

IN THE HIGH COURT OF SOUTH AFRICA
(NORTH GAUTENG HIGH COURT, PRETORIA)

Case Number: 24337/2010

In the matter between:

CRADLE OF HUMANKIND WORLD HERITAGE
SITE, CONSERVATION GROUP

Applicant

and

WESTRAND DISTRICT MUNICIPALITY

First Respondent

THE MUNICIPAL MANAGER:
WESTRAND DISTRICT MUNICIPALITY

Second Respondent

THE MEC RESPONSIBLE FOR THE FOSSIL
HOMINID SITES OF STERKFontein, SWART-
KRANS, KROMDRAAI AND ENVIRONS
WORLD HERITAGE SITE
(GAUTENG PROVINCE)

Third Respondent

THE MINISTER OF ENVIRONMENTAL AFFAIRS

Fourth Respondent

THE EXECUTIVE MAYOR
WEST RAND DISTRICT MUNICIPALITY

Fifth Respondent

SETTLEMENT AGREEMENT

Whereas:

- The parties hereto seek to regulate the use and occupation of The
Remaining Extent of Portion 26 (a Portion of Portion 4) of the Farm

K.M. Nkomo
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Kromdraai 520, Registration Division JQ, Gauteng Province (herein referred to as "Portion 26");

- Portion 26 is at present zoned for agricultural purposes and not more than one dwelling with the necessary outbuildings and normal outbuildings, as well as a general dealer with the right to sell patented medicine, are allowed to be erected on Portion 26;
- The parties acknowledge:
 - the need of people for housing, especially those presently occupying Portion 26;
 - that Portion 26 falls within an important World Heritage Site (herein referred to as "the WHS") and as such falls within the core area thereof; The protection of the WHS was identified by the Cradle of Humankind World Heritage Site – Conservation Group (herein referred to as "COHWHS-CG") as its primary aim and since Portion 26 falls in the core area of the WHS needs the protection of the COHWHS-CG ;
 - The necessity to ensure that development of all property within the WHS is done within the framework of the environmental applicable legislation as well as the framework laid down by the Management Authority (the Third Respondent sited in the heading hereof);

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- o The respective obligations of the WRDM as Government institution to secure developable properties to house people and the COHWHS-CG's responsibility as environmental organisation to ensure that all persons owning properties within the WHS comply with the applicable legislation especially environmental legislation;
- The parties need to normalise the relationship between them, co-operate and build an open and positive interaction between them in the interest of justice, the affected persons, the environment and the enforcement of international agreements. To this effect the COHWHS-CG is prepared, without conceding or waiving any of its rights, but merely on humanitarian grounds, to withdraw its opposition to the 27 further Applicants' application to be allowed continued occupation of Portion 26 subject to the terms of this agreement;
- And the parties have come to an agreement and wish to record it in writing and make it an order of Court

Now therefor the parties agree as follows:

1. That the Court Order of the Honourable Judge Rabie on the 13th May 2010 (herein referred to as "the First Court Order"), following the First Application by COHWHS-CG against the West Rand District Municipality (Herein referred to as "the WRDM") and others under this case number 24337/2010, shall remain of full force and effect.

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2. That the 27 structures which were removed by the Sheriff of Randfontein and the Red Ants following the Court Order of the Honourable Judge van der Byl on the 15th May 2010 (herein referred to as "the Second Court Order"), shall remain (whether in their original form or as newly erected structures) on Portion 26.
3. The structures currently erected on Portion 26, are:
 - a. Those structures of the original 44 occupants that occupied Portion 26 before the 1st April 2010;
 - b. The 12 structures of the persons whose structures were built after 1st April 2010 but not removed by the Sheriff and the Red Ants in terms of the First Court Order; and
 - c. Those structures of the 27 further Applicants that have allegedly been unlawfully removed.

as set out in the "Register of Households living on Portion 26 of the Farm Kromdraai" prepared by the First Respondent, annexed hereto marked "X1" and initialled by the parties for identification purposes;
4. The parties agree that the occupants listed in annexure X1 shall continue to occupy the structures where the structures are currently erected and/or were rebuilt following the reorganisation of Portion 26 by the WRDM.

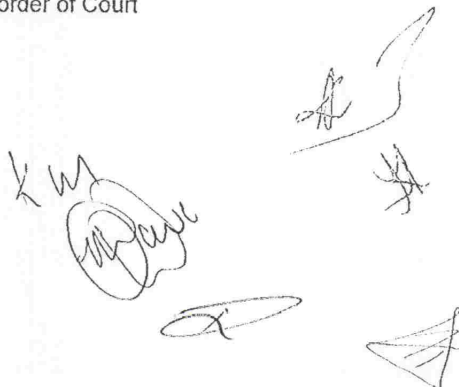
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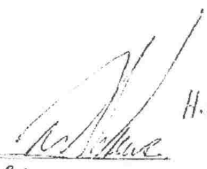
5. The COHWHS-CG shall not prosecute the contempt proceedings against the Sixth Respondent Mr PAC Ramarutsi.
6. The costs of the various applications shall be paid for as follows:
 - a. The WRDM shall pay the COHWHS-CG 's costs of the First Application on a party and party scale;
 - b. The WRDM shall pay the COHWHS-CG 's costs of the Second Application on a party and party scale;
 - c. Each party shall pay its own costs incurred in respect of the Third Application.
7. The WRDM shall commence with the application for the regulating of the rezoning/use of Portion 26 to comply with the Law. This process shall be driven to finality by the WRDM.
8. The WRDM shall not allow any further structures to be erected on Portion 26 unless it is legally erected in terms of the contemplated rezoning of Portion 26, all relevant legislation, especially environmental legislation, and the approval by all applicable authorities of the specific site development and building plans.
9. This agreement and order shall bind the Successors in title of the parties hereto and shall be made an order of Court

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SIGNED ON BEHALF OF THE COHWHS-CG AT KRUGERSDORP ON THE
1ST JULY 2011

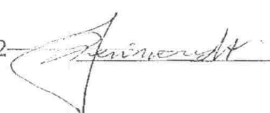
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 H.R. van der Merwe
99.

SIGNED ON BEHALF OF THE WRDM, 27 FURTHER APPLICANTS, THE
MUNICIPAL MANAGER WESTRAND DISTRICT MUNICIPALITY AND THE
EXECUTIVE MAYOR WEST RAND DISTRICT MUNICIPALITY AT
KRUGERSDORP ON THE 4 JULY 2011

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 K.M. van der Merwe

REGISTER OF 44 HOUSEHOLDS

DWELLING NO.	NAME OF PRINCIPAL OCCUPANT	ID NUMBER	NUMBER OF OCCUPANTS	NAMES OF OTHER OCCUPANTS	ID	AGE	GENDER	COMMENTS
1	A23 Elizabeth Mmabo Molefe	6803060907087	4	Rapula D. Molefe Mpho L. Molefe Ntile L. Molefe Lucky D. Molefe	8710015407089 9101120395089 9505120303083 0612105960084	22 20 15 4	M F F M	
2	A3 Joyce Mabada	6904051319082	5	Gift Mabada Chimane E. Molefe David Mabada Tebogo Mabada Mabada Mabada	9507165598082 8911045598082 9211045774084 9802280518085 8512266027081	15 21 18 12 24	M M M F M	
3	A15 Benjamin Bontsi	6806067354088	5	Boitumelo M. Molefe Maphefo M. Molefe Lucas Molefe Rebecca M Molefe	9410150980086 9607170673084 07 August 2008 9107080705084	16 14 2 19	F F M F	
4	A16 Maria Sekhu-Ntshaulo	7111120677081	4	Thina J. Sekhu Lufuno L. Sekhu Masakona C. Sekhu Thabiso Sekhu	8908035814080 9404170843085 9701250725086 8801105838083	21 16 13 22	M F F M	
5	A16b Elias Jafra	7512035749081	4	Koketso Mabada Tshegofatso Mabada	0106130758084 0703065836081	9 3	F M	
				Tisetso Molefe	0606175467087	4	M	

K M Nani

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18	A17	Samuel Phethuka	7102045500086	2	Queen T Mabada Nyandano Mbada	8810010768087 8610070716087	22 24	F F	
19	A21	Douglas Phiri	7305056892082	2	Cecilia J. Phiri Khumbukani Phiri	9006100948080 9804115645083	20 12	F M	
20	A21b	Sonnyboy Banda	5101055804083	3					Children are no longer staying with parents - they've gone back to Malawi
21	A14	Ben Makinita	6506066766020	5	Irene D. Sithole Karabetso D. Sithole Meisie M. Sithole Amelly Sithole Solly Sithole Given Molefe	0003191114085 0407090330082 9603251245082 08 January 2007 17 December 1992 9801191273087	10 6 14 3 18 12	F F F F M F	
22	A5	Mpho Lydia Molefe	7804010790083	1					
23	A5b	Ouma Catherine Molefe	7212100856081	3	Lydia S. Molefe Pauline Molefe Moses M Molefe	8705170802082 9606120965087 8907146120082	23 14 21	F F M	
24	A5c	Lucas Moleke Molefe	6912256263088	1					Lucas is partner of Joyce Mabada of dwelling A3
25	A1	Madituku Sekhu	4206120608087	4	Andries Sekhu Maria Sekhu-Ditshaulo Tsopla J. Sekhu	6404185810080 7111120677081 9205125860080	46 39 18	M F M	
26	A1b	Andries Sekhu	6404185810080	3	Mpondi Sekhu Paulos sekhu Cathrine Hlongwane	8607145285080 8808085595088 8411280326084	24 22 26	M M F	
27	A13	Bella Burwa Jafta	5012120812086	3	Dipuo J. Jafta Stephen S. Jafta	8509030963088 9006125674083	25 20	F M	
28	A25	Jimson Mokhine	7411025742083	1					

km
Nan

29	A26	Olivier Seral Idam	5506275190081	4	Kamogelo Makinita	27 May 1997	13	F	
30	A25	Joseph Motshwane	4601105321088	4					Dependants gone with their mother
31	A22	Sonnyboy Masango	5711015696088	6	Thandie A. Sikhosana Boikiey B. Sikhosana Thokozile M. Masango Johannes B. Sikhosana Lifa W. Sikhosana Nomonde Sikhosana	0008012180999 8501186036082 8902250290086 9502226029086 0007196106087 0301040833081	30 25 21 15 10 9	F M F M M F	
32	A22b	Alberto Cau	2703135229083	4	Elizabeth K. Khatitswe	5710240833081	53	F	
33	A2	Letia Molefe	5008190378081	5	Meikie M. Molefe Isah M. Molefe Caroline M. Molefe Violet Q. Molefe Joyce molefe	7107200624084 8706090400080 8406260809083 68111111004085	39 23 26 42	F F F F F	
34	A24	Happy Molefe	7112255317086	2	Pinky Mvenganya Khanyisile Mvenganya	88111111464083 *0806070198080	22 2	F F	
35	A2b	Alpheus Meya	7502195792088	1	Mpho L. Mabada	0504280790081	3	F	
36	A28	Jimmy Tshothego	7708065287089	4	Mlungise A. Doda Thandiwe H. Doda Phondi J. Doda Sindiswa J. Doda	9805265194087 0406160374087 0611045383084 1003270331088	12 6 4 0	M F M F	
37	A19	Martha Makinita	5401170578087	3	Abram Motshagwa Kamogelo Makinita	7303145632080	37	M	
38	A27	Mere Adam Radie	5603145233082	4					Dependants gone with

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39	A9(B9)	Madala Mokoena	7412160620084	5	Joel Molefe Melita Molefe Phinah Molefe Thomson Molefe	16 May 1993 03 December 1999 25 January 2002 12 May 2006	17 11 8 4	M F F M	their mother
40	A12	Joyce Molefe	7501140922089	2	Dedi Molefe Palea Molefe Thabo Molefe	12 May 2008 19 July 1996 102065790085	2 14 9	M F M	
41	A10	Christinah Makinita	6106260783088	4	Makhali Makinita Ntombane Makinita Nthabiseng Makinita Cathrine Makinita	8907146120082 9905066352080 8106261159088	21 11 18 29	M M F F	
42	A9	Molebatsi Matshe Molefe	7407121124085	3	Isaac Molefe Omi W. Molefe	9909075329089 *0810195529088	11 2	M M	
43	A21	Gloria Salome Molosiwa	6508051077085	6	Brenda Mkhala Steve Mkhala Pertunia Molosiwa	9207230956080 9409266135080 9810221159083	18 16 12	F M F	
44		David M. Monyetshwale	7908225439089	1	Tonic T. Ramodisha	*0512175685084	5	M	

Prepared by:

Obakeng Moiloa

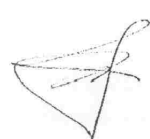
Project Co-ordinator: Housing

Confirmed prepared by:

Clr Johanna Phiri

DMA Ward Councillor

M Nevhungoni
Manager:Regional
Housing

REGISTER OF 27 HOUSEHOLDS

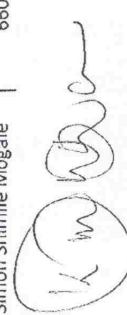
DWELLING NO.	NAME OF PRINCIPAL OCCUPANT	ID NUMBER	ADDRESSES AS PROVIDED	NUMBER OF OCCUPANTS	NAMES OF OTHER OCCUPANTS	ID	AGE	GENDER
1	Douglas Vries	8005195669081	Protea Ridge Plot 28					
2	Lasi Jafta	7204035531087	Kromdraai Plot 26					
3	Maphefo Josi	7607310381087	Plot 32 Kromdraai					
4	Paulina Tswagodimo	7702100087082	Kromdraai Plot 26					
5	Moses Tswagodimo	7211245826083	Plot 8 Sundowners					
6	Maria Kunupi	5604270713088	Kromdraai Plot 520					
7	Jabulani Mhlongo	7006165560087	Kromdraai Plot 520					
8	Rapula Tsielo	4005275410087	Plot 520 Soetwater					
9	Johannes Josia	5601035725083	Plot 32 Kromdraai					
10	Zacharia Lesesa	6403065554081	Sterkfontein Dairy plot					
11	Simon Kegoamang	7912226014081	Plot 22 Oaktree					
12	Solly Kgari	7410065600086	Plot 4 Kromdraai					
13	Patric Madibana	7405056185089	Plot 520 Kromdraai					
14	Seuntjije Tswagodimo	8509036484089	Plot 26 Kromdraai					
15	Hemina Mokgawa	5512090747089	Plot 4 Kromdraai					
16	Lydia Moagi	7712240802085	Plot 520 Tweefontein					
17	Sinah Moagi	7305090582087	Plot 520 Kromdraai					
18	Jeffrey Rakobela	6410275709082	Plot 19 Halfway					
19	John Kula	5901135565083	Plot 5 Kromdraai					
20	Elizabeth Phala	8003300862081	Plot 28 Kromdraai					
21	Alton Nkwe	7609295803085	Plot 52 Tweefontein					
22	Jeanette Moagi	8410310295087	Plot 52 Tweefontein					
23	Evi Mpolokeng	7306051408080	Plot 520 Kromdraai					
24	Zondi Ntshabele	7503200281083	Plot 28 Kromdraai					
25	Ellenah Mpolokeng	6703270507085	Kromdraai					
26	Malebesa C. Mosia	5502010638087	Kromdraai					
27	Richard Baloyi	6912126331081	Plot 52 Tweefontein					

Prepared by: _____ Confirmed prepared by: _____

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REGISTER OF 12 FAMILIES

DWELLING NO.	NAME OF PRINCIPAL OCCUPANT	ID NUMBER	NUMBER OF OCCUPANTS	NAMES OF OTHER OCCUPANTS	ID	AGE	GENDER	COMMENTS
1	Takalani Victor Mukweho	740101 8380 082	2	Takalani V. Ramafamba Cupey S. Ramafamba	0911065525089 0708075875086	1 3	M M	
2	Matshediso Nkoana	581109 0797 080	5	Keketso G. Nkoana Johannes T. Nkoana Puseletso Nkoana Masabata Y. Nkoana	0702246116082 8611265498085 8006261270085 8804090441081	3 24 30 22	M M F F	
3	Masabata Ivonne Nkoana	880409 0441 081	2	Kgotatso Nkoana		1	F	
4	Katrina Mojabeng Mangoejane	711011 0272 085	3	Semakaleng V. Mogojeane Keitometse G. Mogojeane	9901080775083 0610121098078	11 4	F F	
5	Kedibone Rosina Matlou	661012 0983 085	3	Dikeledi A. Matlou Gift K. Matlou	8610120377088 0404285718080			Dependants are currently not staying with Kedibone Rosina Matlou
6	Bongani Sidwell Shezi	830922 6104 088	1					Dependant is currently staying with the mother
7	Hendrick Mashaba	831113 5713 082						No dependants
8	Kelebogile Lenna Motswadi	830727 0710 081	2	Lesego P. Motswadi Neo C. Motswadi	9907270265082 0611305722088	11 4	F M	
9	Simon Shimile Mogale	660206 5972 082	3	Ofentse Phiri Katlego Phiri	0011225643086 0805115147086	10 2	M M	




10	Butie Elias Mahosi	890125 6202 087	1	Lindiwe Plaatjie			F	
11	Lettah Seipello Matsose	8004130261 088	2	Dimpho Matsose Matome P. Matsose	0608295331086 9512215657086	4 15	M M	
12	Florah Josiah	820904 0265083	2	Karabelo T. Josia Tshepang Josia	0308265397080 0207110171080	7 6	M M	

Prepared by:

Obakeng Moiloa

Project Co-ordinator: Housing

Verified prepared by:

Clr Johanna Phiri

DMA Ward Councillor

M Nevhungoni

Manager: Regional Housing

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