTION OF DEVELOPMENT** ***(If commercial or Institutional)***

1. Provide a detailed description of the nature of development for which the application is made (incl. nature of activity, sector, type, size, timeframe, construction materials used

..........................................................................................

..........................................................................................

..........................................................................................

2. How many people will be employed? Summarise what their tasks will be.

..........................................................................................

..........................................................................................

3. What opportunities will the project create within the local community (e.g. employment opportunities, equity and share participation)

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..........................................................................................

..........................................................................................

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4. In what ways does the project conform with the ideals of Black Empowerment and Equity?

...............................................................................................

**SECTION C: TYPE OF TENURE REQUIRED** (please √ type required)

1. (a) TYPE OF LEASE REQUIRED : *(see note below)*
short term :
long term:

***Note:** It is Board policy in the case of proposed new development to issue a short term lease for a period of two years to enable the applicant to obtain all necessary development planning and environmental consents and to organise any finance.*

*Thereafter this will be converted into a long term lease. In the case of existing development the Board may consider the outright grant of a long term lease.*

(b) SERVITUDE

(c) PURCHASE

Note: The Board will only consider the sale of its property in exceptional circumstanc-es.



2. FULL NAMES OF PERSON AUTHORISED TO SIGN DOCUMENTATION

...............................................................................................

ID NO...........................................................................................

CAPACITY (e.g. director, company secretary etc)

...............................................................................................

...............................................................................................

**SECTION D: SITE AND LOCALITY PLAN**

Please provide locality and site plans in order that the location of the site can be identified. If possible, surveyor's co-ordinates should also be given. It is possible that a locality plan may be obtained from the relevant Municipality.

**SECTION E: TRADITIONAL COUNCIL CONSENT** (*Where applicable*)

It is a requirement of the Ingonyama Trust legislation that the formal consent of the relevant Traditional Council shall be obtained. This must be submitted with this application. A draft form of consent is attached hereto as form ITB 2.

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*Note: This is to be completed only where the subject land falls within a proclaimed Traditional Council area. Applicants should confirm this with the Board's Secretariat before approach is made to a Traditional Council.*

**SECTION F: SUPPORTING DOCUMENTATION**

Please submit a brief business financial plan together with any supporting documentation that you consider relevant. The following is an outline of the information which should be included in the financial plan.

Where will loan finance be obtained for the establishment and operation of the business? What will be the conditions of the loan, i.e. how much will be borrowed, at what rate of interest and on what terms of repayment? An estimate of the annual turnover and profit for the first year of operations should be included. Provide a cash flow for the first five years of operations. If the space provided is insufficient please annexe further details.

..........................................................................................................................

..........................................................................................................................

..........................................................................................................................

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**SECTION G: MUNICIPAL INTEGRATED DEVELOPMENT PLAN.**

Every municipality in South Africa is required to produce an Integrated Development Plan (IDP), in which the municipality's future is mapped over the short, medium and long term. Issues that are considered include spatial planning and economic development amongst others. Please submit to us **a letter from the relevant local municipality stating that your business project conforms with their IDP and that the proposed use of the site is in accordance with their development planning schemes.**



**SECTION H: DECLARATION BY APPLICANT**

I declare that all the information supplied in this application is true and correct.

Signed at.......................................on this............day of ..................2012

Signature of applicant...............................................

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FORM ITB 2

# TRADITIONAL COUNCIL CONSENT

1. Description of site - ______________________________

______________________________

2. At a meeting held on ______________________________ at the

______________ Traditional Council Office, the ______________
Traditional Council

resolved that it had no objection to the application to acquire rights to land by

______________________________

______________________________ *(give full particulars of the applicant)*

The form of tenure thereof to be agreed between the applicant and the Ingonyama Trust Board as land owner-in-law in terms of section 3 of the Ingonyama Trust Act, Act 3 of 1994, as amended. This consent is given in terms of section 2 (5) of that Act.

3. The Traditional Council confirms that all persons occupying or having an interest in the said Land have been consulted and have no objections to the proposals.

4. The applicant has been advised and confirms that he/she/it will not do anything or erect any structure on land until an appropriate tenure right has been agreed to and the necessary documents have been signed with the Ingonyama Trust Board.

Signed

------------------------------
CHAIRMAN

------------------------------
MEMBER

------------------------------
MEMBER

------------------------------
SECRETARY

Notes:
1. The consent submitted to the Trust must be an original, on Traditional Council headed notepaper and with a Traditional Council date stamp.

2. Please provide a full legal description supported if possible by a site plan and co-ordinates.

3. This consent together with the Ingonyama Trust Board standard application form (ITB1) must be submitted timeousley to the Secretariat, Ingonyama Trust Board 65 Trelawney Road / P.O. Box 601, Pietermaritzburg 3201.

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# ANNUAL REPORT OF THE INGONYAMA TRUST BOARD FOR 2008-2009

## PRESENTATION TO THE PORTFOLIO COMMITTEE ON RURAL DEVELOPMENT AND LAND REFORM

28 OCTOBER 2009

REPRESENTED BY:

Jerome Ngwenya (Acting Chairperson)
Robin Raubenheimer (Board Member)
Ntombifikile Zitha (Board Member)
Chris Aitken (Secretariat: responsible for real estate)
Amin Mia (Secretariat: responsible for financial matters)

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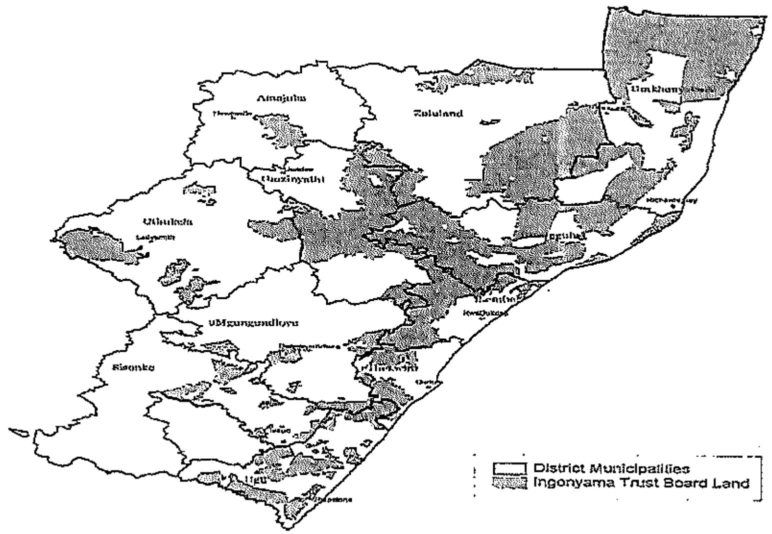
SLIDE 1

INGONYAMA TRUST BOARD

# Ingonyama Trust Board: Land




Land Ownership

The Trust is the largest landowner in the Province with a total extent of 2, 709, 229 hectares held under some 1600 individual titles. Land is owned in all of the 11 District and Metro Municipal areas and we are probably the largest individual landowner.

Population

Based on information supplied by the Bureau of Statistics the number of persons residing on Trust land as at the year 2001 census was estimated at 4,558,698.

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SLIDE 2

INGONYAMA TRUST BOARD

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# Background

The Ingonyama Trust was established in 1994 at the time of the April election by Act of Parliament – Act 3 of 1994 with His Majesty the King as the sole Trustee.

An amendment Act in 1997 established a Board to actually administer the affairs of the Trust.

## CORE BUSINESS

The Board sees real estate as its major activity. The core business of the Trust is to manage the land for the "material benefit and social well being of the individual members of the tribes". However, no alienation or burdening of the land may occur without the written permission of the relevant traditional or community authority.

## Vision

To improve the quality of life of the people living on Ingonyama Trust land by ensuring that land usage is to their benefit and in accordance with the laws of the land.

## Objectives

- To formulate and implement policy.
- To provide an effective land administration system.
- To create a climate which encourages development.
- To extend security of tenure in accordance with both customary and statutory law always subject to the Constitution Act, 1996.

SLIDE 3

INGONYAMA TRUST BOARD

# Corporate Governance and Structure

*(Page 5 of the Annual Report)*

## Management Structure

The Board consists of the following management structure:

- The Executive Authority in terms of the Public Finance Management Act (PFMA), 1999 (Act No 1 of 1999) is the Minister.
- The sole Trustee of the Ingonyama Trust is His Majesty King Zwelithini Goodwill ka-Bhekuzulu.
- An Audit Committee constituted in terms of the PFMA.
- The Accounting Authority in terms of section 49 of the PFMA is the Board.
- The internal administrative costs of the Board are met from a transfer payment from the Department of Rural Development and Land Reform, *(i.e. voted by Parliament)*. The operational costs are met from 10% of funds accruing through the Trust.

SLIDE 4

# Secretariat

*(Page 6 of the Annual Report)*

The Board is assisted in its day to day work by a full time Secretariat.

The Secretariat's work consists of the following categories:

- Real Estate Management
- General administration
- Financial administration
- Managing the Board's agents and service providers
- Engaging with numerous organs of state
- Engaging with the private (commercial) sector
- Interaction with various traditional leaders and government departments

SLIDE 5

INGONYAMA TRUST BOARD

Our portfolio is quite diverse and includes residential, agricultural, game parks, conservation areas, forests, woodlots, state domestic, mining and many commercial developments such as shopping centres, hotels, filling stations, housing projects, aquaculture and farms.

SLIDE 6

INGONYAMA TRUST BOARD

# USE AND DEVELOPMENT OF TRUST LAND

- The Board is happy to encourage development but has a policy not to alienate or sell land except in exceptional circumstances.

- Instead, we make land available on a leasehold basis. This helps to retain the communal nature of the land while at the same time providing secured tenure to the holders of rights.

- We encourage community participation by way of joint ventures and also worth while job opportunities at both construction and operation stages.

- Income generated is passed on to the community.

SLIDE 7

INGONYAMA TRUST BOARD

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## Tenure rights on Trust land

- These include leases, indigenous titles, Permissions to Occupy (PTOs) and Servitudes.
- The Board's preferred tenure right is a lease. Leases are registerable interests and usually yield a market related rent.
- It is Board policy not to interfere with the granting of indigenous titles. These are allocations by the Inkosi or Induna of residential and agricultural land in accordance with the provisions of indigenous laws and custom. They are not registered in any formal deeds registry.
- PTO's were formerly issued by Department of Local Government and Traditional Affairs (DLGTA) under a delegation. They are not registerable and have not been issued since April 2007.
- Another form of tenure on Trust land is servitudes. These are registerable and range from Eskom power lines, Transnet railways, Petronet pipelines, roads, borrow pits and local authority bulk services.

SLIDE 8

# Strategic Plan

*(Page 10 of the Annual Report)*

- In accordance with the requirements of the PFMA the Board had a Strategic plan for the year 2008-2009. This plan was approved by the Minister as Executive Authority.

- The plan was prepared in order to assist the Board to achieve its mission and vision and focused on the issues that need to be resolved over the next five years.

- It has regard to government priorities such as rural development, poverty alleviation, provision of housing and infrastructure and black empowerment.

- The objectives of the strategic issues raised in the Plan are to optimise land usage for the material benefit and social well being of the communities living on Ingonyama Trust land and to assist in extending security of tenure in accordance with both customary and statutory law.

- *The following slides focus on the strategic key issues noted in the Annual Report :-*

SLIDE 9

# Development of an assets register and a Land Tenure Information System

*(Page 11 of the Annual Report)*

The Board is the successor-in-law to some 1600 titles to land throughout the Province and has numerous subsidiary interests on its land. In order to optimise land usage it is important to identify and record all real estate assets including titles, leases, PTOs and servitudes.

This exercise however, cannot be completed until some <u>300</u> properties have been transferred from the Department of Rural Development and Land Reform (DRDLR), townships transferred to Local Municipalities and State Domestic Properties transferred to the relevant organs of State.

The commissioning of the Land Tenure Information System and the real estate register have highlighted discrepancies between the area extents recorded by the Deeds Register and the data held by the Board. All of these discrepancies are being investigated in conjunction with the Surveyor-General and the Registrar of Deeds. Most of the discrepancies appear to have arisen through erroneous recording and calculations outside the control of the Board.

To date, the Land Tenure Information System contains some 16,500 tenure right records which arecontinously updated.

SLIDE 10

LJ

# Transfer of former KwaZulu towns to local authorities

*(Page 11 of the Annual Report)*

In terms of the Ingonyama Trust Act, 1994 (as amended), the task of the Board was, and is, to transfer former R293 KwaZulu towns to the various Municipalities.

During the year, the Board continued to engage with the Municipalities to persuade them to take over the land which has vested in them. By the end of this financial year only 9 townships out of 26 remain to be transferred.



INGONYAMA TRUST BOARD

# Transfer of land used for state domestic purposes to relevant organs of State

*(Page 11 of the Annual Report)*

In terms of our legislation, property used for state domestic purposes prior to April 1994 vests in various organs of State.

The identification of such properties continue to be a difficult exercise because in some cases there are no records of allocation prior to the existence of the Trust and in other cases the question as to whether or not a particular property qualifies for transfer is not always straight forward despite the availability of survey data. The various organs of state did not take transfer of a single state domestic property during the year.

The Board intends to rectify this situation during the coming year despite capacity constraints in the various organs of state and we continue to hold meetings with both the national and provincial Departments of Public Works who are the bodies responsible for finalising the process on behalf of the various organs of state.

One of the greatest obstacles in this exercise is the fact that most of the state domestic properties are located on communal land which is expensive to subdivide in terms of the subdivision of Agricultural Land Act, 1970 (Act No 70 of 1970). Administratively the Board has designed an instrument which could give effect to this cheaply and it is now engaging the Deeds office and the Surveyor-General to confirm whether this will meet the requirements of the law.

SLIDE 12

INGONYAMA TRUST BOARD

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LJ

# Land identification on the outskirts of townships

*(Page 11 of the Annual Report)*

The Board is currently identifying properties in township areas which is owned by it.

This includes land in Umlazi in Durban and Madadeni and Osizweni in Newcastle which are zoned for residential and commercial purposes.

KwaMakhutha township has also been identified by the Board together with the Municipality and private developers as a model to integrate a former black township with former white suburbs.

Once all townships are identified the Board will decide whether to sell or lease it in order to protect against illegal occupations and possible rating liability.

SLIDE 13

INGONYAMA TRUST BOARD

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# Granting of leases

*(Page 12 of the Annual Report)*

The Board sees real estate management as its major core function and during the year continued to encourage development on its land which will be of benefit to the various communities, not only from a rental income point of view but also through employment and other opportunities. This can include shareholdings and seats on company Boards.

As previously mentioned the Board prefers to enter into leases for the use of Trust land. In so doing it endeavours to obtain the best deal for the relevant (affected) community. Ownership thus remains with the Trust for ultimate transfer to the beneficiaries to be identified in due course in terms of the provisions of the Communal Land Rights Act, 2004 (Act No 11 of 2004) [ClaRA].

As at 31 March 2009 the Board has granted 376 leases generating R8,492,090 per annum by way of income. There is an increased demand for tenure rights on our land, and lease applications are currently being processed at the rate of 80 per month. By the end of the 2009/2010 financial year the income generated is estimated to rise to at least R9,708,987 per annum.

SLIDE 14

## Registration of land vesting in the Trust and consolidation of titles

*(Page 11 of the Annual Report)*

The Department of Rural Development and Land Reform still has to complete the transfer of some 300 parcels of land to the Trust. Most of these parcels would have been transferred to the Trust's predecessors-in-title following various proclamations and Commissions but for one reason or another have never been transferred.

Despite high level meetings and the submissions of supporting evidence only one of the parcels of land has been transferred to the Trust.

The continued delays in transfer are impacting on other strategic objectives, notably the onward transfers of townships, state domestic properties and the issuing of leases.

Furthermore they have impacted adversely on land claims.

SLIDE 15

INGONYAMA TRUST BOARD

# Implementation of the CLaRA

*(Page 11 of the Annual Report)*

Once a commencement date has been announced, the CLaRA will reconstitute the Board as the Ingonyama Land Rights Board for KwaZulu Natal. This Board will continue to own the land presently registered in its name and will have certain of the powers and responsibilities of the Minister under CLaRA in respect of the land. At the same time it will have to perform the functions of a normal Land Rights Board in respect of any other land subject to the Act within the Province.

The Board awaits the announcement of the commencement date of the CLaRA. In anticipation of the implementation of CLaRA, the Board is investigating various projects to identify tenure rights which in terms of the CLaRA will be recognised as old order rights.

SLIDE 16

# Mineral Rights and Royalties

*(Page 12 of the Annual Report)*

Subject to the provisions of the Mineral and Petroleum Resources Development Act, 2002, the Board continued to monitor the development of the mining potential on Trust land for the benefit of the communities. This is done by way of mining rights leases on Trust land (*not to be confused with mining permits issued by the Department of Minerals and Energy*).

During the year under review R14,378,571 was received by way of royalty income.

SLIDE 17

# Disbursement of funds to traditional beneficiaries

*(Page 12 of the Annual Report)*

It is Trust policy for income accruing from mining or commercial activity within a proclaimed traditional community area, to be earmarked for the benefit of that particular community less the 10%. During the year under review, the number of Traditional Councils qualifying for funding totalled 31 and the amount disbursed totalled R1, 971, 101.00.

The Board is concerned about the slow take up of funds by the Traditional Councils and is investigating alternative methods for the release of funds.

The Traditional Councils are encouraged to create structures such as Community Development Trusts to act as conduits for monies receivable from the Board in respect of mining royalties, leases and other income.

This is so because the present Traditional Council Accounts can only receive money allocated by the Government.

Such Trusts could also act as catalysts for development. If requested, the Board is willing to assist in the process.

SLIDE 18

INGONYAMA TRUST BOARD

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# Constraints

*(Page 9 of the Annual Report)*

One of the downsides of owning land which is substantially occupied by the beneficiaries in terms of the Ingonyama Trust legislation is the absence of accurate and adequate records of tenure particularly by Municipalities and the Deeds Office.

This results in the various Municipalities sending rates accounts to the Board whereas they should have been sent to the various occupiers.

As a result, the Board's indebtness in terms of the newly introduced Municipal Property Rates Act, 2004 (Act No 6 of 2004) could be inflated.

It should be noted that since the inception of the Board the issue of rates has been a thorny one. The Board intends to commission land audits in order to help alleviate this problem.

In the meantime the Board is in dispute with eThekwini Municipality over the payment of rates and the matter is the subject of a dispute in terms of the Inter-Governmental Relations Framework Act, 2005 (Act No 13 of 2005).

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INGONYAMA TRUST BOARD

# Constraints (continued)

The Board is mindful of the important role it can play in rural development and land reform but until now has been hampered by capacity and budgetary constraints.

A new organogram has recently been approved with the concurrance of the Director-General DRDLR and the process of recruitment is underway. During the year 2009/2010 projects have already commenced to formalise major settlements and towns, and to provide secure tenure to the occupiers. Such settlements include Jozini, Manguzi and Mbazwana.

Illegal occupations are however increasing both from private individuals and even organs of state. Subject to budgetary constraints field officers are being appointed to identify such occupations following which the Board intends to take appropriate action.

As a first step in the formalisation process and in order to prevent illegal occupations, the Board intends to commission land audits in order to identify occupations in key areas.

The Board continues to be aware of land claims on Trust land and endeavours to co-operate with the Commission to resolve such claims in order for the Trust to perform its functions as land owner-in-law. However it has been difficult to get full information on claims on Trust land.

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INGONYAMA TRUST BOARD

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# Auditor-General basis for qualified opinion

- Land holdings - *(Page 13 of the Annual Report)*
- Royalty revenue – *(Page 14 of the Annual Report)*

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INGONYAMA TRUST BOARD

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# Emphasised and other matters

- Contingent liability – property rates *(Page 14 of the Annual Report)*

- Internal control: *(Page 14 of the Annual Report)*
  - Monitoring
  - Revenue

SLIDE 22



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# Financial Performance

*(Pages 31 and 32 of the Annual Report)*

Overall during the year 2008/2009:

- The rental revenue increased by 43,47%;
- the revenue from mining royalties increased by 21,95%;
- the total revenue increased by 33,31%;
- the expenses increased by 48,13%; and
- the net surplus decreased by 32,36%.

The Board generates revenue from its trading activities (such as leases and royalties) and also receives a transfer payment from the Department of Rural Development and Land Reform.

SLIDE 23



INGONYAMA TRUST BOARD

# Financial Performance cont.

- Departmental Transfer payment (Page 32 of Annual Report)
  - Transfer payment: R2, 492, 000 (increase of 5,99% from 2007 / 2008 year)
  - Expenditure: R2, 448, 888 (increase of 8,51% from 2007 / 2008 year)

- Own income generation (Page 31 of Annual Report)
  - Total revenue: R39, 090, 267 (increase of 35,55% from 2007/2008 year)
  - Expenditure: R35, 271, 142 (increase of 51,98% from 2007/2008 year)

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# NATIONAL ASSEMBLY

**WRITTEN REPLY**

**QUESTION NO: 1719**

**PUBLISHED IN INTERNAL QUESTION PAPER NO: 18 - 2018 OF 25 MAY 2018**

**Mr N S Matiase (EFF) to ask the Minister of Rural Development and Land Reform:**

(1) (a) What total amount of land owned by her department and the entities reporting to her in each province is (i) vacant and (ii) unused or has no purpose and (b) what is the (i) location and (ii) size of each specified plot of land;

(2) (a) how much of the land owned by her department and the entities reporting to her has been leased out for private use and (b) what is the (i) Rand value of each lease and (ii)(aa) location and (bb) size of each piece of land? **NW1870E**

**REPLY:**

| No | DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM | INGONYAMA TRUST BOARD |
|---|---|---|
| (1) (a) (i) | Approximately 27 801 hectares, which is primarily mountainous land and land with indigenous forests. | No land is vacant and unused or has no purpose as the land held by the Ingonyama Trust is used communally for residential, ploughing and grazing by the local traditional council communities. |
| (ii) | 0 hectares | |
| (b) (i) | Columns 1,2,3 and 4 of **Annexure A** titled "Vacant Land" | Falls away. |
| (ii) | Last column of **Annexure A**. | Falls away. |
| (2) (a) | Approximately 2 309 078 Hectares. | Approximately 61 671 hectares |
| (b) (i) | Last 2 columns of **Annexure B** titled "Leased Land" | **Annexure C** |
| (b) (ii) (aa) | Columns 1,2,3 and 4 of **Annexure B** | **Annexure D** |
| (bb) | Last column of **Annexure B** | **Annexure D** |

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INGONYAMA TRUST BOARD

Lease Web Portal

# Lessee Financial Report (

## AnnexureC

*Generated on 5/14/2018 3:00:21 PM*

Total leases: 80

| Ref No. | Lessee | Apr | May | Jun | Jul | Aug |
|---|---|---|---|---|---|---|
| X1 | MTN 3205.1 | 2894,02 | 2894,02 | 2894,02 | 2894,02 | 2894,02 |
| X2 | MTN 3210 | 1183,68 | 1183,68 | 1183,68 | 1183,68 | 1183,68 |
| x2 | MTN 3210 | 809,42 | 809,42 | 809,42 | 809,42 | 809,42 |
| x2 | MTN 3210 | 2894,02 | 2894,02 | 2894,02 | 2894,02 | 2894,02 |
| X3 | MTN 3670 ( site share ) | 2894,02 | 2894,02 | 2894,02 | 2894,02 | 2894,02 |
| X3 | MTN 3670 ( site share ) | 954,61 | 954,61 | 954,61 | 954,61 | 1050,07 |
| 26 | MTN / T 2657 | 3182,12 | 3182,12 | 3182,12 | 3182,12 | 3182,12 |
| 27 | MTN / T2618 (site share) | 3182,12 | 3182,12 | 3182,12 | 3182,12 | 3182,12 |
| 27 | MTN / T2618 (site share) | 578,77 | 578,77 | 578,77 | 578,77 | 578,77 |
| 1042 | Cell C (Pty) Ltd-3146 | 6134,23 | 6747,65 | 6747,65 | 6747,65 | 6747,65 |
| 1101 | Cell C (Pty) Ltd - 3508 | 6745,15 | 6745,15 | 6745,15 | 6745,15 | 6745,15 |
| 1102 | Cell C (Pty) Ltd - 3941 | 6134,23 | 6134,23 | 6134,23 | 6747,65 | 6747,65 |
| 1102 | Cell C (Pty) Ltd - 3941 site share | 2045,16 | 2045,16 | 2045,16 | 2249,67 | 2249,67 |
| 1103 | Cell C (Pty) Ltd - 3499 | 6134,23 | 6134,23 | 6134,23 | 6747,65 | 6747,65 |
| 1103 | Cell C (Pty) Ltd - 3499 site share | 2045,16 | 2045,16 | 2045,16 | 2249,67 | 2249,67 |
| 1162 | Mtn (Pty) Ltd - 7270 | 6134,23 | 6134,23 | 6134,23 | 6134,23 | 6134,23 |
| 1163 | Mtn (Pty) Ltd - 7436 | 6134,23 | 6134,23 | 6134,23 | 6134,23 | 6134,23 |
| 1164 | Mtn (Pty) Ltd - 2656 | 6134,23 | 6134,23 | 6747,65 | 6747,65 | 6747,65 |
| 1304 | Cell C - 3747 | 5578,84 | 5578,84 | 5578,84 | 6136,73 | 6136,73 |
| 1305 | Cell C - Nseleni 3743 | 5578,84 | 5578,84 | 5578,84 | 6136,73 | 6136,73 |

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|---|---|---|---|---|---|---|
| 1306 | Cell C - Mfongosi 3767 | 5578,84 | 5578,84 | 5578,84 | 6136,73 | 6136,73 |
| 1307 | Cell C - Kwadlamini 3754 | 5578,84 | 5578,84 | 5578,84 | 6136,73 | 6136,73 |
| 1308 | Cell C - 3785 - | 5578,84 | 5578,84 | 5578,84 | 6136,73 | 6136,73 |
| 1309 | Cell C - Dlabe 3376 | 5578,84 | 6136,73 | 6136,73 | 6136,73 | 6136,73 |
| 1310 | Cell C - 3922 | 5578,84 | 5578,84 | 5578,84 | 5578,84 | 6136,73 |
| 1311 | Cell C - Mhlumaya 3971 | 5578,84 | 5578,84 | 5578,84 | 5578,84 | 6136,73 |
| 1312 | Cell C - Hlongwane - 3967 | 5578,84 | 5578,84 | 5578,84 | 5578,84 | 6136,73 |
| 1313 | Cell C - 14129 | 5578,84 | 5578,84 | 5578,84 | 5578,84 | 6136,73 |
| 1314 | Cell C - 3958 | 5578,84 | 5578,84 | 5578,84 | 5578,84 | 6136,73 |
| 1315 | Cell C - 3916 | 5578,84 | 5578,84 | 5578,84 | 5578,84 | 6136,73 |
| 1367 | Mtn (Pty) Ltd - T2320 - Dumisa | 6745,15 | 6745,15 | | | |
| 1368 | Cell C - Mkhambathini 6449 | 5578,84 | 5578,84 | 5578,84 | 5578,84 | 5578,84 |
| 1369 | Cell C - 3751 | 5578,84 | 5578,84 | 5578,84 | 5578,84 | 5578,84 |
| 1370 | Cell C - Ndaleni 6449 | 5578,84 | 5578,84 | 5578,84 | 5578,84 | 6136,73 |
| 1371 | Cell C - Mavulalazi 3748 | 5578,84 | 5578,84 | 5578,84 | 5578,84 | 5578,84 |
| 1372 | Cell C - Bonjaneni 3959 | 5578,84 | 5578,84 | 5578,84 | 5578,84 | 5578,84 |
| 1380 | Cell C (Pty) Ltd - 3497 Tholulywazi | 6134,23 | 6134,23 | 6134,23 | 6747,65 | 6747,65 |
| 1381 | Cell C - Gcothoyi - 3770 | 5578,84 | 5578,84 | 5578,84 | 5578,84 | 5578,84 |
| 1462 | MTN - Ngwadini - T6591 | 5578,84 | 5578,84 | 5578,84 | 5578,84 | 5578,84 |
| 1463 | MTN T3993 | 5578,84 | 5578,84 | 5578,84 | 5578,84 | 5578,84 |
| 1529 | MTN - Mount Sophia T2677 | 6134,23 | 6134,23 | 6134,23 | 6134,23 | 6134,23 |
| 1530 | MTN - Ceza Zembeni T3658 | 6136,73 | 6136,73 | 6136,73 | 6136,73 | 6136,73 |
| 1530 | MTN - Site Share Cell C | 710,35 | 710,35 | 710,35 | 710,35 | 710,35 |
| 1533 | MTN - Mbazwane - Hotel - T2658 | 6134,23 | 6134,23 | 6134,23 | 6134,23 | 6134,23 |
| 1533 | MTN - Site Share Cell C | 710,35 | 710,35 | 710,35 | 710,35 | 710,35 |
| 1623 | Mtn - T7443 - Swayimane | 5073,95 | 5073,95 | 5581,34 | 5581,34 | 5581,34 |
| 1624 | Mtn - T7442 - Oqaqeni Hill | 5073,95 | 5073,95 | 5581,34 | 5581,34 | 5581,34 |
| 1625 | Mtn T7276 - Itshodo | 6134,23 | 6134,23 | 6134,23 | 6134,23 | 6134,23 |
| 1626 | MTN - T6856 - Ncotshane Township - Ntshangase TC | 6134,23 | 6134,23 | 6134,23 | 6134,23 | 6134,23 |
| 1627 | MTN - T2716 - Magabheni - Water Reservoir - Mnini | 6134,23 | 6134,23 | 6134,23 | 6134,23 | 6134,23 |
| 1628 | Mtn - T6895 - Edge Hill | 5073,95 | 5073,95 | 5581,34 | 5581,34 | 5581,34 |
| 1629 | Mtn - T6863 - Kamseni | 5073,95 | 5073,95 | 5581,34 | 5581,34 | 5581,34 |
| 1630 | Mtn - T7048 - Kilmun | 5073,95 | 5073,95 | 5581,34 | 5581,34 | 5581,34 |
| 1631 | Mtn - T6858 - Phumulani Mutisane | 5073,95 | 5073,95 | 5581,34 | 5581,34 | 5581,34 |

| | | | | | | |
|---|---|---|---|---|---|---|
| 1632 | Mtn - T6716 - Mbodleni Hilltop | 5073,95 | 5073,95 | 5581,34 | 5581,34 | 5581,34 |
| 1633 | Mtn - T6596 - Ensimbini North | 5073,95 | 5073,95 | 5581,34 | 5581,34 | 5581,34 |
| 1634 | Mtn - T7232 - Mqongqotho Hill | 5073,95 | 5073,95 | 5581,34 | 5581,34 | 5581,34 |
| 1635 | MTN - T1962 - Sangonyama - Sompho TC | 5248,56 | 5248,56 | 5248,56 | 5248,56 | 5773,42 |
| 1698 | Mtn - T7054 - Ebuhleni Village | 5073,95 | 5073,95 | 5581,34 | 5581,34 | 5581,34 |
| 2046 | Mtn - T7059 - Kwangololo Hill | 5073,95 | 5073,95 | 5073,95 | 5073,95 | 5073,95 |
| 2047 | Mtn - T7230 - Etatane | 5073,95 | 5073,95 | 5073,95 | 5073,95 | 5073,95 |
| 2048 | Mtn - T7635 - Denny Dalton | 5073,95 | 5073,95 | 5073,95 | 5073,95 | 5073,95 |
| 2049 | Cell C - Frischgewaagd - 3716 | 5073,95 | 5073,95 | 5073,95 | 5073,95 | 5073,95 |
| 2054 | Mtn - T7261 - ndaleni township | 5073,95 | 5073,95 | 5073,95 | 5073,95 | 5073,95 |
| 2765 | Cell C - 108520 - Ulundi | 7428,26 | 7428,26 | 7428,26 | 7428,26 | 7428,26 |
| 2766 | Cell C - 808126 - Pop Ulundi | 7428,26 | 7428,26 | 7428,26 | 7428,26 | 7428,26 |
| 2767 | Mtn T7523 - Xolo | 6793,21 | 6793,21 | 6793,21 | 6793,21 | 7472,53 |
| 2768 | Mtn T2768 - Mashayilanga | 6793,21 | 6793,21 | 6793,21 | 6793,21 | 7472,53 |
| 2769 | Mtn T6862 - Enguka | 6793,21 | 6793,21 | 6793,21 | 6793,21 | 7472,53 |
| 3277 | Cell C - 108518 - Nkangalal | 6756,29 | 7431,92 | 7431,92 | 7431,92 | 7431,92 |
| 3278 | Cell C - 3798 - Dassenhoek | 6756,29 | 6756,29 | 6756,29 | 6756,29 | 6756,29 |
| 3330 | Cell C - 108515 - Mpofana | 6756,29 | 7431,92 | 7431,92 | 7431,92 | 7431,92 |
| 3690 | Cell C - 108522 - | 7431,92 | 7431,92 | 7431,92 | 7431,92 | 7431,92 |
| 3988 | Cell C - 108516 | 6756,29 | 6756,29 | 6756,29 | 6756,29 | 6756,29 |
| 3989 | Cell C - 3684 | 6756,29 | 6756,29 | 6756,29 | 6756,29 | 6756,29 |
| 5245 | Mtn T5245 - Mawella Church | 6134,23 | 6134,23 | 6134,23 | 6134,23 | 6134,23 |
| 5245 | Mth T5245 - Mawella Church - Site share | 710,35 | 710,35 | 710,35 | 710,35 | 710,35 |
| 5386 | MTN (Pty) Ltd | 5073,95 | 5073,95 | 5581,34 | 5581,34 | 5581,34 |
| 5765TE | MTN (Pty) Ltd | 6793,21 | 6793,21 | 7472,53 | 7472,53 | 7472,53 |
| 5947 | Mtn T5947 - Khoza | 4047,09 | 4047,09 | 4047,09 | | |
| | ***Total =*** | **R 409 464,55** | **R 411 987,12** | **R 412 116,00** | **R 413 107,64** | **R 419 671,15** |

L. J

# 2018/2019)

| Sep | Oct | Nov | Dec | Jan | Feb | Mar | Total Lease Income for Current Year |
|---|---|---|---|---|---|---|---|
| 2894,02 | 3183,42 | 3183,42 | 3183,42 | 3183,42 | 3183,42 | 3183,42 | R 36 464,64 |
| 1302,04 | 1302,04 | 1302,04 | 1302,04 | 1302,04 | 1302,04 | 1302,04 | R 15 032,68 |
| 809,42 | 809,42 | 809,42 | 890,36 | 890,36 | 890,36 | 890,36 | R 10 036,80 |
| 2894,02 | 3183,42 | 3183,42 | 3183,42 | 3183,42 | 3183,42 | 3183,42 | R 36 464,64 |
| 2894,02 | 3183,42 | 3183,42 | 3183,42 | 3183,42 | 3183,42 | 3183,42 | R 36 464,64 |
| 1050,07 | 1050,07 | 1050,07 | 1050,07 | 1050,07 | 1050,07 | 1050,07 | R 12 219,00 |
| 3182,12 | 3182,12 | 3182,12 | | | | | R 25 456,96 |
| 3182,12 | 3182,12 | 3500,33 | 3500,33 | 3500,33 | 3500,33 | 3500,33 | R 39 776,49 |
| 578,77 | 578,77 | 636,64 | 636,64 | 636,64 | 636,64 | 636,64 | R 7 234,59 |
| 6747,65 | 6747,65 | 6747,65 | 6747,65 | 6747,65 | 6747,65 | 6747,65 | R 80 358,38 |
| 6745,15 | 6745,15 | 6745,15 | 6745,15 | | | | R 60 706,35 |
| 6747,65 | 6747,65 | 6747,65 | 6747,65 | 6747,65 | 6747,65 | 6747,65 | R 79 131,54 |
| 2249,67 | 2249,67 | 2249,67 | 2249,67 | 2249,67 | 2249,67 | 2249,67 | R 26 382,51 |
| 6747,65 | 6747,65 | 6747,65 | 6747,65 | 6747,65 | 6747,65 | 6747,65 | R 79 131,54 |
| 2249,67 | 2249,67 | 2249,67 | 2249,67 | 2249,67 | 2249,67 | 2249,67 | R 26 382,51 |
| 6134,23 | 6747,65 | 6747,65 | 6747,65 | 6747,65 | 6747,65 | 6747,65 | R 77 291,28 |
| 6134,23 | 6747,65 | 6747,65 | 6747,65 | 6747,65 | 6747,65 | 6747,65 | R 77 291,28 |
| 6747,65 | 6747,65 | 6747,65 | 6747,65 | 6747,65 | 6747,65 | 6747,65 | R 79 744,96 |
| 6136,73 | 6136,73 | 6136,73 | 6136,73 | 6136,73 | 6136,73 | 6136,73 | R 71 967,09 |
| 6136,73 | 6136,73 | 6136,73 | 6136,73 | 6136,73 | 6136,73 | 6136,73 | R 71 967,09 |

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|---|---|---|---|---|---|---|---|
| 6136,73 | 6136,73 | 6136,73 | 6136,73 | 6136,73 | 6136,73 | 6136,73 | R 71 967,09 |
| 6136,73 | 6136,73 | 6136,73 | 6136,73 | 6136,73 | 6136,73 | 6136,73 | R 71 967,09 |
| 6136,73 | 6136,73 | 6136,73 | 6136,73 | 6136,73 | 6136,73 | 6136,73 | R 71 967,09 |
| 6136,73 | 6136,73 | 6136,73 | 6136,73 | 6136,73 | 6136,73 | 6136,73 | R 73 082,87 |
| 6136,73 | 6136,73 | 6136,73 | 6136,73 | 6136,73 | 6136,73 | 6136,73 | R 71 409,20 |
| 6136,73 | 6136,73 | 6136,73 | 6136,73 | 6136,73 | 6136,73 | 6136,73 | R 71 409,20 |
| 6136,73 | 6136,73 | 6136,73 | 6136,73 | 6136,73 | 6136,73 | 6136,73 | R 71 409,20 |
| 6136,73 | 6136,73 | 6136,73 | 6136,73 | 6136,73 | 6136,73 | 6136,73 | R 71 409,20 |
| 6136,73 | 6136,73 | 6136,73 | 6136,73 | 6136,73 | 6136,73 | 6136,73 | R 71 409,20 |
| 6136,73 | 6136,73 | 6136,73 | 6136,73 | 6136,73 | 6136,73 | 6136,73 | R 71 409,20 |
| | | | | | | | R 13 490,30 |
| 6136,73 | 6136,73 | 6136,73 | 6136,73 | 6136,73 | 6136,73 | 6136,73 | R 70 851,31 |
| 5578,84 | 5578,84 | 5578,84 | 5578,84 | 5578,84 | 5578,84 | 6136,73 | R 67 503,97 |
| 6136,73 | 6136,73 | 6136,73 | 6136,73 | 6136,73 | 6136,73 | 6136,73 | R 71 409,20 |
| 6136,73 | 6136,73 | 6136,73 | 6136,73 | 6136,73 | 6136,73 | 6136,73 | R 70 851,31 |
| 6136,73 | 6136,73 | 6136,73 | 6136,73 | 6136,73 | 6136,73 | 6136,73 | R 70 851,31 |
| 6747,65 | 6747,65 | 6747,65 | 6747,65 | 6747,65 | 6747,65 | 6747,65 | R 79 131,54 |
| 5578,84 | 5578,84 | 5578,84 | 5578,84 | 5578,84 | 5578,84 | 6136,73 | R 67 503,97 |
| 6136,73 | 6136,73 | 6136,73 | 6136,73 | 6136,73 | 6136,73 | 6136,73 | R 70 851,31 |
| 6136,73 | 6136,73 | 6136,73 | 6136,73 | 6136,73 | 6136,73 | 6136,73 | R 70 851,31 |
| 6747,65 | 6747,65 | 6747,65 | 6747,65 | 6747,65 | 6747,65 | 6747,65 | R 77 904,70 |
| 6136,73 | 6136,73 | 6136,73 | 6136,73 | 6136,73 | 6136,73 | 6136,73 | R 73 640,76 |
| 710,35 | 781,39 | 781,39 | 781,39 | 781,39 | 781,39 | 781,39 | R 8 950,44 |
| 6134,23 | 6134,23 | 6134,23 | 6134,23 | 6134,23 | 6747,65 | 6747,65 | R 74 837,60 |
| 710,35 | 781,39 | 781,39 | 781,39 | 781,39 | 781,39 | 781,39 | R 8 950,44 |
| 5581,34 | 5581,34 | 5581,34 | 5581,34 | 5581,34 | 5581,34 | 5581,34 | R 65 961,30 |
| 5581,34 | 5581,34 | 5581,34 | 5581,34 | 5581,34 | 5581,34 | 5581,34 | R 65 961,30 |
| 6134,23 | 6747,65 | 6747,65 | 6747,65 | 6747,65 | 6747,65 | 6747,65 | R 77 291,28 |
| 6134,23 | 6134,23 | 6134,23 | 6134,23 | 6134,23 | 6134,23 | 6747,65 | R 74 224,18 |
| 6134,23 | 6134,23 | 6134,23 | 6134,23 | 6134,23 | 6134,23 | 6747,65 | R 74 224,18 |
| 5581,34 | 5581,34 | 5581,34 | 5581,34 | 5581,34 | 5581,34 | 5581,34 | R 65 961,30 |
| 5581,34 | 5581,34 | 5581,34 | 5581,34 | 5581,34 | 5581,34 | 5581,34 | R 65 961,30 |
| 5581,34 | 5581,34 | 5581,34 | 5581,34 | 5581,34 | 5581,34 | 5581,34 | R 65 961,30 |
| 5581,34 | 5581,34 | 5581,34 | 5581,34 | 5581,34 | 5581,34 | 5581,34 | R 65 961,30 |

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|---|---|---|---|---|---|---|---|
| 5581,34 | 5581,34 | 5581,34 | 5581,34 | 5581,34 | 5581,34 | 5581,34 | R 65 961,30 |
| 5581,34 | 5581,34 | 5581,34 | 5581,34 | 5581,34 | 5581,34 | 5581,34 | R 65 961,30 |
| 5581,34 | 5581,34 | 5581,34 | 5581,34 | 5581,34 | 5581,34 | 5581,34 | R 65 961,30 |
| 5773,42 | 5773,42 | 5773,42 | 5773,42 | 5773,42 | 5773,42 | 5773,42 | R 67 181,60 |
| 5581,34 | 5581,34 | 5581,34 | 5581,34 | 5581,34 | 5581,34 | 5581,34 | R 65 961,30 |
| 5073,95 | 5073,95 | 5073,95 | 5073,95 | 5073,95 | 5581,34 | 5581,34 | R 61 902,18 |
| 5073,95 | 5073,95 | 5073,95 | 5073,95 | 5073,95 | 5581,34 | 5581,34 | R 61 902,18 |
| 5073,95 | 5073,95 | 5073,95 | 5073,95 | 5073,95 | 5581,34 | 5581,34 | R 61 902,18 |
| 5073,95 | 5581,34 | 5581,34 | 5581,34 | 5581,34 | 5581,34 | 5581,34 | R 63 931,74 |
| 5073,95 | 5073,95 | 5073,95 | 5073,95 | 5073,95 | 5073,95 | 5581,34 | R 61 394,79 |
| 7428,26 | 7428,26 | 7428,26 | 7428,26 | 7428,26 | 7428,26 | 8171,09 | R 89 881,95 |
| 7428,26 | 7428,26 | 7428,26 | 7428,26 | 7428,26 | 7428,26 | 8171,09 | R 89 881,95 |
| 7472,53 | 7472,53 | 7472,53 | 7472,53 | 7472,53 | 7472,53 | 7472,53 | R 86 953,08 |
| 7472,53 | 7472,53 | 7472,53 | 7472,53 | 7472,53 | 7472,53 | 7472,53 | R 86 953,08 |
| 7472,53 | 7472,53 | 7472,53 | 7472,53 | 7472,53 | 7472,53 | 7472,53 | R 86 953,08 |
| 7431,92 | 7431,92 | 7431,92 | 7431,92 | 7431,92 | 7431,92 | 7431,92 | R 88 507,41 |
| 6756,29 | 7431,92 | 7431,92 | 7431,92 | 7431,92 | 7431,92 | 7431,92 | R 85 129,26 |
| 7431,92 | 7431,92 | 7431,92 | 7431,92 | 7431,92 | 7431,92 | 7431,92 | R 88 507,41 |
| 7431,92 | 7431,92 | 7431,92 | 7431,92 | 7431,92 | 7431,92 | 7431,92 | R 89 183,04 |
| 6756,29 | 6756,29 | 7431,92 | 7431,92 | 7431,92 | 7431,92 | 7431,92 | R 84 453,63 |
| 6756,29 | 6756,29 | 6756,29 | 6756,29 | 6756,29 | 7431,92 | 7431,92 | R 82 426,74 |
| 6134,23 | 6134,23 | 6134,23 | 6747,65 | 6747,65 | 6747,65 | 6747,65 | R 76 064,44 |
| 710,35 | 781,39 | 781,39 | 781,39 | 781,39 | 781,39 | 781,39 | R 8 950,44 |
| 5581,34 | 5581,34 | 5581,34 | 5581,34 | 5581,34 | 5581,34 | 5581,34 | R 65 961,30 |
| 7472,53 | 7472,53 | 7472,53 | 7472,53 | 7472,53 | 7472,53 | 7472,53 | R 88 311,72 |
| | | | | | | | R 12 141,27 |
| **R 423 192,38** | **R 427 296,98** | **R 428 348,69** | **R 425 860,93** | **R 419 115,78** | **R 421 927,00** | ***R 426 262,67*** | ***R 5 038 350,89*** |

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| Straight Line Income for Current Year | Year (1) | Year (2 - 5) | Year (6 to end of lease) |
|---|---|---|---|
| R 27 469,79 | R 36 609,32 | | |
| R 9 227,24 | R 16 535,95 | R 7 161,25 | |
| R 7 228,09 | R 11 040,48 | R 4 897,00 | |
| R 28 203,47 | R 40 111,08 | R 17 508,80 | |
| R 28 203,47 | R 40 111,08 | R 17 508,80 | |
| R 7 221,29 | R 13 440,92 | R 5 890,91 | |
| R 17 783,22 | | | |
| R 28 185,92 | R 21 001,98 | | |
| R 5 337,90 | R 3 819,84 | | |
| R 54 319,39 | | | |
| R 40 731,79 | | | |
| R 54 324,43 | R 13 495,30 | | |
| R 18 111,77 | R 4 499,34 | | |
| R 54 324,43 | R 13 495,30 | | |
| R 18 111,77 | R 4 499,34 | | |
| R 54 331,99 | R 33 738,25 | | |
| R 54 331,99 | R 33 738,25 | | |
| R 54 321,91 | R 6 747,65 | | |
| R 54 360,76 | R 79 163,79 | R 13 500,80 | |
| R 54 360,76 | R 79 163,79 | R 13 500,80 | |

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|---|---|---|---|
| R 54 360,76 | R 79 163,79 | R 13 500,80 | |
| R 54 360,76 | R 79 163,79 | R 13 500,80 | |
| R 54 360,76 | R 79 163,79 | R 13 500,80 | |
| R 54 355,72 | R 80 391,13 | | |
| R 54 363,28 | R 78 550,12 | R 20 251,20 | |
| R 54 363,28 | R 78 550,12 | R 20 251,20 | |
| R 54 363,28 | R 78 550,12 | R 20 251,20 | |
| R 54 363,28 | R 78 550,12 | R 20 251,20 | |
| R 54 363,28 | R 78 550,12 | R 20 251,20 | |
| R 54 363,28 | R 78 550,12 | R 20 251,20 | |
| R 9 048,57 | | | |
| R 54 587,79 | R 77 936,45 | R 33 752,00 | |
| R 52 967,27 | R 74 254,43 | R 27 001,60 | |
| R 54 585,29 | R 78 550,12 | R 27 001,60 | |
| R 54 587,79 | R 77 936,45 | R 33 752,00 | |
| R 54 365,80 | R 77 936,45 | R 27 001,60 | |
| R 54 324,43 | R 13 495,30 | | |
| R 54 602,79 | R 74 254,43 | R 74 254,40 | |
| R 54 365,80 | R 77 936,45 | R 27 001,60 | |
| R 54 365,80 | R 77 936,45 | R 27 001,60 | |
| R 54 329,47 | R 26 990,60 | | |
| R 54 353,20 | R 74 254,40 | | |
| R 7 024,15 | R 8 985,99 | | |
| R 54 342,08 | R 60 728,85 | | |
| R 6 957,68 | R 7 266,93 | | |
| R 54 398,20 | R 72 557,48 | R 86 566,69 | |
| R 54 398,20 | R 72 557,48 | R 86 566,69 | |
| R 54 331,99 | R 33 738,25 | | |
| R 54 344,60 | R 67 476,50 | | |
| R 54 566,49 | R 74 224,15 | | |
| R 54 398,20 | R 72 557,48 | R 86 566,69 | |
| R 54 398,20 | R 72 557,48 | R 86 566,69 | |
| R 54 398,20 | R 72 557,48 | R 86 566,69 | |
| R 54 398,20 | R 72 557,48 | R 86 566,69 | |

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| | | | |
|---|---|---|---|
| R 54 398,20 | R 72 557,48 | R 86 566,69 | |
| R 54 398,20 | R 72 557,48 | R 86 566,69 | |
| R 54 398,20 | R 72 557,48 | R 86 566,69 | |
| R 47 273,41 | R 73 899,76 | R 19 052,28 | |
| R 54 398,20 | R 72 557,48 | R 86 566,69 | |
| R 54 418,37 | R 68 092,36 | R 135 682,53 | |
| R 54 418,37 | R 68 092,36 | R 135 682,53 | |
| R 54 418,37 | R 68 092,36 | R 135 682,53 | |
| R 51 695,68 | R 70 324,92 | R 36 836,88 | |
| R 54 420,89 | R 67 534,22 | R 141 822,01 | |
| R 79 672,18 | R 98 870,19 | R 207 627,42 | |
| R 79 672,18 | R 98 870,19 | R 207 627,42 | |
| R 80 146,26 | R 95 648,44 | R 250 785,62 | |
| R 80 146,26 | R 95 648,44 | R 250 785,62 | |
| R 80 146,26 | R 95 648,44 | R 250 785,62 | |
| R 80 024,63 | R 97 358,13 | R 234 789,23 | |
| R 75 747,40 | R 93 642,18 | R 156 962,10 | |
| R 80 024,63 | R 97 358,13 | R 234 789,23 | |
| R 80 020,97 | R 98 101,32 | R 226 614,12 | |
| R 80 046,59 | R 92 898,99 | R 283 839,89 | |
| R 80 057,57 | R 90 669,42 | R 308 365,22 | |
| R 54 337,04 | R 47 233,55 | | |
| R 6 888,47 | R 5 547,87 | | |
| R 54 398,20 | R 72 557,48 | R 86 566,69 | |
| R 80 138,84 | R 97 142,96 | R 234 346,04 | |
| R 8 144,09 | | | |
| ***R 3 992 398,69*** | ***R 4 643 103,59*** | ***R 4 923 054,24*** | |

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INGONYAMA TRUST BOARD
Lease Web Portal

# Lessee Financial Report (2018/20'

## Annexure D

*Generated on 5/14/2018 3:03:10 PM*

Total leases: 26

| Ref No. | Lessee | Apr | May | Jun | Jul | Aug | Sep | Oct |
|---|---|---|---|---|---|---|---|---|
| x6 | Mehlo Stores ( x6 ) | 4326,5 | 4326,5 | 4326,5 | 4326,5 | 4326,5 | 4326,5 | 4326,5 |
| 19 | Total South Africa | 57614,28 | 57614,28 | 57614,28 | 57614,28 | 57614,28 | 57614,28 | 57614,28 |
| 23 | Lew Steyn T/A Speed Prop Trading 1011 | 14928,08 | 14928,08 | 14928,08 | 14928,08 | 14928,08 | 16420,89 | 16420,89 |
| 56 | Sodwana Bay Lodge | 403,51 | 403,51 | 403,51 | 403,51 | 403,51 | 403,51 | 403,51 |
| 99 | Patrick B Mbambo ( T ) | 1952,62 | 2147,88 | 2147,88 | 2147,88 | 2147,88 | 2147,88 | 2147,88 |
| 110. | Carel A. Geyser | 8680,3 | 8680,3 | 8680,3 | 8680,3 | 8680,3 | 8680,3 | 8680,3 |
| 136 | Doctors for Life Projects Care | 394,56 | 394,56 | 434,01 | 434,01 | 434,01 | 434,01 | 434,01 |
| 137 | Doctors for Life Projects Care | 394,56 | 394,56 | 434,01 | 434,01 | 434,01 | 434,01 | 434,01 |
| 150 | Kwa Mzamo HIV / AIDS Support Centre | 326,72 | 326,72 | 359,39 | 359,39 | 359,39 | 359,39 | 359,39 |
| 156 | Georgedale Housing Projects | 36,18 | 36,18 | 36,18 | 36,18 | 36,18 | 36,18 | 36,18 |
| 164 | Georgedale Housing Projects | 36,18 | 36,18 | 36,18 | 36,18 | 36,18 | 36,18 | 36,18 |
| 165 | Georgedale Housing Projects | 36,18 | 36,18 | 36,18 | 36,18 | 36,18 | 36,18 | 36,18 |
| 166 | Georgedale Housing Projects | 36,18 | 36,18 | 36,18 | 36,18 | 36,18 | 36,18 | 36,18 |
| 167 | Georgedale Housing Projects | 36,18 | 36,18 | 36,18 | 36,18 | 36,18 | 36,18 | 36,18 |
| 168 | First Ready Development 371 | 90,43 | 90,43 | 90,43 | 90,43 | 90,43 | 90,43 | 90,43 |
| 319 | Anastacia Consulting CC | 8900,6 | 8900,6 | 8900,6 | 8900,6 | 8900,6 | 8900,6 | 9790,66 |
| 519 | Congr of Jehova's Witnesses - Amatata - Qadi TC | 71,57 | 71,57 | 71,57 | 71,57 | 71,57 | 71,57 | 71,57 |
| 546 | Congr of Jehova's Witnesses - Uitraal - Mbensh TC | 224,83 | 224,83 | 247,31 | 247,31 | 247,31 | 247,31 | 247,31 |

| | | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| 647 | Teba Limited - Tembe | 334,73 | 334,73 | 368,2 | 368,2 | 368,2 | 368,2 | 368,2 |
| 679 | Isilwane Samanzi | 224,83 | 224,83 | 224,83 | 224,83 | 224,83 | 224,83 | 224,83 |
| 1128 | Congr of Jehova's Witnesses - Ndundulu - Entembeni | 61,34 | 61,34 | 61,34 | 61,34 | 61,34 | 61,34 | 61,34 |
| 1132 | Congr of Jehova's Witnesses - Mhubheni - Mabaso TC | 71,55 | 71,55 | 71,55 | 71,55 | 71,55 | 71,55 | 71,55 |
| 2798 | Ms Rejoice Thulephi Shangase | 111,95 | 111,95 | 111,95 | 111,95 | 111,95 | 111,95 | 111,95 |
| 5139 | Seventh Day Adventist Church | 55,96 | 55,96 | 61,56 | 61,56 | 61,56 | 61,56 | 61,56 |
| 6181 | Mr Nhlanhla Godfrey Mngadi | 122,44 | 122,44 | 122,44 | 122,44 | 122,44 | 122,44 | 122,44 |
| 6724 | Sizisa Ukanyo Trading 194 | 4,2 | 4,2 | 4,2 | 4,2 | 4,2 | 4,2 | 4,2 |
| | ***Total =*** | **R 99 476,46** | **R 99 671,72** | **R 99 844,84** | **R 99 844,84** | **R 99 844,84** | **R 101 337,65** | **R 102 227,71** |

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19)

| Nov | Dec | Jan | Feb | Mar | Total Lease Income for Current Year | Straight Line Income for Current Year | Year (1) | Year (2 - 5) |
|---|---|---|---|---|---|---|---|---|
| 4326,5 | 4326,5 | 4759,15 | 4759,15 | 4759,15 | R 53 215,95 | R 54 783,23 | R 58 537,56 | R 298 840,17 |
| 57614,28 | 57614,28 | 62223,42 | 62223,42 | 62223,42 | R 705 198,78 | R 1 681 624,61 | R 761 614,65 | R 3 706 474,71 |
| 16420,89 | 16420,89 | 16420,89 | 16420,89 | 16420,89 | R 189 586,63 | R 274 365,30 | R 208 545,31 | R 1 064 644,69 |
| 403,51 | 403,51 | 403,51 | 403,51 | 403,51 | R 4 842,12 | R 4 829,64 | R 4 842,12 | R 19 368,48 |
| 2147,88 | 2147,88 | 2147,88 | 2147,88 | 2147,88 | R 25 579,30 | R 68 261,16 | R 28 137,25 | R 143 643,29 |
| 8680,3 | 8680,3 | 8680,3 | 8680,3 | 8680,3 | R 104 163,60 | R 294 768,36 | R 114 579,96 | R 584 941,80 |
| 434,01 | 434,01 | 434,01 | 434,01 | 434,01 | R 5 129,22 | R 15 172,75 | R 5 642,22 | R 28 803,98 |
| 434,01 | 434,01 | 434,01 | 434,01 | 434,01 | R 5 129,22 | R 15 172,75 | R 5 642,22 | R 28 803,98 |
| 359,39 | 359,39 | 359,39 | 359,39 | 359,39 | R 4 247,34 | R 3 196,46 | R 4 672,08 | R 790,66 |
| 36,18 | 36,18 | 39,8 | 39,8 | 39,8 | R 445,02 | R 1 391,31 | R 489,54 | R 2 499,09 |
| 36,18 | 36,18 | 39,8 | 39,8 | 39,8 | R 445,02 | R 1 391,31 | R 489,54 | R 2 499,09 |
| 36,18 | 36,18 | 39,8 | 39,8 | 39,8 | R 445,02 | R 1 391,31 | R 489,54 | R 2 499,09 |
| 36,18 | 36,18 | 39,8 | 39,8 | 39,8 | R 445,02 | R 1 391,31 | R 489,54 | R 2 499,09 |
| 36,18 | 36,18 | 39,8 | 39,8 | 39,8 | R 445,02 | R 1 391,31 | R 489,54 | R 2 499,09 |
| 90,43 | 90,43 | 90,43 | 90,43 | 99,48 | R 1 094,21 | R 3 235,24 | R 1 203,71 | R 6 144,98 |
| 9790,66 | 9790,66 | 9790,66 | 9790,66 | 9790,66 | R 112 147,56 | R 455 575,91 | R 123 362,34 | R 629 776,92 |
| 71,57 | 78,73 | 78,73 | 78,73 | 78,73 | R 887,48 | R 4 432,84 | R 976,24 | R 4 983,84 |
| 247,31 | 247,31 | 247,31 | 247,31 | 247,31 | R 2 922,76 | R 12 658,49 | R 3 215,02 | R 16 412,86 |

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| | | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| 368,2 | 368,2 | 368,2 | 368,2 | 368,2 | R 4 351,46 | R 22 804,64 | R 4 786,60 | R 24 436,44 |
| | | | | | R 1 573,81 | R 1 055,87 | | |
| 61,34 | 67,48 | 67,48 | 67,48 | 67,48 | R 760,64 | R 3 799,24 | R 836,72 | R 4 271,44 |
| 71,55 | 78,7 | 78,7 | 78,7 | 78,7 | R 887,20 | R 4 431,31 | R 975,88 | R 4 982,08 |
| 111,95 | 111,95 | 111,95 | 111,95 | 123,14 | R 1 354,59 | R 10 151,72 | R 1 490,00 | R 7 606,66 |
| 61,56 | 61,56 | 61,56 | 61,56 | 61,56 | R 727,52 | R 5 074,58 | R 800,22 | R 4 085,18 |
| 122,44 | 122,44 | 122,44 | 122,44 | 134,68 | R 1 481,52 | R 1 590,05 | R 1 629,63 | R 7 905,50 |
| 4,2 | 4,2 | 4,2 | 4,2 | 4,62 | R 50,82 | R 51,63 | R 55,91 | R 190,72 |
| **R 102 002,88** | **R 102 023,33** | **R 107 083,22** | **R 107 083,22** | ***R 107 116,12*** | ***R 1 227 556,83*** | ***R 2 943 992,30*** | ***R 1 333 993,34*** | ***R 6 599 603,83*** |

| Year (6 to end of lease) |
|---|
| R 849 597,66 |
| R 55 045 687,14 |
| R 6 601 225,33 |
| R 308 281,64 |
| R 2 339 443,14 |
| R 10 098 833,18 |
| R 529 851,70 |
| R 529 851,70 |
| |
| R 49 034,01 |
| R 49 034,01 |
| R 49 034,01 |
| R 49 034,01 |
| R 49 034,01 |
| R 109 952,03 |
| R 16 650 454,26 |
| R 165 617,32 |
| R 466 068,86 |

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| |
|---|
| R 855 811,24 |
| |
| R 141 945,44 |
| R 165 560,40 |
| R 391 273,60 |
| R 194 697,64 |
| |
| |
| ***R 95 689 322,33*** |

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- identify and record the nature of all of the informal rights to land;
- identify and record the decision-making processes of the group including, if any, minority views on such processes;
- identify and record any particularly vulnerable persons, having regard to sex, age, and child-headed households;
- identify and record the identities of up to two representatives nominated by the household, provided that at least one representative per household shall be a woman. Where a household includes over five members, the number of representatives shall increase to include at least one representative for every five household members, with at least half of the representatives being women;
- ensure that the directly affected persons are adequately informed about the proposed decision and its reasonably anticipated consequences through meetings and/or household-level consultations;
- produce a record of all views expressed orally or in writing by affected households.

## Security of tenure issues related to the Ingonyama Trust Act

### Introduction

The KwaZulu-Natal Ingonyama Trust Act No. 3KZ of 1994 (the Act) was enacted just days prior to South Africa's first democratic election and came into force on 24 April 1994. In terms of this Act, the Ingonyama Trust was established to hold all the land that was owned by or belonged to the KwaZulu Government in the name of the Ingonyama as sole Trustee for the benefit, material welfare and social well-being of the members of the tribes and communities living on the land. The Act was significantly amended in 1997 to create the Ingonyama Trust Board (ITB) to administer the land. In 1994 this land did not, as did other Bantustan land, vest in one of the governments or administrations listed in Section 239 of the Interim Constitution as it had vested in the Ingonyama Trust in terms of the Ingonyama Trust Act. This legislation is therefore unique to KZN and the Ingonyama Trust Board has control over land in ways that far surpass anything the Minister of Rural Development and Land Reform has in all other provinces. Seemingly, the difference between KwaZulu-Natal and other provinces is precisely the existence of the Ingonyama Trust Act.

The deficiencies and ambiguities in this Act and its amendments and the ramifications thereof have had a far-reaching effect on the communities and residents on the land concerned. The Panel proposes the review of the Ingonyama Trust Act with a view to repeal or to amendment.

While the Trust has wide-ranging powers to manage the land registered in its name, there are various provisions in the Act that provide protection for the land rights of the beneficiaries, in particular that the Ingonyama shall not infringe upon any existing rights or interests.

### Overview of trends since 1994: Insights from commissioned research and round tables

The Trust is meant to exist and function subject to existing land rights under customary law and not act in ways that undermine and abrogate such customary and other underlying land rights. However, the Trust in some instances, regards itself as the outright owner of land and therefore not subject to any duty to consult or to obtain community consent in dealing with the land. This has given rise to instances where the Trust has leased land to external third parties (for example shopping centres) without having first consulted and obtained the consent of those whose informal or customary land rights were subsumed by the shopping centre.

### Dispossession of customary rights: Replacing customary rights and PTO certificates with residential leases

Prior to 1994 Permission to Occupy certificates (PTO) were issued as part of a land tenure system that existed in KZN and elsewhere in South Africa on non-surveyed land. PTOs were issued in terms of regulations, and they conferred statutory rights on holders. PTOs were not issued everywhere and in many situations, people occupy and use land on the basis of customary tenure rights without written records. In terms of the Upgrading of Land Tenure Rights Act 111 of 1991 (ULTRA) PTOs



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could be upgraded to ownership after surveying the land. This is an indication of the strength of such underlying rights. However the Act was never effectively implemented because of the costs and complexity entailed in surveying land and transferring title. In KwaZulu-Natal PTOs were kept alive after 1994 first by the KwaZulu Land Affairs Act 11 of 1992 and then by Government Notice 32 of 1994.

Annual reports of the Ingonyama Trust indicate that the Ingonyama Trust decided that PTOs should no longer be issued, and has over the years pursued a programme of converting PTOs and existing customary rights in land into lease agreements for both business and residential purposes.

The standard ITB lease agreement provides for a 40-year term, and a 10% annual increase on rental. It compels the 'lessee' to fence the property within six months. The lessee must obtain written permission to build and record all improvements, and submit this to the ITB. The ITB is entitled to cancel the lease agreement for failure to pay rent. All buildings and structures that have been built on the land will belong to the Ingonyama Trust when the lessee vacates the premises.

Significant income is generated for the Ingonyama Trust by such lease agreements. In the 2015/2016 period rental income was R96 130 563. There is little evidence that the revenue generated by leases is used for the benefit of communities or their material well-being. The Trust has built up very substantial reserves.

### Ownership of land in townships

The Act originally applied to rural and urban land within the former KwaZulu and included townships known as 'R293' or 'Trust' townships, established in terms of Proclamation R293 of 1962. This meant that the underlying ownership of township land including public places and streets, vested in the Ingonyama Trust. In an attempt to rectify this, the Amendment Act of 1997 provided that the Act shall not apply to townships, and that the land is to vest in the relevant municipality. There is however evidence that the Trust has retained land in townships, and is dealing with this land as if it were the outright owner – continuing to exercise exclusive power to allocate the land, authorise its use, and collect revenue from the land. R293 township sites qualify for upgrading of tenure rights in terms of ULTRA. There has however been widespread failure to implement ULTRA.



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## Public finance management

The National Assembly's Portfolio Committee on Rural Development and Land Reform has criticised the Trust for its lack of transparency, and concerns have been raised about the revenue received by the Trust and the apparent failure on the part of the Trust to use this revenue for the benefit of beneficiaries.

The Auditor General of South Africa analysed the Trust's compliance with applicable financial legislation, and found that the financial statements were not prepared in accordance with the financial reporting framework prescribed by the Public Finance and Management Act 29 of 1999 (PFMA), that goods and services were procured without inviting competitive bids, and that the accounting authority did not adequately exercise its oversight responsibilities with regard to the implementation and monitoring of internal controls for financial reporting and compliance with legislation.

The ITB is a public entity in terms of the PFMA and its executive authority is accountable to Parliament for the performance of its duties. The Ingonyama Trust is also subject to Section 217 of the Constitution, which requires it to comply with the principles of fairness, equity, transparency, competitiveness and cost-effectiveness.

## Voices of the public

A speaker at the KZN hearing lamented the victimisation of citizens by developmental projects. He argued that when developmental initiatives are introduced, poor citizen's lives are disrupted without their consent. A businessman described how his business was shut down because of outstanding rental fees to the Ingonyama Trust. This was in spite of his having a Permission to Occupy Certificate and having made payments to the traditional leader. A speaker from Jozini submitted that in 2012, Jozini community members were invited to the Jozini Thusong Centre and asked to bring their identity documents. Without explanation, they were told to 'join' the Ingonyama Trust. He now receives monthly rental statements reflecting mounting debt to the Ingonyama Trust. Other speakers complained of the Ingonyama Trust having authorised quarries and other forms of development on their land without their consent. They complained that the benefits from these developments go to the Ingonyama Trust, as opposed to themselves.



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**Recommendation 3.5**

**Amendments, repeals, implementation**

The Panel motivates for the repeal of the Ingonyama Trust Act to bring KwaZulu-Natal in line with national land policy, and to secure land tenure for the communities and residents concerned. If repeal is not immediately possible, substantial amendments must be made. They must secure the land rights of the people affected, and ensure that the land vests in a person or body with proper democratic accountability. There is also a pressing need to create mechanisms to investigate and resolve complaints by people whose rights have been infringed by the Trust, or whose rights may be infringed in the future.

Ownership of this land vests in the Ingonyama as trustee. If the Act is either amended or repealed, this will not result in automatic transfer of ownership to the people on the land, which is a complex process. The ownership will vest either in the national government or in some other body designated for this purpose. Currently, the ITB and some traditional councils claim the right to the benefits from the land (for example rental or compensation for use of the land by others.) This is not correct: the people who are entitled to those benefits from the land are the people who use the land, and who lose that use. Many (but not all) of them have a claim to customary law ownership of the land. If the Act is either amended or repealed, the repealing or amending Act should state explicitly that the holders of rights to the land (users and occupiers of the land) are deemed to be the owners of the land for the purposes of any revenue from the land or any compensation for use of the land, which would otherwise flow to the registered owner. Any such revenue or compensation shall be paid to them and not to the Ingonyama, the Trust (if it continues to exist) or the state. For example, where a mining company uses land in terms of a mining right granted in terms of the MPRDA, it is obliged to pay compensation for surface rights to the owner. Such compensation should be paid to the people who are deprived of the use of the land, and not to the state or the Ingonyama (the registered owner).



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**Repeal**

The Repeal Act should provide for the repeal of the Ingonyama Trust Act of 1994 and for the disestablishment and dissolution of the Ingonyama Trust. It should include provisions for the transfer of the Trust land, assets, liabilities, rights and obligations to the Minister responsible for land affairs as custodian on behalf of the members of the communities and residents concerned.

**Amend**

An Amendment Act should provide for the amendment of the Act to ensure that trust land (including all land registered in the name of the Ingonyama as trustee for the Ingonyama Trust) is administered for and on behalf of and for the benefit of the members of the communities and residents concerned. It should also include provisions amending the composition of the Ingonyama Trust Board, which should fall under the auspices of the Minister responsible for land affairs, to provide that trust land shall be subject to national land programmes, to reiterate that the Act shall not apply to land in all townships, to provide for a trust fund, and to preserve the records of the Trust and establish a 'land register'.

**Trust Land Register**

A Repeal Act or Amendment Act should provide for the preservation of the records of the Ingonyama Trust and the ITB. A 'Register of Trust Land' should be established, which should contain the prescribed information. This should be available for inspection by any person during ordinary office hours and it should also be accessible to the public by electronic means (see Chapter 2 for Land Records Act proposals).

**Dispute resolution**

A Repeal Act or Amendment Act should provide mechanisms by which an aggrieved person, community or resident whose existing rights or obligations were affected by the administration of the Trust or ITB may lodge a dispute or institute proceedings.



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# Ingonyama Trust Board, Commission on Restitution of Land Rights, DRDLR Quarter 3 & 4 performance; with Minister & Deputy Minister

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Rural Development and Land Reform

30 May 2018

Chairperson: Ms P Ngwenya-Mabila (ANC)



## Meeting Summary

The Ingonyama Trust Board has once again done zero during the fourth quarter of 2017/18 financial year under review. It had the gall to tell the Committee not to expect anything from the presentation because the report was not much different from what was presented for the third quarter and indicated most fourth quarter activities have been shifted to the next financial year.

The board reported to have spent 95.85% of its budget on administration while 0.16% and 0.11% went to rural development and land management, respectively.

On administration programme, the entity reported there has been no staff training on monitoring and evaluation framework. This was deferred until the new organogram has been finalised and the skills audit taken. There is no achievement on the Customer Service Charter implementation plan. The process was delayed due to the draft organogram that was being reviewed. No achievement has been recorded on the implementation of the stakeholder engagement plan. No communication reports have been submitted to the Board. There is zero achievement on the number of internal skills audit to be performed yet 93% of posts have been filled in relation to the Human Relations provisioning plan and was struggling to find specialised skills.

Regarding land management, there are no approvals on land tenure policy developed. No research has been conducted on land allotment practices adopted by various traditional councils. There is no achievement on the number of land parcels for commercial use valuated. There are no traditional councils with development plans. Nothing is recorded on the number of Spatial Development Plans on strategically located land. There are no development agreements concluded with municipalities. No plan has been approved by the Board on agriculture production on trust land. No agricultural projects have been approved by the Board.

Meanwhile, the Commission on Restitution of Land Rights reported that 322 land claims against a target of 280 were settled in Quarter 3, while during the 4th Quarter only 182 were settled against the target of 231. The provinces of Mpumalanga and Northern Cape did not meet the targets during Quarter 3. The Free State did not have targets because it has almost settled its claims. KwaZulu-Natal was the only province that reached its targets during the fourth quarter.

Against the target of 192 land claims, 221 land claims were finalised. North West was the only province that did not meet the targets. Everything has been finalised. During the 4th Quarter, 378 land claims were finalised against a set target of 190. The Quarter 4 achievement could be attributed to the Commission exceeding its targets by almost 100%. The projects were finalised in all provinces, except the Western Cape.

Concerning the number of phased projects approved, there was 45% achievement during the 3rd Quarter, while on the 4th one there was 107% achievement. The provinces of Mpumalanga and Limpopo did not meet the targets of Quarter 3. Mpumalanga achieved zero. The Western Cape performance could not be measured as there was no quarter 3 Annual Performance Plan target. Only 14 targets were achieved against a target of 31. During the 4th Quarter, there was an over-achievement of 29 against 27 set targets. The achievement for Quarter 4 could be attributed to phased projects approved in KwaZulu-Natal, Mpumalanga, and the Western Cape.

The Department of Rural Development and Land Reform informed the Committee it achieved 39% against the 23 planned targets for the 3rd Quarter. It achieved 9 targets, 6 were partially achieved, and 8 targets were not achieved. The 39% it achieved was the lowest performance in Quarter 3 since 2013/14 financial year. The Department indicated the 39% achieved during the 3rd Quarter was 19% below the 3rd Quarter year on year average. The areas of concern that were at risk of not achieving the annual target were on the number of farms on Strengthening Relative Rights Policy Acquired; number of labour tenants applications settled; and number of households supported under One Household One Hectare programme. It noted that some of these outputs have pending cases of litigation in court

During the 4th Quarter, the Department achieved 67% against the 24 planned targets. 16 targets were achieved, 4 were partially achieved, and 4 targets were not achieved. The 67% recorded is lower than Quarter 4 performance achieved in the previous financial year. The Department further pointed out that the 67% achieved during the 4th Quarter was 1% above the 4th quarter year on year average. The majority of indicators not achieved were in programme 5. It was struggling to achieve targets on the number of days taken to register deeds; number of households supported through the One Household Two Dairy cows programme; and number of labour tenants' applications settled.

Mr remarked that it is not clear what the cause is for the delay in the completion of the Ingonyama Trust Board organogram because the entity has less than 100 staff; indicated the third and fourth quarter reports are the same because there is no improvement; said the Department should give focused attention to the Board because it appears to have done nothing about the serial failure of the entity given the fact that the entity is being given money from the fiscus; pointed out the Board has highly qualified people but it was not understandable why the entity is going around in circles because it sets objectives that are depended on the third party which does not want to come to the party; stated they do not know why the government is pussyfooting around KwaZulu-Natal since 1994 by allowing the establishment of the Ingonyama Trust Board yet other provinces do not have a trust of similar nature; and remarked the Board is a banana entity and a law unto itself.

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Members asked the Commission for clarity on the delays caused by the Office of the Valuer-General and enquired about general under-spending; wanted to know the number of untraceable claims the Commission has gathered; wanted to find out why the Western Cape has performed badly during the 3rd Quarter; asked if the Department has a programme that addresses that claims should be settled in the form of land, not in the form of cash; asked how far the Commission is from becoming independent; wanted to know what happens when a claim has been finalised, and then a person with a valid claim appears because one of the reports from the Communal Property Associations indicated this as a reason for many conflicts within the Associations when they are formed; and asked whether professional people or students are conducting research for the Commission.

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## Meeting report

**Ingonyama Trust Board (ITB) Presentation**

Ms Thembeka Ndlovu, Acting CEO: ITB, briefed the Committee on the organisational programme performance of the two programmes of the Ingonyama Trust Board. She informed the Committee the 4th Quarter report was not much different from the 3rd Quarter report.

On administration programme, there has been no staff training on monitoring and evaluation framework. This was deferred until the new organogram has been finalised and the skills audit has been taken. The skills audit would be finalised and a staff training plan would be drawn up. There is no achievement on the Customer Service Charter implementation plan. The process was delayed due to the draft organogram that was being reviewed. No achievement has been recorded on the implementation of the stakeholder engagement plan. The engagements were on-going pending the finalisation of the plan which would be finalised with the KZN Provincial House of Traditional Leaders (PHTL) for future engagements. No communication reports have been submitted to the Board. There were only 2 workshops held with amakhosi. A discussion on the High-Level Panel report with amakhosi led to a follow up workshop with His Majesty the King. There are no policies reviewed by the Board because of the delay in the procurement process.

No Memoranda of Agreements (MOAs) with traditional councils have been approved by the Board. This has been suspended pending the finalisation of the new organogram. There is zero achievement on the percentage of performances agreements concluded timeously. Against a set target of 100%, 93% of posts have been filled in relation to the HR provisioning plan. The variance is the result of inability to attract correct candidates. There is zero achievement on the number of internal skills audit to be performed. There is 100% achievement in the percentage of all movable assets to be recorded in the asset register.

With regard to land management, there are no approvals on land tenure policy developed. There is no research conducted on land allotment practices adopted by various traditional councils. There is no achievement on the number of land parcels for commercial use valuated. The move is to use municipal values on the properties. There are no traditional councils with development plans. Nothing is recorded on the number of Spatial Development Plans on strategically located land. There are no development agreements concluded with municipalities. There is not a single report identifying prime land developed and approved by the Board. No plan has been approved by the Board on agriculture production on trust land. No agricultural projects have been approved by the Board. Against a target of 200, 179 land tenure rights have been approved by the Board.

There is no implementation plan developed, costed and approved on land with development rights. There is no monitoring of compliance and adherence to ITB BBBEE scorecard for commercial developments. There is no development rights application submitted and obtained in line with the land findings on the land audit. No auditing has been done on mining activities, and no comprehensive plan has been developed based on the recommendations of the 2015/16 mining imbizos. 36 educational awards were granted against a target of 120. No framework has been developed and approved on supporting social cohesion programmes.

*(Graphs and tables were shown to illustrate budget expenditure)*

**DRDLR Presentation (3rd and 4th Quarters Performance Reports)**

Mr Eugene Southgate, Deputy Director-General for Corporate Support Services: DRDLR, informed the Committee the Department has achieved 39% against the 23 planned targets for the 3rd quarter. 9 targets were achieved, 6 were partially achieved, and 8 targets were not achieved. The 39% achieved is the lowest performance in Quarter 3 since 2013/14 financial year. During the 4th Quarter, the Department achieved 67% against the 24 planned targets. 16 targets were achieved, 4 were partially achieved, and 4 targets were not achieved. The 67% recorded is lower than Quarter 4 performance achieved in the previous financial year.

*Programme 1 (Administration):* recorded 100% during the 3rd Quarter under review. 1 target was planned for implementation. It achieved 95% on percentages of valid invoices paid within 30 days upon receipt by supply chain management. The variance is attributed to the direct dereliction of duty by officials and loss of information due to computer problems. Letters of non-compliance would be issued to the responsible DDGs, Chief Directors, and directors; and engagements with Information Technology (IT) were

...y. During the 4th Quarter, this programme recorded the highest performance at 100%. It achieved 96% on the percentages of valid invoices paid within 30 days upon receipt by supply chain management. The variance is due to invoices that were not paid as a result of depleted budget. Only 1 target was planned for implementation in the period under review.

*Programme 2 (Geospatial and Cadastral Services):* achieved 75% of its 3rd Quarter targets. The programme did not achieve on the average number of working days taken to process registerable diagrams and sectional and general plans. They would continue to engage the Office of the Chief Information Officer (OCIO) on network and IT Systems related issues. During Quarter 4, this programme has achieved 50% of its targets. 2 targets were achieved, 2 targets were partially achieved. The programme did not achieve on the percentage of deeds made available within 7 days from lodgement for execution; and on the average number of working days taken to process registerable diagrams and sectional and general plans.

*Programme 3 (Rural Development):* achieved 43% of its Quarter 3 targets. 3 targets were achieved, 2 targets partially achieved, and 2 targets were not achieved. The programme did not achieve on the number of AgriParks infrastructure projects facilitated; number of agricultural enterprises supported in the 44 priority districts; number of non-agricultural enterprises supported in the 44 priority districts aligned to AgriParks and villages; and number of jobs created in Rural Development projects. During the 4th quarter, the programme has achieved 100% of its 7 set targets.

*Programme 5 (Land Reform):* achieved 11% of its quarter 3 targets. 1 target was achieved, 3 targets were partially achieved, and 5 targets were not achieved. The programme missed 8 of the 9 targets set in quarter 3. During the 4th Quarter, the programme recorded 50% achievement of its targets. 5 targets were achieved, 1 target was partially achieved, and 4 targets were not achieved. The programme missed 5 of the 10 targets set in quarter 4.

Mr Southgate indicated that the 39% achieved during the 3rd Quarter was 19% below the 3rd Quarter year on year average. The areas of concern that were at risk of not achieving the annual target were as follows:

- number of farms on Strengthening Relative Rights Policy Acquired
- number of labour tenants' applications settled
- number of households supported under One Household One Hectare programme

He noted that some of these outputs have pending cases of litigation in court. He further pointed out that the 67% achieved during the 4th Quarter was 1% above the 4th Quarter year on year average. The majority of indicators not achieved were in programme 5.

*(Graphs and tables were shown to illustrate budget expenditure)*

**Commission on Restitution of Land Rights Presentation (3rd and 4th Quarter Reports)**

Ms Nomfundo Ntloko-Gobodo, Chief Land Claims Commissioner, took the Committee through settled and finalised land claims, number phased projects approved, and number of claims lodged by 1998 to be researched. She also provided a provincial breakdown of these items for both Quarters 3 and 4.

322 land claims against a target of 280 were settled in Quarter 3, while during the 4th Quarter only 182 were settled against the target of 231. The provinces of Mpumalanga and Northern Cape did not meet the targets during Quarter 3. The Free State did not have targets because it has almost settled its claims. KwaZulu-Natal is the only province that reached it targets during the fourth quarter.

Concerns have been communicated to the Acting DG and Valuer-General. The under-achievement for Quarter 4 could be attributed to slow response from the Office of the Valuer-General (OVG) in terms of recommendations and sourcing of valuations, non-acceptance of offers from claimants and land owners from the Eastern Cape, Western Cape, and Mpumalanga. Blockages would be identified and improvements would be made on turnaround times.

Against the target of 192 land claims, 221 land claims were finalised. North West is the only province that did not meet the targets. Everything has been finalised. During the 4th Quarter 378 land claims were finalised against a set target of 190. The Quarter 4 achievement could be attributed to the Commission exceeding its targets by almost 100%. The projects were finalised in all provinces, except Western Cape.

Regarding the number of claims lodged by 1998 to be researched, 696 is the figure achieved compared to the 213 of the 4th Quarter. There were no targets set for Quarters 3 and 4. The Free State is the only province that has done all its research. The Commission was doing a clean-up on all outstanding research reports. Now it was moving swiftly to a position to say it is done with the 1998 land claims.

Concerning the number of phased projects approved, there was 45% achievement during the 3rd Quarter while on the 4th there was 107% achievement. The provinces of Mpumalanga and Limpopo did not meet the targets of Quarter 3. Mpumalanga achieved zero. The Western Cape performance could not be measured as there was no quarter 3 APP target. Only 14 targets were achieved against a target of 31. During the 4th Quarter there was an over-achievement of 29 against 27 set targets. The achievement for Quarter 4 could be attributed to phased projects approved in KZN, Mpumalanga, and the Western Cape.

*(Graphs and tables were shown to illustrate budget expenditure)*

**Discussion**

**ITB Presentation**

The Chairperson remarked that in some of the set targets for Quarter 3 the entity achieved 50%, but to the very same targets it has scored 75% during Quarter 4. There is a difference of 25%. There is too much outsourcing for the activities of the entity yet there are many graduates who are unemployed. It is not clear what is the cause for the delay in the completion of the organogram because the

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en\ ... a staff that is less than 100. The third and fourth quarter reports are the same and there is no improvement, instead there is a shifting of activities from one quarter to the next and to the next financial year.

Mr M Filtane (UDM) remarked there is a game on here. The Department should give focused attention to the ITB because it appears to have done nothing about the serial failure of the ITB given the fact that the entity is being given money from the fiscus. There is no value to making more financial transactions to ITB because the Board is failing to draw strategic plans and implement them. There is no reason to pump money into an entity if there is no value. You cannot plan to go to Durban if you do not know how to get to Durban. The Department should produce minutes of engagements if it had interactions with the ITB on activities to be done. He wanted to know about the kind of specialised appointments or qualifications that could not be found because there are so many people in KZN. The ITB has highly qualified people, but he does not understand why the entity is going around in circles because it sets objectives that are depended on the third party which does not want to come to the party.

Mr Judge Ngwenya, ITB Chairperson, stated there are very few candidates who have land management skills because it requires, amongst other things, knowledge of customary law, administration of customary land, knowledge of mining regime, and public notary, but not conveyancing. This skill is scarce in the country and the advertisements they have published are transparent on this matter. There are also technical components involved. Not all the vacancies required specialised skills. Posts for the Corporate Services Manager and Head of Land Management have been filled. The only one that has not been filled is that of the CEO.

Ms S Mbabama (DA) said the presentation is a reflection of incompetent senior managers and the Board, people who cannot do the work yet they get paid every month. She does not know why the government is pussyfooting around KZN since 1994 by allowing the establishment of the ITB yet other provinces do not have a trust of similar nature. She agreed with former President Motlanthe's idea that the ITB should be disbanded and KZN be like the other provinces. There is no provision of training for youth, disabled and women mentioned in the report. There is no mention of land tenure. The ITB is letting the KZN people down. The senior managers and Board do not seem to do anything about the shortage of staff.

Ms N Magadla (ANC) said she agrees but disagrees with her colleagues because even in other provinces the very same problems exist. It is no use shifting performance targets to other quarters, but it is important for the Board to meet National Treasury, DRDLR, and Auditor-General to correct things.

The Minister of Rural Development and Land Reform, Ms Maite Nkoana-Mashabane, pointed out it baffles the mind how ITB fails to manage a small budget. The entity has scored 100% on payments of salaries, but no training has been provided to people for food security. All trusts and CPAs have to ensure they exist to provide a better life to all people. Changing the lives of people for the better is not going to happen magically. The kind of work the ITB is doing is developmental in nature. If they are not activists, they should allow dedicated people to do the work. It is not acceptable to use complicated English to try to explain non-performance and failure.

Mr A Madella (ANC) commented the ITB remains an important entity for the KZN legislature. He does not want to see reports that reflect failure and see it collapsing as a result of that. Concerns from the Committee about the Department receiving documents from ITB before they are presented to Parliament is not the main thing, but what is important is that engagement between the ITB and the Department should be about the content of the documents to be presented to the Committee. He suggested the next first quarter report must not reflect non-performance because that shows the entity is not taking the Committee seriously. He admitted there are trusts which are in the similar position as the ITB around the country, but the entity must not drive the Committee to shut it down because that is not the intention.

Mr M Nchabeleng (ANC) wanted to know about the months it takes to complete the organogram because since April 2017 the ITB indicated it had outsourced a specialist to work on the organogram, but until now nothing has happened. He asked if Dr Madlopha collapsed the ITB when she left because the entity was doing well, but things have changed now. He fails to understand why ITB was refusing assistance from the Department. He asked how many ITB cases are before the courts.

Mr Ngwenya reported that no labour dispute with any employee has been taken to court. There are only disciplinary cases where the employer participates in a disciplinary process designed by the employer. Most cases are related to land disputes and others to debt collection. It was the first time he heard that ITB refused assistance from the Department. The ITB has held meetings with Mr Southgate and a gentleman by the name of Lebo Dichabe, Administrative Officer, Executive Support. The only assistance they were refused by the Department had to do with the organogram. They received a letter from an official of the Department saying the Department could not assist them with the organogram, but the ITB could go on and do it at its own cost.

Ms Ndlovu admitted that targets were moved from 3rd Quarter to the 4th Quarter. Mitigating factors were directed to outsourcing. She was not absolving herself from the process and as the CEO was taking all the blame. She knows how to draw strategic plans and APPs because she has worked for the DRDLR for 19 years and then as the DG of the provincial department. Many things are going to be outsourced, especially policies. There are policies she has crafted with Mr Makondo which have been presented to the Board. Unfortunately, she could not catch up with things that are outstanding. In terms of APPs, they would try to achieve at least 60% and they are open to any kind of assistance. As long as she is acting CEO they would try their best until a permanent CEO is appointed to ensure they do not disappoint the Committee and Department.

Mr Judge Ngwenya stated they do take note of the comments and advice from the Committee, particularly on better coordination between the Department, Board, and other organs of state. The situation reflected in the quarterly reports is not satisfactory. He admitted the organogram has taken a long time to complete. When they decided to renew it, the previous CEO before Dr Madlopha was operating at a lower level. The ITB approached Dr Madlopha to work on the organogram for two years because she was busy with her private business matters. At that time there were four vacancies for heads of finance, land management, secretariat, and administration. They agreed with the Department to appoint consultants in 2017. They had to put the process of the organogram out to tender. Realising that they have limited resources, they focused on the organogram. The organogram has a number of segments and has been approved by the Board. The staff number is 50 and when the organogram is implemented, the number would be more than 100. The ITB had to absorb 35 people who were on contract. Once the organogram is finished, they would need to do a job ev ...ion and skills audit which would be presented to the Board. They would also need to consult with the staff that is affected or to be shifted to other positions. The Board has not taken a decision yet on outsourcing. The issue of the organogram is at the implementation stage and is taken care of.

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Ms Rendani Sadiki, Acting Director-General: DRDLR, said they would engage with the ITB, especially after hearing the commitment from the acting CEO regarding working with the Department and they would see how things would be done in going forward.

Mr Filtane said the response from the CEO was just a public relations exercise. She was only specific when she talked of policies. The ITB needed the services of the Department. The process the ITB is following is not going to help the entity. The ITB needed to start doing a skills audit first. If it is struggling to find a person who has all the skills, then it needs to employ qualified people and break them down according to their expertise and get them on the job training because it is difficult to find a person who is skilled in everything.

Mr P Mnguni (ANC) wanted to know if there were ITB matters before the courts. He asked the ITB to send him an email of top 10 debtors as of the end of 3rd and 4th Quarters because he wanted to check the efficiency of ITB systems. He wondered whether the disclaimer from Ms Ndlovu that the 3rd and 4th reports were not her own work was a sign that at ITB they were not working collectively.

Mr Ngwenya said matters pending on courts were between the parties concerned. Forwarding those details to the Committee would be tantamount to breaking the rules and indicated he would need advice on that.

The Chairperson asked for clarity on the following matters: post of the CFO that is advertised; R27 000 spent on rural development; R115 000 given to traditional council support; tractors for agriculture projects; new infrastructure assets; unauthorised use of petrol cards; use of external audits; number of ITB offices; capital expenditure; and security expenses.

Mr Ngwenya stated that when you look at the report on agriculture projects, everything is justified. The ITB brought tractors for communities and undertook to pay for fuel and drivers. Mr Mia's (CFO) position is that of a finance manager. The CFO is level 10 in the new organogram. Mr Mia has been invited to apply for the position of the CFO. If he feels he has been overlooked, he is free to challenge the ITB. He has not resigned from his post, but a higher position than his current one has been advertised. He is free to apply. People in the system have particular skills, but the new organogram has positions that were not in the old system. They have two offices, Ulundi and Pietermaritzburg. The one in Ulundi was rented, when the lease expired, they occupied a government office, because with the increase in staff they would need more space.

Mr Amin Mia, ITB CFO, reported that the R27 000 spent on rural development was not for new projects, but could not pinpoint what it was for. There is underspending on capital expenditure and the spending there was for accommodation. Security expenses included money paid to security companies because they increase their fees every year. On external audit fees, they dropped in the 4th Quarter and its timing finishes end of July and invoices had to be settled during the 3rd Quarter. R666 000 was disbursed to traditional communities for traditional council support. The petrol cards that were used without authorisation were cloned and the bank is investing the matter. The cards were not in the possession of ITB. The new infrastructure assets have to do with repairs and cleaning of new buildings. He was not aware the position of the CFO would be discussed in the Committee. He hoped the relationship between him and the employer would not be compromised and that he was focusing on his work.

The Chairperson remarked that Mr Mia has been coming to the Committee as a CFO, but it is clear he has been acting as one. The Committee did not know he was the finance manager. She wanted to know for how long Mr Mia has been acting, yet in the new organogram there is a position of the CFO.

Mr Ngwenya indicated that in the past organogram of the IDT, the position of CFO was not there. His (Mr Mia) letter of appointment states he is on level XYZ as a finance manager/CFO. The position of the CFO has been recreated. But what they are not saying is to allow him to get an automatic shift to the CFO position.

Mr Madella said Mr Mia issue is going to create disagreement with his superiors because he has been doing the work and has been told to apply for the job. This is an unfair labour practice because you cannot say if he is not satisfied with the new position, he must challenge it. The labour court is going to ask why Mr Mia was not supported to fill the post unless he was found to be wanting.

Mr Filtane said there was a possibility that the discussion would go on and on. He suggested the Department look at the reports of ITB. The Committee should also keep in mind that the Department has an acting DG who needed to familiarise herself with the workings of ITB and ensure harmonious relations with it.

Mr Mnguni remarked the ITB is a banana entity and a law unto itself. It follows no rules. On administrative matters it is refusing to answer questions. It is not acceptable to create a position of CFO and then recreate it. Mr Mia has two choices - to rock the boat and challenge the act or to just keep quiet. When the Committee adopts this report in the next meeting, he would propose that the Department conducts a forensic audit over the ITB.

The Chairperson said he knew Mr Mia through the ITB. The issue of the CFO is in the public domain. It is on ITB's website. That is why she made enquiries about it. Mr Mia must not feel he is going to be victimised. It is not acceptable to put a person to level 10 or 11 post and then later change the level of the post to a higher one, and then you tell a person to apply for the post or be demoted or tell him he has the right to challenge the issue. It is not right to have Mr Mia's appointment letter saying he is finance manager/CFO. She asked the Department and ITB to correct the matter because it is unfair labour practice. She noted the ITB is not like the other trusts or CPAs because the Department transfers money to it. Other trusts are formed by people. The ITB is the only trust that has to appear before Parliament to account.
On shifting of targets, when the entity submits APPs, the Committee adopts them. If it wants to shift activities, Parliament has to be informed and be given good reasons. She suggested that the entity must reduce outsourcing. The President has indicated

d... ...ments and entities were outsourcing too much while there are people looking for employment. People who are employed to do the work are not doing the work. The Department has to monitor, guide and advise the entity because it the principal of ITB. She asked the ITB to provide detailed reports on court cases, list of debtors, and Mr Wilson's petition that has been sent to the Committee.

**Commission's Presentation**

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The Chairperson asked for clarity on the delays caused by the Office of the Valuer-General and enquired about general under-spending. She also wanted to know the number of untraceable claims the Commission has gathered.

Ms Ntloko-Gobodo stated that under-spending is mostly into settlements related to the Office of the Valuer-General. The challenges are on valuations. Land owners were refusing offers from the Valuer- General. The land owners were now challenging in court the constitutionality of section 42E. The Commission has assembled a team in Mpumalanga to intervene and to find out about non-performance. Untraceable claims were mostly in Mpumalanga, though she did not have the figures. Mpumalanga has plus minus 900 untraceable claims. The Commission needs to do verification on claims lodged and where there was no contact with claimants.

Ms Francis McMenamin, Director for Programme Finance Management Support: DRDLR, reported that under-spending is a result of untraceable claimants making it difficult to settle claims. The offices were reconciling the projects to ensure the claims are settled. Grants were set aside for projects to ensure they are utilised, but those grants could not be released because of in-fighting among the beneficiaries.

Mr Madella remarked they were excited when the Valuer-General was appointed. The expectation and anticipation were that we were going to be able to bring down the exorbitant prices and the Department saved R51m in the process.

Mr Mnguni added it was not acceptable for the Commission to achieve 50% in one of the quarters under review because there is a heightened interest in land. The OVG has to evaluate all the properties to be acquired. When they were sold, the idea of an OVG by former Minister Nkwinti, they thought there was going to be a change in the landscape, but now they were disappointed. Before the OVG existed, the restitution programme was doing well. Issues now seem to be bottlenecked in the OVG. It looks like the OVG is sleeping on duty.

Mr Christopher Gavor, Valuer-General: Office of the Valuer-General, admitted the OVG has impacted negatively on the activities of the Chief Land Claims Commissioner (CLCC). The VG has been applying 5 principles. Valuations done for the Commission were on market value. Traditionally, the profession has been trained to determine market value. The VG then introduced other factors for determining valuation for restitution and distribution. You quantify other factors instead of focusing on one factor when making a determination. The real challenge is that these factors have had an impact on land reform. Before he became a VG, he used to think if these factors are applied, everything would be fine. The work of the Commission has expanded and brought the OVG into existence. The challenge is around the rejection of offers and valuations. Disjuncture on claims settled and money spent play a major role on the financials. For example, the VG determines the value of R400m for a particular claim while the Commission puts forward R700m. Then if the seller goes with the offer of the VG, there is R300m that is not going to be used. If the seller rejects the offer from the VG, then that money is not spent.

The market value determination was a challenge within the profession itself. The VG has experienced many rejections and these were challenges. The OVG is trying to educate and engage with the profession and support the valuers that come to the VG, isolate and help them to assist the OVG. The VG has approval to strengthen internal capacity and as from 6 July 2018 six valuers would be starting at the OVG. On rejections, the VG approaches the seller and gives reasons for refusing his offer or proposal. There are a few cases where the OVG has been taken to court. If these court cases are successful, they would enable the implementation of section 25 of the Constitution. But chances are the OVG would get more rejections.

Mr Filtane remarked that the time has come to take a wholesale look at the constitutional definition of 'market value' because it appears we are held back by this definition and this would clarify the thinking of South Africans about the matter.

Mr Mnguni requested the VG to forward to the Committee a list and category of these rejections and their market value. The VG must make legislative suggestions so that there is no stalemate because the position of the VG is strategic. The VG must put forward proposals to make people comply with his valuations because there is no reason why people should reject the VG's offers.

Mr Filtane, first, wanted to know why the Western Cape has performed badly during the 3rd Quarter. Second, he asked if the Department has a programme that addresses that claims should be settled in the form of land, not in the form of cash. Third, he wanted to establish what the variance is between what the land owners want and what the VG is offering because property owners were challenging the valuations of the VG and the process is scientific. Fourth, he wanted to find out about the type of properties the Commission was talking about and wanted to know what percentage of these properties is used for food production.

Ms Ntloko-Gobodo said the Western Cape's under-achievement is mostly related to valuation issues and the Commission still has to approach the VG. The Restitution Act states that claimants have a right to choose between financial compensation and land. They could choose money if they know how to meet their needs. She also noted that market value cannot always be scientific. For example, if you have a government property in Gauteng that is valued but could not be developed and then you get a private person to buy the same property and develops it, surely the market value is going to change. The properties they are dealing with were mostly farms and could not tell if food production was affected.

Ms Mbabama asked for clarity between S42E and S42D. She wanted to know why the Commission sometimes over-achieves; and wanted to find out if it were true that 90% of land claims were paid out in cash.

Ms Ntloko-Gobodo explained that section 42E of the Restitution Act makes provision for the Minister to expropriate where a claim has been lodged and they still continue to expropriate since 1996. Section 42D of the Restitution Act deals with expropriation when there is no agreement, and the matter is then referred to court for determination. It is difficult to equate financial compensation and land compensation. For example, when you expropriate land for R21 billion, you need to compensate financially by R13 billion. It is not a st ...rward sum. She has been with the Commission for more than 6 years. Some staff members do not want to be with the Commission because the Commission is trying to push for more work. In some instances, the Commission has to halt offers due to shortage of resources. There is an imbalance between the resources allocated to the Commission and the work it has to carry out.

Ms Magadla asked how far the Commission is from becoming independent.

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Ms Ntloko-Gobodo said the decision to be autonomous was supported by the Committee. They have presented a plan on how they ould become independent. The previous Minister suggested the Commission0 find out how it could be a chapter 9 institution. The Commission has asked the GTEC to help it with the business case in order to become a 3A entity in order to get a budget from the Department.

Mr K Robertson (DA) wanted to know if the entity comprised 55 people or if the figure (55) refers to vacant posts; and asked if professional people or students are conducting research for the Commission.

Ms Ntloko-Gobodo stated if the Commission were to run at full capacity, it would need 1300 people, but it has 700 staff members. There are 23 funded posts. Due to budget cuts, they had to do with little staff. The Free State has 35 people. The employees are willing to be deployed to assist in other provinces. Sometimes they get appointed in the provinces they were assisting in. Research is conducted by staff members and parties that were in their database like universities. The kind of research they do is not the normal research work.

Mr Nchabeleng asked how many claims were outstanding since 1998.

Ms Ntloko-Gobodo said there are currently 5939 outstanding claims.

Mr Robertson wanted to find out if there was a ceiling or cut-off date on untraceable claims.

Ms Ntloko-Gobodo reported they were working on a policy which would be finalised even though they were able to trace and settle. The research on this policy is being done by internal staff and some universities.

Mr Madella wanted to establish why the Commission has not considered expropriation without compensation. He also wanted to know what happens when a claim has been finalised, and then a person with a valid claim appears because one of the reports from the CPAs indicated this as a reason for many conflicts within the CPAs when they are formed.

Ms Ntloko-Gobodo indicated there is no need for embers to be left out of a CPA if they are part of that community and have produced evidence that they are known in that community. The constitution of the CPA allows people who have been left out to be included in the CPA. It has no right to refuse them. The Commission is guided by the legislation of 1975 that governs expropriation. For example, if the value is R200m, you have to pay an extra 2% just to say sorry. So, you have to expropriate with compensation.

Mr Robertson wanted to know what criteria are being used when the Commission says land has been identified for public interest.

Ms Ntloko-Gobodo said it would be land assisted with the claim and as long as it could be defined as a public purpose or is in public interest.

The Chairperson enquired if the Land Rights Management Facility would be able to assist the Commission seeing that it is sitting with 172 cases. She also wanted to know the turnaround time for issuing deeds.

Ms Ntloko-Gobodo reported they were experiencing challenges on the work done by some of the registered attorneys. They were becoming like RAF lawyers. They were looting not because they do not understand what needs to be done. For example, when they do site visits, they would go there in big numbers and charge you according to seniority. When some of these attorneys were appointed, the Commission was told by the courts that attorneys always ask for postponement because they want to cash on the entity. Deeds are given to communities when the conveyancer is done with her/his work. Delays are caused by conflicts and court cases.

Mr Robertson wanted to know if the verification of claims has been addressed in the amended CPA Bill because it is prolonging the process of settling claims.

Ms Ntloko-Gobodo explained that the committee of elders know very well the members of the community and it would decide if it wants to include the people in the CPA if the excluded person has produced documents that give evidence and those documents must be similar to those submitted by the excluded person to the Commission so that it could engage with the committee of elders. If the matter could not be solved, it is then taken to court. You need to be careful with compensation in terms of numbers, especially if the numbers are too big. Small numbers are not a problem.

Deputy Minister Mr Mcebisi Skwatsha, indicated there were many things that need to be overhauled, reviewed, and simplified. Financial compensation is not for buying sweets, but to correct past wrongs. He pointed out that urban people do not want land but want money. Communities should decide for themselves whether they want land or money. But if they are advised to choose money over land, then it would seem we have not achieved our purpose of returning land to the people.

The Chairperson remarked she has noted progress and where weaknesses were, particularly with Mpumalanga and the Western Cape. The issue of untraceable claims has been discussed several times and it was proposed that a list be made for Members to discuss with their constituencies. Most people do not read newspapers like City Press where the untraceable claims were advertised. She reminded the VG to submit a detailed report on rejected cases related to land restitution and distribution and offers made to the sellers. She further indicated that it appears CLCC officials in various provinces make unfulfilled promises to people. If there are challenges, the officials should go back to the communities and explain what the problem is. People are protesting because there is a lack of information. The current legislation should be used to expropriate without compensation.

**DRDLR Presentation**

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Th person was unhappy with the way the Department spent money, including the DG's allusion to poor planning. There is unnecessary over-spending. If planning is proper, there is nothing that stops the Department from implementing from the first to the last quarter. She also highlighted that the documents presented in the meeting were not properly checked because they had many mistakes and were not edited. The presentations were mum on what is done for people with disability.

Due to time constraints, the Chairperson asked the Department to respond in writing to questions from the Members, but she noted the Department has a tendency of responding very late. It only responds when the Committee is harsh and it must stop from being reactive.

Questions from the Members were around under-spending in the Deeds Office; money transferred from land acquisition to land surveys and properties; late payments to service providers; vacant posts; job creation projects; types of enterprises given support; recurring problems; and water shortages, amongst others.

**Adoption of Minutes**
Committee minutes of 23 May 2018 were adopted with minor amendments.

The meeting was adjourned.



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# DRDLR Audit: Auditor-General input; Ingonyama Trust Annual Report, with Minister & Deputy Ministers

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Rural Development and Land Reform

03 October 2017

Chairperson: Mr P Mnguni (ANC)

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## Meeting Summary

**Annual Reports 2016/17**

Auditor General South Africa (AGSA) spoke about expenditure patterns against the targets set in the Annual Performance Plan (APP) of the Department of Rural Development and Land Reform (DRDLR) and its entities. The brief by Commission on Restitution of Land Rights was postponed because Members received the report late. However, Ingonyama Trust Board was allowed to present due to logistics.

AGSA explained its revised audit methodology where audit opinions were more focused and integrated and more specific about problematic indicators. While DRDLR remained unchanged with an unqualified audit with findings, the Deeds Offices (DEEDS) improved and received a clean audit as did the Agricultural Land Holding Account (ALHA) whose clean audit had stayed unchanged. It was noted that Ingonyama Trust Board and Ingonyama Trust were two separate entities and while ITB received a clean audit, Ingonyama Trust received a qualified audit due to revenue collection and land valuation challenges. AGSA gave its findings and recommendations on performance indicators. DEEDS and DRDLR had increased levels of irregular expenditure with DEEDS presently in court on this matter.

The Committee asked questions on the recapitalisation and development performance indicators for the land reform programme, the substantial overdue commitments of DRDLR, results of the fraud investigations, assurance and key controls on leadership, governance and financial performance management, accountability for departments that did not comply with the Public Finance Management Amendment Act, implementation of preferential procurement policies for small and medium business and consequences for not adhering to AGSA recommendations.

The Ingonyama Trust Board highlighted the separation between the ITB and the Ingonyama Trust, clarified the questions that arose from the AGSA report. In the arrangement of finances between Ingonyama Trust and ITB, ITB indicated that the funds appropriated from transfer payments had been accounted for. ITB clarified that the qualified audit opinion was based on the Ingonyama Trust and not ITB The qualified opinion on ITB was due to the non-determination of land values and non-disclosure in the annual financial statements. AGSA questioned entitlement of the Ingonyama Trust to receive contractual royalty income. The action plan to tackle the audit findings raised by AGSA was outlined.

The Committee commended ITB on attaining invoice payment to contractors within 30 days but expressed concerns on land ownership, why the targets had not been met and why under expenditure on programs was high. Members asked about capacity constraints that led to underperformance in ITB programmes, communication reports, illegal land occupation, agricultural projects, land audit reports, salaries, disciplinary cases, royalty revenue, revenue from commercial enterprise. Members were concerned about security of tenure, rental expected from people that had been granted permission to occupy (PTO) in previous years and benefits that should accrue to people that had been granted PTO previously.

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## Meeting report

The Acting Chairperson was elected and he welcomed the Minister, Deputy Ministers and delegations.

**Auditor General of South Africa (AGSA) briefing on audit**

Mr Rienk Grobler, AGSA Senior Manager, said AGSA checked the strategic objectives were in line with National Development Plan and the Medium Term Strategic Framework. He noted the revised audit methodology where audit opinions were more focused and integrated and more specific about problematic indicators. He provide a four year performance analysis of the audit outcomes of DRDLR and its entities.

D.
DRDLR received an unqualified audit opinion with findings on compliance. There were no material issues on performance information after adjustments, however, AGSA noted that DRDLR had not met some of its targets.

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*Agricultural Land Holding Account (ALHA)*
ALHA received a clean audit (unqualified audit opinion without any findings) in 2016/17 and its performance was unchanged over the three previous financial years.

*DEEDS*
The Deeds Offices received clean audit in 2016/17 with was an improvement over the three previous years.

*Ingonyama Trust Board (ITB)*
ITB received a qualified audit opinion with findings but it had improved from an adverse audit opinion with findings from the previous year. There were no material issues on performance information after adjustments. ITB had not met a few of its targets.

Ms Amanda Zuma, AGSA Senior Manager, added that ITB and Ingonyama Trust were two separate entities. and while ITB received a clean audit, Ingonyama Trust received a qualified audit.

See AGSA document for full details.

***Discussion***
The Acting Chairperson, Mr P Mnguni (ANC), asked for recommendations to address the qualified audit challenge at Ingonyama Trust.

Ms Amanda Zuma, AGSA Senior Manager, replied that Ingonyama Trust challenges could be addressed if revenue collection and land valuations were examined.

Mr Mnguni mandated AGSA to send a written recommendation to the Committee to ensure that it engages Ingonyama Trust on its challenges.

Ms Zuma replied that AGSA had initially sent the report to the Ingonyama Trust but could send it to the Committee as well.

Mr Mnguni asked for time frames for receiving the ITB recommendation report.

Ms Zuma replied that the protocol was for AGSA to send it to the entity.

Mr Grobler confirmed the protocol and made a commitment to forwarding the ITB recommendation report when it was completed.

Mr Mnguni mandated AGSA to send the report to the Committee after ITB had received it. He observed that the Committee had not received the presentation document on time and it was not good enough.

Ms S Mbabama (DA) said that she received the document the previous night and agreed that the late receipt of the reports was not good. She asked AGSA for clarity on the recommendations on the recapitalisation and development indicators as it did not address the findings listed. She asked for the meaning of "the department had a substantial commitments balance" and what it meant that DRDLR did not have enough budget resources to deal with these commitments. She asked AGSA to state the process to address concerns on DRDLR not being able to monitor spending on grants and lease incomes. What were the challenges of DEEDS on irregular expenditure? She asked for the results of the fraud investigations at DRDLR and its entities. She asked for clarity on assurance and key controls for leadership, governance and financial performance management. She asked AGSA to make recommendations to urgently address the root cause: *"Slow response by management to improving key controls and addressing risk areas"* that led to poor internal controls at DRDLR and ITB. She asked why AGSA wanted to wait for the next financial year to implement the new accountability measure of engaging accounting officers in conversations that were insightful, relevant and impactful. She asked for clarity on the slide that addressed the correlation between low accountability, corruption and impact on service delivery

Ms N Magadla (ANC) asked if AGSA could hold DRDLR accountable if it did not comply with the Public Finance Management Amendment Act (PFMA) provisions.

Mr A Madella (ANC) asked why AGSA had not given any recommendations to the findings observed on ITB Programme 4. He commended AGSA for its recommendation for developing an average pricing list for goods and services. However, he asked why there was no indication of implementation of the preferential procurement policy for small and medium business in DRDLR and ITB. He asked AGSA to confirm if there was irregular expenditure at DEEDS and in which year.

Mr E Nchabeleng (ANC) complained about the lateness of the submission of documents by DRDLR and its entities. He asked AGSA to state the consequence of auditees not adhering to its recommendations.

The Acting Chairperson stated that the late documents were unacceptable but he requested patience from the Members. He observed that Mr Grobler had made some slips during his brief because Members could not reconcile his statements with the slides. He advised AGSA to channel recommendations through National Treasury on using average pricing lists for goods and services acquired. There were four findings on recapitalisation and development indicators but only three recommendations. Mr Grobler had not mentioned cabinet resolutions in the recommendations on recapitalisation and development indicators. The auditors had said that Ingonyama Trust and ITB were separate entities and he asked for clarity on how finances worked between Ingonyama Trust and ITB.

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Mr Grobler replied that consequence management in holding auditees accountable was currently not part of the AGSA mandate but this was being reviewed. AGSA would send the ITB recommendations to the Committee. The recapitalisation targets will move to the DAFF from 2018/19 and were not part of the last financial year APP, however, AGSA had written a letter on the recapitalisation targets to the Chairperson. He stated that the findings on lack of monitoring should not be read in isolation.

Ms Mbabama interjected and stated that the findings and recommendations on the recapitalisation and development indicators did not correlate. The recommendation for an average pricing list for goods and services acquired did not align to any finding.

Mr Grobler apologised for the misalignments and noted the point.

The Acting Chairperson remarked that the slide on quality assurance on internal control had some misalignments. He advised Mr Grobler to prepare his documents thoroughly since findings and recommendations were the main tools used by Members to address challenges.

Mr Grobler explained the meaning of the phrase 'commitments balance'. He stated that AGSA had not looked at the implementation of preferential procurement policies for small and medium business in DRDLR and ITB but the DRDLR could give more information on that. He could not comment on the irregular expenditure of DEEDS because the matter was already in court. However DRDLR had cases of irregular expenditure.

Ms Zuma clarified between the finances of Ingonyama Trust and ITB.

The Acting Chairperson asked for more clarity on the separate budgets of Ingonyama Trust and ITB.

Ms Zuma indicated that ITB had a budget but the Ingonyama Trust did not receive any appropriation funds.

The Acting Chairperson asked for more information on what led to the poor audit opinion for Ingonyama Trust.

Ms Zuma replied that the audit qualification was due to land and royalty revenue. The challenge arose because the royalty revenue needed to be transferred to the National Revenue Fund hence the negative audit opinion.

The Acting Chairperson remarked that the response was not sufficient but they would address the matter later. He asked if ITB conducted oversight on Ingonyama Trust.

Adv Jerome Ngwenya, Ingonyama Trust Board chairperson, replied that ITB administers Ingonyama Trust but did not carry out oversight on Ingonyama Trust.

Ms Mbabama asked DRDLR to clarify its substantial commitments.

The Acting Chairperson remarked that the Committee would ask DRDLR questions when it engaged with it. He mandated AGSA to make clarify in writing the recommendation made on the recapitalisation and development indicators. He asked for clarification on the legal aspects of Ingonyama Trust and if its revenue should be paid to the National Revenue Fund.

The Acting Chairperson asked Members to reflect on the meeting agenda.

Mr K Robertson (DA) expressed disappointments that some of the documents were received just before the meeting started. Hence it had affected the tone of the deliberations.

Ms Mbabama suggested that the Committee could hear the Commission on Restitution of Land Rights brief but hear ITB's brief on 4 October 2017.

The Acting Chairperson asked ITB about its travel logistics to take in an extra day.

Adv Ngwenya indicated that the logistics were not suitable for an extra day.

Dr Fikisiwe Madlopha, ITB CEO, stated that ITB had sent the documents on Thursday 28 September 2017 and was surprised that Members had not received it earlier. She added that ITB had other scheduled meetings for 4 October 2017.

Mr Robertson remarked that it was unfortunate that this was happening for the second time and asked for the meeting to be deferred to another date beyond 4 October 2017.

Ms Magadla agreed that although the idea was good but the expenses would be high.

The Acting Chairperson clarified the process of circulating documents to Members and he agreed that there were challenges from the desk of the Committee Assistants who were not available at the meeting. He apologised to ITB for the mix-up and pleaded with Members to engage ITB.

**Ingonyama Trust Board 2016/17 Annual Report**

Adv Jerome Ngwenya, Ingonyama Trust Board chairperson, introduced Ms Jabulile Bhengu, ITB vice-chairperson, Dr Fikisiwe

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Ma , CEO and Mr Amin Mia, CFO. He addressed the arrangement of finances between Ingonyama Trust and ITB, stating that over R18 million was appropriated in 2016/17 but the rest of the budget accrued from the land occupied by people. The funds appropriated from transfer payments from DRDLR had been accounted for. The qualified audit opinion on Ingonyama Trust was due to the non-determination of land values and their non-disclosure in the annual financial statements. Also AGSA had questioned entitlement of Ingonyama Trust to receive contractual royalty income. He stated the strategies used to tackle the audit issues raised by AGSA.

Dr Fikisiwe Madlopha, ITB CEO, stated that although ITB had received an adverse audit opinion in 2015/16 it had made improvements in 2016/17. She highlighted the programme indicators where ITB had experienced underperformance in 2016/17 and gave the reasons for each of these.

Mr Amin Mia, ITB CFO, spoke to the consolidated financial performance, revenue streams, employee equity, operating expenditure trends and expenditure per programme. He stated why under expenditure occurred in the Administration and Rural Development programmes. He stated that new land projects did not commence due to staff capacity. Based on the relevance of determining land values, the valuation of the land project was considered. AGSA expressed an unqualified opinion on the ITB annual financial statements but the Ingonyama Trust received a qualified opinion.

***Discussion***

Mr Robertson asked for clarity on capacity constraints that were identified as challenges that did not allow ITB to meet its targets in the Administration and Land Management programmes during 2016/17. He asked ITB to state strategies it used to handle illegal land occupation. He asked ITB to give an update on its agricultural projects and confirm if the size of the land allocated for agricultural projects had increased over the years. He asked if the ITB land audit report would be incorporated in the National Land Audit. He asked ITB to give a breakdown on its salaries per grade level. He asked for clarity on the salaries for unskilled labour in the agricultural projects.

Mr Madella expressed concern why the targets had not been met and why under expenditure on programmes was high. He was concerned about ownership of land. He asked ITB to clarify if a party still had to pay rent even if his family had been granted *permission to occupy* (PTO) land in previous years.

Mr Nchabeleng was concerned about people paying rent on land that their family had lived on for years. He asked for the benefit that would accrue to people that had been granted PTO previously apart from bursaries and training for grandchildren. He asked ITB to confirm if the land was registered in the name of ITB or Ingonyama Trust.

Ms Mbabama asked ITB to explain what it meant by underperformance in communication. She observed that most of the challenges were due to capacity constraints but the report showed only two vacancies, the Real Estate Manager and Deputy Manager Administration positions. There were capable South Africans that had such skills so they should not be still vacant. She asked for more information on the six officials that were undergoing disciplinary procedures. She commended ITB on attaining payment of invoices to contractors within 30 days. She asked if the revenue from commercial enterprise benefited the people. She asked ITB to state why the rural development land audits had not been achieved. She asked ITB to explain royalty revenue.

The Acting Chairperson remarked that he would send his questions in writing but asked the ITB team to respond to questions asked.

Dr Madlopha, ITB CEO, replied that in the approved organogram there were two vacancies, but 38 vacant posts needed to be filled to ensure the smooth running of the entity. Hence, the organogram was being reviewed. People occupy land illegally for different reasons. The response on agricultural projects and strategies used to handle illegal land occupation would be forwarded to the Committee in writing. The land audit started but because of illegal occupation of land, it did not allow a larger number of people to benefit. The presentation grouped the salary bands but the information on specific levels can be forwarded. The work streams in ITB are clearly outlined and security personnel are outsourced. The old dispensation serviced the use of PTOs. However, a combination of lease and PTO is now used. A meeting was organized with the king about security of tenure and the report would be presented when it is finalised. Ingonyama Trust land is communally owned hence no one can say the land belongs to a person or his family. All parties moved out based on their consent and ITB intervened on behalf of parties that did not initially consent to the movement. ITB made relocation plans for parties and funded such relocations. Communication reports were used previously as performance indicators, however, the Board wanted detailed reports as years progressed.

Ms Mbabama interjected and asked Dr Madlopha to state the kind of reports.

Dr Madlopha indicated that the reports were media communications.

Ms Mbabama asked Dr Madlopha to confirm if ITB had not given any media communications during the year

Dr Madlopha replied that there were media communications but they were not accepted by the Board. Adverts for posts were made but did not attract the right officers. The target for land parcels was not met because valuation was not completed. The Agribusiness Development Agency has been identified for beneficiation and marketing. In 2016/17 ITB had limited itself to only one agency but has increased the number of agencies for 2017/18. Underperformance in the indicator for training occurred because the training officer died.

Mr Amin Mia, ITB CFO, replied that the deficits recorded in the finances of ITB were not from the transfer payments but on the Trust funds. Similarly, under expenditure occurred in the Trust funds.

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T[illegible] ...ing Chairperson asked for information on the disciplinary cases.

Judge Ngwenya replied that no costs were involved in the disciplinary cases but the employees involved were on suspension with full pay pending the outcome of the cases. He gave the time frame to commence disciplinary measures.

The Acting Chairperson suggested that follow-up questions could be forwarded in writing to ITB.

Mr Robertson said that he had follow-up questions on the land claim but would forward it to ITB.

Mr Nchabeleng asked if the ITB owned land.

Judge Ngwenya replied that only the Ingonyama Trust owned land.

The Acting Chairperson thanked the Minister and Deputy Ministers for their presence and outlined the programme for 4 and 5 October 2017.

Mr Robertson asked if Member would receive the documents on the Restitution of Land Rights Amendment Bill before the meeting date.

Mr Nchabeleng remarked that the Committee needed to engage ITB on documents that were issued in its name.

The Acting Chairperson remarked that the Committee could resort to stringent measures to get information from ITB on the specific issues referred to by Mr Nchabeleng. He explained the process on the Restitution of Land Rights Amendment Bill and asked the Committee support team to circulate the Bill to Members before the meeting date. He invited the Minister to give his remarks on the meeting.

Minister Gugile Nkwinti thanked the Committee for allowing his team to listen to the deliberations. He stated that the grey areas between ITB and Ingonyama Trust were the administrative role of the Board and oversight. He made commitments on his availability for the meeting of 4 October 20017.

The Acting Chairperson asked the Committee Secretary to confirm the availability of the Chairperson for the meetings of 4 and 5 October 2017.

The Committee Secretary appealed to Members to allow the Acting Chairperson to continue in his acting position until 5 October 2017.

The meeting was adjourned.

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INGONYAMA TRUST BOARD

# NOTICE TO ALL PERMISSION TO OCCUPY (PTO) HOLDERS ON INGONYAMA TRUST LAND

All people, companies and other entities holding land rights on Ingonyama Trust land in terms of the Permission to Occupy (PTO) are hereby invited to approach the Ingonyama Trust Board (ITB) with a view of upgrading these PTO's into long term leases in line with Ingonyama Trust Board Tenure Policy.

The process involves resurvey of each site, preparation of a long term lease and the registration thereof. As such there are costs associated with this exercise. These can be quantified on case by case basis and upon enquiry from the ITB.

Applicants are further reminded that there are certain conditions attached to the PTO's. Applicants in making their applications for upgrade must also produce evidence to show that they have at all material times complied with those conditions in particular the levy payment. If they have not complied, they must ensure that they so comply simultaneously with the upgrade application.

Further information can be obtained from Ms Zama Mkhize contactable by telephone on 033 846 9951, or per email to mkhizeza@ingonyamatrust.org.za alternatively Mr Simpiwe Mxakaza on 033 846 9918, or per email to mxakazas@ingonyamatrust.org.za.

**ISSUED BY ORDER OF THE INGONYAMA TRUST BOARD**
**20 NOVEMBER 2017**

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Witness Witness Newspaper 20/11/

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INGONYAMA TRUST BOARD

# NOTICE TO ALL PERMISSION TO OCCUPY (PTO) HOLDERS ON INGONYAMA TRUST LAND

Government employees from various government departments as well as residents residing on Ingonyama Trust land under the leadership of AMAKHOSI are advised and invited to contact their respective Traditional Council Courts or Ingonyama Trust Board regarding documents evidencing their rural residence status. These documents are ordinarily required when one registers to vote, opens a bank account, buying a cell phone or as proof to the employer that the individual concerned does indeed reside in a rural area (to those who qualify for rural allowance).

For these documents to be issued, a survey of the site / homestead in which the individual resides in will have to be done by or at the instance of the ITB. There are incidental costs attached to the exercise. The process has been prompted by various legal developments as we as various disputes among the citizens relating to land ownership and boundaries.

The information pertaining these documents will become available with effect from the beginning of 2018 from various Traditional Council Courts and Ingonyama Trust Board offices.

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INGONYAMA TRUST BOARD

# NOTICE TO ALL GOVERNMENT EMPLOYEES AND RESIDENTS RESIDING ON LAND UNDER TRADITIONAL LEADERSHIP ON INGONYAMA TRUST LAND

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# Notices

**NOTICE TO ALL PERMISSION TO OCCUPY HOLDERS**

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## ISIMEMO KUBOBONKE ABANIKAZI BAMA "PERMISSION TO OCCUPY (PTO)" EMHLABENI ONGAPHANSI KWENGONYAMA TRUST

Bonke abantu, izinkampani kanye nezinye izinhlaka ezinamalungelo omhlaba ngaphansi kohlelo lwama "Permission to Occupy" (PTO) emhlabeni ongaphansi kweNgonyama Trust bayanxuswa ukuba bathintane ne Ngonyama Trust Boar (ITB) ngenhloso yokuba lamalungelo abo omhlaba aphuculwe ngokwezinga, enz...

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use" yesikhathi eside. Lokhu kuhambisana nenqubomgomo yeNgonyama Trust Board (ITB) elawula amalungelo abantu emhlabeni wobukhosi.

Loluhlelo lubandakanya ukubuyekezwa kokudatshulwa (survey) kwaloyomhlaba othintekayo, ukubhalwa kwe "lease" yesikhathi eside, kanye nokubhaliswa kwayo ngokusemthetheweni eminyangweni efanele kahulumeni. Ngaleyondlela kunezindleko ezincike kuloluhlelo. Ubungako bazo bungalinganiswa odabeni ngalunye, lapho umfakisicelo ngamunye efaka imibizo.

Abafakizicelo bayakhunjuzwa ukuthi ama PTO anemibandela ebhaliwe kuwo. Kuzomele lapho befaka izicelo balethe ubufakazi bokuthi bayilandele yonke leyomibandela. Uma beyephulile kuyomele bazimisele ukulungisa isimo ngendlela efanele lapho befaka izicelo okubhalwe ngazo lapha.

Imininingwane eyanele ingatholakala ngokuxhumana noNkosazana Zama Mkhize otholakala ku 033 846 9951, kumbe nge email ku mkhizeza@ingonyamatrust.org.za kanye noMnuz Simpiwe Mxakaza otholakala ku 033 846 9918, kumbe nge email ku mxakazas@ingonyamatrust.org.za.

**NOTICE TO ALL GOVERNMENT EMPLOYEES AND RESIDENTS RESIDING ON LAND UNDER TRADITIONAL LEADERSHIP ON INGONYAMA TRUST LAND**

Government employees from various government departments as well as residents residing on Ingonyama Trust land under the leadership of AMAKHOSI are advised and invited to contact their respective Traditional Council Courts or Ingonyama Trust Board regarding documents evidencing their rural residence status. These documents are ordinarily required when one registers to vote, opens a bank account, buying a cell phone or as proof to the employer that the individual concerned does indeed reside in a rural area (to those who qualify for rural allowance).

For these documents to be issued, a survey of the site / homestead in which the individual resides in will have to be done by or at the instance of the ITB. There are incidental costs attached to the exercise. The process has been prompted by various legal developments as we as various disputes among the citizens relating to land ownership and boundaries.

The information pertaining these documents will become available with effect from the beginning of 2018 from various Traditional Council Courts and Ingonyama Trust Board offices.

L.J

Further information can be obtained from Ms Zama Mkhize contactable by telephone on 033 846 9951, or per email to mkhizeza@ingonyamatrust.org.za

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…atively Mr Simpiwe Mxakaza on 033 846 9918, or per email to mxakazas@ingonyamatrust.org.za.

**ISAZISO KUBOBONKE ABASEBENZI BAKAHULUMENI KANYE NEZAKHAMIZI EZIHLALA EMAKHAYA NGAPHANSI KWENDAWO YOBUKHOSI ENGAPHANSI KWE NGONYAMA TRUST**

Abasebenzi bakaHulumeni eminyangweni eyahlukene kanye nezakhamizi ezakhele umhlaba wobukhosi ngaphansi kweNgonyama Trust bayelulekwa futhi bayanxuswa ukuthi bathintane nezikantolo zamakhosi abo noma nomunyango weNgonyama Trust Board ukuthola imininingwane mayelana namaphepha awubufakazi bokuthi bahlala emakhaya. Lamaphepha abuye abe futhi ubufakazi obudingeka lapho kubhaliselwa khona ukuvota, ukuvula iakhawunti yasebhange, ukuthenga umakhala ekhukhwini noma ubufakazi kumqashi kulabo abathola imali yokuthi umuntu usebenza emakhaya (rural allowance).

Ukuze lamaphepha atholakale kumele kwenzeke uhlelo lokudabula umhlaba lapho umuntu ehlala khona ukuze kuklanywe kahle imingcele. Loluhlelo luzokwenziwa ngolawulo lweBhodi leNgonyama Trust (ITB). Kunezindleko ezincikane naloluhlelo. Isidingo saloluhlelo sidalwe izinguquko eziqhamuka emthethweni kanye nezinkinga eziningi ezilethwa amalunga omphakathi eziqondane nobunini bomhlaba kanye nemingcele phakathi kwezakhamuzi.

Lemininingwane izoqala ukutholakala ezinkantolo zamakhosi kanye nama ofisi eNgonyama Trust Board ukusukela kokuqala konyaka ka 2018. Mayelana nemininingwane egcwele sicela nithintane noNkosazana Zama Mkhize otholakala ku 033 846 9951, kumbe nge email ku mkhizeza@ingonyamatrust. org.za kanye noMnuz Simpiwe Mxakaza otholakala ku 033 846 9918, kumbe nge email ku mxakazas@ ingonyamatrust.org.za.

**LESIMEMO SIKHISHWE NGOMYALELO WEBHODI LENGONYAMA (ITB)**

**20 NOVEMBER 2017**



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11:09 PM - 19 Nov 2017

6 Retweets 2 Likes

1 6 2

**KING SHAKA ZULU V** @KevinShaka1 · Jan 26
Replying to @IngonyamaTrust
I tell you like you once tell me don't panic, as long as The King is recognized under the constitution and his family land not taken and divided the traditional leadership council is not dissolved nothing will actually change

2

**... L.G ZULU** @LGZULU1 · Feb 23
Mageba angiyizwa uMtwana Shaka mayethi "the King is Recognized" angifundile Zulu ngicela ungicobelela lapha.

Mawuyibeka kanjena uthi "nothing will change", and specifically u are referring to the King him self, his Queens and Nuclear Children. What about the rest of the nation?

1

**KING SHAKA ZULU V** @KevinShaka1 · Mar 5
ngixolisa ukuphendula manje, ngibona manje nami

1

**KING SHAKA ZULU V** @KevinShaka1 · Mar 5
Yakho umdeni hlobo izwe fanayo indawo phambili apartheid futhi emuva kwa, "from time of King Shaka its has been Zulu Nation land and Zulus always will be the ones to decide one way or the the other the outcome", bonke zulu dinga thola zabo umdeni hlobo izwe indawo

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**Ingonyama Trust**
19 November 2017 · Durban ·

NOTICE TO ALL GOVERNMENT EMPLOYEES AND RESIDENTS RESIDING ON LAND UNDER TRADITIONAL LEADERSHIP ON INGONYAMA TRUST LAND

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LESIMEMO SIKHISHWE NGOMYALELO WEBHODI LENGONYAMA (ITB)
20 NOVEMBER 2017

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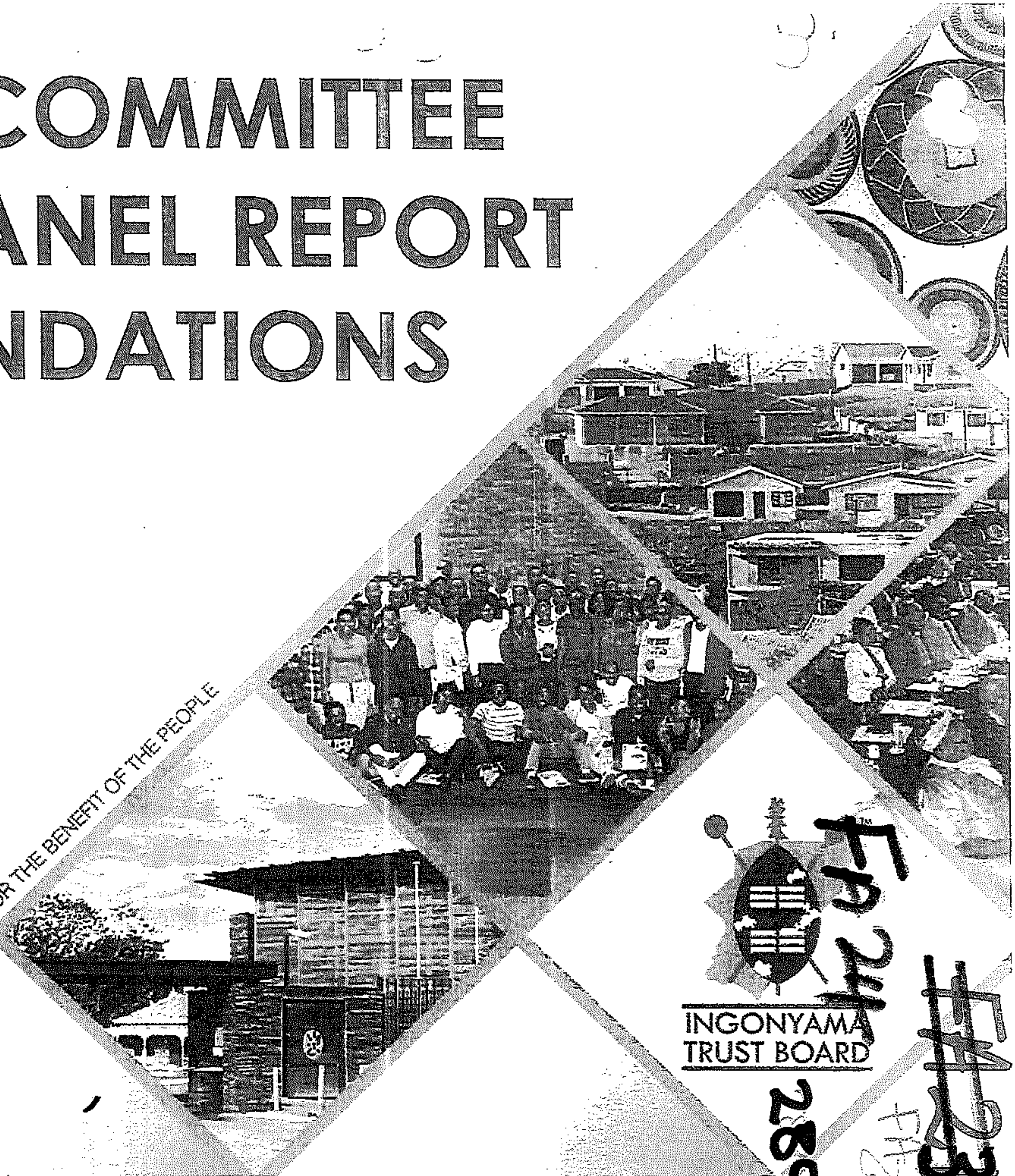
# PORTFOLIO COMMITTEE HIGH LEVEL PANEL REPORT RECOMMENDATIONS



INGONYAMA TRUST BOARD

~~FA 23~~ FA 24 289

...KING RURAL LAND FOR DEVELOPMENT FOR THE BENEFIT OF THE PEOPLE

## 07 MARCH 2018



5/3/18

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# OUTLINE

- BACKGROUND
- PTO CONVERSION PROJECT
- REPORT ON HIGH LEVEL PANEL

# 1. BACKGROUND

- Ingonyama Trust is a creature of statute
- Section 2 (1)of the Ingonyama Trust Act 1997 "describes it as"A coporate body, to be calledIngonyama Trust, hereafter referred to as the Trust, is hereby established with perpetual succession and power to sue and be sued and, subject to the provisions of this Act, to do all such acts and things as boies corporate may lawfully do".
- Ingonyama Trust can do anything which a corporate body can do in law.
- Its assets include land for specific beneficiaries.
- This land and all its assets are protected by Section 25 of the Constitution



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# Cont.

- The land is accessed through customary law and any other law.
- Customary law is recognised and protected by section .... of the Constitution.
- The provisions of customary law must be consistent with the Constitution.

# 2. Project on the PTO conversion

- Land reform legislation applies to Ingonyama Trust land (check section in the Constitution
- A PTO is a racially based form of land tenure
- It is weak in law and unconstitutional as its base is Race. Refer to The Abolition of Racially Based land Measures Act 108 of 1991.
- The Bargaining Council in the KwaZulu-Natal province awarded public service a relief that the civil servants be paid a rural housing allowance on ....
- The only snag is an authentic document confirming the rural tenure of each employee.
- As a result, the Office of the Premier addressed a letter to the Chairperson of the Ingonyama Trust Board ( see copy attached).
- To address this matter and other similar situations including the requirements by the IEC's requirements on the address of the voter, the ITB issued the advert referred to.
- This is a voluntary process and those who prefer not to respond or participate are free to do so.

# 3. Responses to the High Level Panel report

- A high level report was issued
- In response the House of Traditional Leaders in KwaZulu – Natal met and took the resolutions as attached.
- An invitation was extended to the chairperson of the High Level Panel as per the resolutions
- A response was received on 09/02/2018.

# Thank You.