
Appendix 11: Legal Opinion prepared by Nicolas Smith &
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OPINION:

In re: various land-related issues regarding the proposed development of the Founders' Estates by Boschendal Limited

Prepared for:

**Boschendal Limited
Le Rhone, Boschendal
Groot Drakenstein
Att: Mr Graham Johnson**

16 January 2005

Prepared by:

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EXECUTIVE SUMMARY

In 1998 Anglo American Farms Limited (“Amfarms”) decided to dispose of its landholdings in the Dwars River Valley in the Western Cape Province. This entailed *inter alia* the sale of Amfarms’ wine and farming business known as Boschendal, together with certain properties to Boschendal Limited (“Boschendal”). (This formed part of a broader strategy to consolidate Amfarms’ core business, as explained fully in this opinion). The historical Amfarms landholdings situated in the Dwars River Valley are referred to in this opinion as the “Boschendal Farmlands” which consist of the landholdings described herein as the Founders’ Estates, the Boschendal Development Precinct and the Residual Lands.

The Boschendal Farmlands are situated in the Groot Drakenstein region of the Western Cape Province. More particularly, the Boschendal Farmlands fall within the area described as the Cape Winelands Cultural Landscape, which area was declared as provisionally protected in June 2005 by the South African Heritage Resources Agency (“SAHRA”) in terms of the provisions of section 29 of the National Heritage Resources Act 25 of 1999 (“NHRA”).

Boschendal is presently obtaining all authorisations and/or permissions obliged by law in connection with its intention to develop certain portions of the Boschendal Farmlands. A portion of the Boschendal Farmlands has been consolidated and subdivided in terms of the Land Use Planning Ordinance 15 of 1985, which application was approved by the Stellenbosch Municipality on 26 May 2005, and which approval is subject to certain conditions, including the condition that “any requirements of the South African Heritage Resources Agency must be complied with”. In addition, on 1 June 2005 the Minister of Agriculture granted its consent in terms of the Subdivision of Agricultural Land Act 70 of 1970 for the proposed consolidation and subdivision of the Boschendal Farmlands.

Currently, a heritage impact assessment (“HIA”) is being undertaken by Baumann & Winter Heritage Consultants, pursuant to section 38 of the NHRA. SAHRA, as authorising agent in respect of the HIA, identified various aspects of the draft HIA report (dated August 2005) prepared by Baumann & Winter that required further investigation for the purposes of the final submission of the HIA report. In particular, SAHRA’s representatives identified, as areas which required further examination in the HIA, the following: rehousing of farm labour on the Boschendal Farmlands and the effectiveness of the legal mechanisms (in the proposed lease agreement) for securing the farming of the Founders’ Estates as a single viable productive farm unit. SAHRA’s representatives were also concerned about the validity of alleged land restitution claims, and boundary disputes, regarding the properties comprising the Boschendal Farmlands. In order to address comprehensively SAHRA’s concerns, Boschendal has requested an opinion regarding these issues. This document comprises that opinion.

Accordingly, this opinion explores, firstly, the factual background regarding the land reform project (the Lanquedoc Housing Project) carried out under the direction of the

Department of Land Affairs ("DLA") in partnership with the then Winelands District Council, which was subsequently appointed as the DLA's agent for the implementation and management of the project. Amfarms was the donor of the requisite land and the majority of the funds that were needed for the project. In general, the Lanquedoc Housing Project was a project undertaken jointly by various organs of state and Amfarms under the auspices of the Extension of Security of Tenure Act 62 of 1997 ("ESTA"), which entailed the rehousing of Amfarms' employees (who had until that time occupied company housing on Amfarms' land in the Western Cape), and affording such employees the opportunity of acquiring ownership of housing in the Lanquedoc Village. This project had its beginnings in 1992 and was initiated and driven by Amfarms' employees. Where, however, such employees have refused to avail themselves of the home ownership scheme provided for in the Lanquedoc Housing Project and have continued to occupy property historically owned by Amfarms, eviction proceedings are being instituted against such persons in terms of ESTA. In other instances, property belonging to Amfarms was unlawfully occupied by disgruntled Amfarms' employees, ex-employees and others who did not qualify as beneficiaries of the scheme. Eviction proceedings against such persons were successfully instituted by Amfarms in terms of the Prevention of Illegal Eviction from and Unlawful Occupation of Land Act 19 of 1998.

Secondly, this opinion examines whether any land claims have been lodged in terms of the Restitution of Land Rights Act, 22 of 1994 in respect of any of the properties which comprise the Boschendal Farmlands. A letter dated 8 December 2005 received from the Commission on Restitution of Land Rights indicates that no claims have been lodged in respect of any of the properties comprising the Boschendal Farmlands. The only land claim in respect of property historically owned by Amfarms and which is of potential relevance to the properties comprising the Boschendal Farmlands was a claim lodged in 1995 in respect of the property formerly described as Portion 2 of the Farm "De Goede-Hoop" 1201, Pniel. That land claim was, however, settled during September 2000.

Thirdly, this opinion examines the legal mechanisms contained in the proposed 99-year lease agreement which will ensure that the Founders' Estates will be managed as a single viable productive farm unit. While a contract of lease is susceptible to amendment, variation or cancellation, this opinion examines the various mechanisms contained in the proposed lease agreement which could serve to secure the character and viability of the agricultural lands comprising the Founders' Estates. Of particular relevance in this regard, is the obligation to manage for agricultural purposes, the Boschendal Farmlands as a single indivisible unit of land, and the requirement that any variation or cancellation of the lease agreement will require the consent of, among others, the Minister of Agriculture and SAHRA. The proposed manner in which the Boschendal Farmlands will be managed in terms of the lease agreement will, therefore, potentially provide a significant measure of protection for the agricultural landscape and its farming potential.

Finally, this opinion examines an alleged dispute about the correctness of the boundaries of the properties historically owned by Amfarms, in which dispute it is apparently alleged that a portion of land that formed part of the properties owned by Amfarms was in fact the property of the Pniel community. It would appear that Amfarms has extensively

researched the validity of this allegation and that such research has revealed that Amfarms lawfully owns all land as demarcated by the existing boundaries of Amfarms' properties. In addition, recent research undertaken by Messrs. Friedlander, Burger and Volkman found no evidence to support the validity of the alleged discrepancy between the existing boundaries of Amfarms' properties and the existing boundaries of the Pniel Village.

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1. INTRODUCTION

Boschendal Limited ("Boschendal") is the registered owner of various farms¹ within the Groot Drakenstein region situated within the Dwars River Valley in the Western Cape Province. Boschendal is in the process of obtaining all authorisations and/or permissions obliged by law regarding the development of the proposed 'Founders' Estates' (described in more detail in section 2 of this opinion). The proposed Founders' Estates development comprises the first phase of certain development projects proposed to take place in the Dwars River Valley on the landholdings historically owned by Anglo American Farms Limited ("Amfarms").

As part of this process, a heritage impact assessment (required under section 38 of the National Heritage Resources Act² ("NHRA")) is currently being undertaken by Baumann & Winter Heritage Consultants in connection with the proposed Founders' Estates development.³ A draft heritage impact assessment ("HIA") report dated August 2005 and prepared by Baumann & Winter was advertised for public comment during September 2005. At the same time, a copy of the draft HIA report was provided to the authorising agent in respect of the HIA, namely the South African Heritage Resources Agency ("SAHRA"). In commenting on the draft HIA report, SAHRA's representatives identified various aspects of the HIA report that required further investigation and/or elaboration. For example, SAHRA's representatives requested that the so-called "land issues"⁴ be addressed in the form of an independent legal opinion. In particular, the following issues were identified as requiring further examination in the final HIA report: the rehousing of farm labour on the historical Amfarms landholdings; the effectiveness of the legal mechanisms designed to secure the farming of the Founders' Estates as a single, viable agricultural unit; the validity of alleged land claims in respect of such landholdings; and the validity of any boundary disputes regarding the properties comprising the historical Amfarms landholdings.

This document comprises that opinion, which is to form part of the final HIA report.

¹ At present Boschendal is the registered owner of the following properties: Portions 1, 2, 5, 8, 9, 10 and 12 of the Farm Boschendal No 1674 in the Municipality of Stellenbosch, Division Paarl, Province of the Western Cape and held by Deed of Transfer No T17501/2004.

² Act 25 of 1999.

³ It is important to note that whilst the principal focus of the heritage impact assessment ("HIA") is on the proposed Founders' Estates development, the HIA was prepared within the context of the broader development proposals regarding the greater historical Amfarms landholdings in the Dwars River Valley.

⁴ In the letter dated 24 October 2005 from SAHRA to Baumann & Winter and as clarified further during the various consultations between Ms. Sarah Winter and Mr. Nicolas Baumann of Baumann and Winter Heritage Consultants, and Ms. Beverly Crouts (SAHRA's Provincial Manager in the Western Cape), the most recent of which occurred on Tuesday, 6 December 2005.

2. FACTUAL BACKGROUND

As a result of a review by the Anglo American Group of companies of the group's core business interests, a rationalisation of the business operations of Anglo American Farms Limited ("Amfarms") occurred. In short, this resulted in a decision in 1998 by Amfarms to dispose of its landholdings in the Dwars River Valley in the Western Cape Province. This entailed *inter alia* the sale of Amfarms' wine and farming business (known as Boschendal), together with certain properties, to a third party, which is now styled Boschendal Limited⁵ ("Boschendal"). In addition, a separate sale agreement was entered into between another entity within the Amfarms group of companies (namely, Amfarms Realisation (Pty) Company Ltd, referred to as "Realisation" in this opinion) and two separate entities, named Purple Plum Properties 59 (Pty) Ltd and Citation Holdings SA, in respect of certain residual properties ("the Residual Lands"). Transfer of the Residual Lands was, however, made subject to certain conditions precedent⁶ and as these conditions have not yet been fulfilled, Realisation is still the owner of the land in question.

The historical Amfarms landholdings situated in the Dwars River Valley are referred to in this opinion as the "Boschendal Farmlands" which consist of the landholdings described as the Founders' Estates, the Boschendal Development Precinct and the Residual Lands.⁷

In accordance with the development plan regarding the proposed Founders' Estates development, a portion of the Boschendal Farmlands has been consolidated and subdivided into 19 separate farm units in terms of the Land Use Planning Ordinance⁸ ("LUPO"), which application was approved by the Stellenbosch Municipality on 26 May 2005, and which approval is subject to certain conditions.⁹ In addition, on 1 June 2005 the Minister of Agriculture granted its consent in terms of section 4(2) of the Subdivision

⁵ Whilst the sale of this business was to an entity styled as Phindana Properties 160 (Pty) Ltd, this entity was subsequently converted into a public company by the name of Boschendal Limited.

⁶ In terms of the sale agreement, the transfer of the landholdings described as the Residual Lands was made suspensive upon certain development rights being obtained in accordance with an agreed development plan for these landholdings which provided for a mixed-use residential and commercial development consisting of *inter alia* "cottage clusters", a retirement village and a boutique hotel.

⁷ The Boschendal Farmlands are situated within the area described as the Cape Winelands Cultural Landscape, which area was declared a provisionally protected heritage resource by SAHRA in terms of the provisions of section 29 of the NHRA. The declaration was published in Government Notice No. 516 in *Government Gazette* 27614 dated 3 June 2005.

⁸ Ordinance 15 of 1985.

⁹ Of particular relevance to this opinion is the fact that the approval by the Stellenbosch Municipality is subject to the condition that *inter alia* "any requirements of the South African Heritage Resources Agency must be complied with".

of Agricultural Land Act¹⁰ ("SALA") for the proposed subdivision of the Boschendal Farmlands. Similarly, this approval was made subject to certain conditions.¹¹

As a direct result of the fact that Amfarms and/or Realisation historically owned the various farms which form the subject of the proposed development of Founders' Estates by Boschendal it will be necessary, for the purposes of this opinion, to provide certain material and pertinent background information obtained from Amfarms in relation to the issues of land reform (and security of tenure to lawful occupiers) and land restitution, which are dealt with in more detail below.¹² Accordingly, the facts which we have relied on in preparing this opinion are those which we obtained during an inspection of the comprehensive documentation kept by Amfarms in relation to the properties comprising the Boschendal Farmlands,¹³ and consultations (in person and telephonically) with Amfarms' Company Secretary.

3. QUESTIONS WE HAVE BEEN ASKED TO ADDRESS

In order to satisfy SAHRA's requirements regarding the final HIA report, this opinion addresses the following questions in respect of the proposed development of the Founders' Estates:

- 3.1 Whether the rehousing and/or eviction of farm labour on the Boschendal Farmlands complied with the relevant statutory framework?**
- 3.2 Whether or not any claim has been lodged in terms of the provisions of the Restitution of Land Rights Act¹⁴ for the restitution of a right in any of the properties (or any portions thereof) which comprise the Boschendal Farmlands?**
- 3.3 What is the effectiveness of the legal mechanisms (in the proposed 99-year farm management and lease agreement in respect of Founders' Estates) for**

¹⁰ Act 70 of 1970.

¹¹ They include, for example, the condition that the Minister's consent "*does not exempt any person from any provision of any other law, with special reference to the Conservation of Agricultural Resources Act, 1983 (Act 43 of 1983) and does not purport to interfere with the rights of any person who may have an interest in the agricultural land.*"

¹² We are indebted to Amfarms' Company Secretary (Mr. James Dickenson-Barker) who provided much of this detail.

¹³ Which inspection was carried out at Amfarms' offices on Vergelegen Estate, Somerset West by our Mr. Richard Summers on Monday, 12 December 2005.

¹⁴ Act 22 of 1994.

ensuring that the Founders' Estates will continue to be farmed as a single viable productive agricultural unit?

3.4 Whether there is any land dispute in relation to the boundaries of the properties comprising the Boschendal Farmlands?

The answers to these questions are set out in the sections of this opinion set out below.

4. LAND REFORM

In accordance with the requirements of the Constitution,¹⁵ the South African Government's land reform programme has three distinct components. Firstly, the land reform programme consists of a land redistribution programme which is aimed at broadening access to land; secondly, it includes a land restitution programme which is aimed at restoring rights in land or providing alternative compensation to those dispossessed as a result of racially discriminatory laws enacted before the advent of democracy in South Africa; and, thirdly, a tenure reform programme to secure the rights of people residing on land owned by the state and private landowners. Land reform is an area of national constitutional competence and therefore the national Department of Land Affairs ("DLA") is the authority primarily responsible for the design and implementation of the land reform programme.

As we understand Boschendal's instructions (together with SAHRA's requirements), the purpose of this aspect of the opinion is not to conduct a comprehensive legal compliance audit of the rehousing of all farm labourers who currently reside (or previously resided) on the Boschendal Farmlands. Rather the purpose of this opinion is to determine, in general terms, whether the rehousing of farm labourers who historically occupied Amfarms' housing on the Boschendal Farmlands complied with relevant legal requirements.

4.1 Factual background and assumptions made

Historically, Amfarms provided housing on its farms in the Western Cape to certain of its permanent employees. Over the years, this resulted in various types of houses being erected on land owned by Amfarms and occupied by Amfarms' employees and their immediate families. The right to occupy the housing on Amfarms' land was, however, always dependant upon and subject to the continued existence of a contract of employment between the occupier and Amfarms. In other words, the occupation by an employee of a company-owned house allocated to him or her was dependant on the employee's continued employment with Amfarms, and the right to occupy such housing would terminate with the termination of the employee's employment contract.

¹⁵ Act 108 of 1996.

During 1998 Amfarms reviewed its employee housing policy with a view to clarifying the long-established basis upon which Amfarms' employees were entitled to occupy company housing. Prior to the revision of the housing policy in 1998, however, a process was initiated in 1992 for the purpose of addressing the security of tenure requirements of Amfarms' employees. In order to investigate and pursue the mechanisms for achieving this purpose, a representative forum (consisting of employees' representatives and Amfarms' management), which was known as the RFF 2000 Housing Forum, was established in October 1996.

This process resulted in the housing forum proposing a scheme in terms of which a legal entity (in the form of a communal property owners' association ("CPOA")) would be established for the purposes of acquiring land from Amfarms and developing housing thereon for home ownership by the employees described in the opening paragraphs above. It was envisaged that such housing would be made available to those of Amfarms' employees in the Western Cape who qualified for the scheme. Whilst it was also envisaged that the CPOA would initially acquire and hold the land on behalf of its members, the ultimate purpose of the scheme was to facilitate land reform whereby the employees who qualified for the scheme would ultimately take transfer of the houses, thereby facilitating security of tenure and freehold title in property for the members of the housing scheme. To this end Amfarms engaged in discussions with Government, and principally the DLA, in order to explore whether Land Acquisition Grants would be made available to the members of the CPOA in order to facilitate the scheme.

The project thus took on the form of a land reform project and the coming into force of the Extension of Security of Tenure Act¹⁶ ("ESTA") on 28 November 1997 provided the necessary legislative framework within which the project could take place. Accordingly, as part of a joint initiative with the DLA and the erstwhile Winelands District Council,¹⁷ Amfarms went about formalising the process of finalising long-term security of tenure for its employees. In view of the fact that Lanquedoc Village was identified by Amfarms' employees as the preferred site for the proposed housing development, the project became known as the Lanquedoc Housing Project ("LHP") and the Lanquedoc Housing Association ("LHA") was established as the CPOA for this purpose.¹⁸

¹⁶ Act 62 of 1997.

¹⁷ As the predecessor in title to the Boland District Municipality.

¹⁸ The LHA's constitution was registered in terms of the Communal Property Associations Act, 28 of 1996 on 23 June 1998. The Preamble of the LHA's constitution describes the aims and purpose of the LHA in the following terms:

"In order for the permanent employees of Anglo American Farms Limited (Amfarms), ex-permanent employees of Amfarms who left its employ in good standing and legal occupiers in terms of the Extension of Security of Tenure Act 62 of 1997, who presently lawfully reside on Amfarm's land in the Western Cape, their dependants and future generations to enjoy prosperity and security of tenure, the Lanquedoc Housing Association is hereby constituted as a Communal Property Association which will acquire land and houses from Amfarms on favourable terms and develop this land to provide residential accommodation with freehold title for such employees."

Amfarms' employees in the Western Cape who were resident on land owned by Amfarms were invited to apply for membership of the LHA with a view to becoming beneficiaries of the housing scheme. The membership criteria in respect of the LHA were set out in the LHA's constitution.¹⁹ Whilst all such employees of Amfarms were offered the opportunity of applying for membership of the LHA, not all of them met the membership criteria set out in the LHA's constitution.²⁰ Due to the inclusive nature of the membership criteria, however, and the fact that the right to residence in company-owned housing was linked to an employment contract with Amfarms, it would appear that those persons who failed to qualify for membership of the LHA and who were residing on Amfarms' land had neither the consent of Amfarms nor another right in law to do so. In other words, such persons were in unlawful occupation of the properties.

In terms of the various agreements entered into between the various parties involved in the LHP, the essential elements of the LHP were the following:

- 1) Amfarms sold the existing Lanquedoc Village and additional vacant land adjacent thereto to the LHA for R1.00 (one Rand).
- 2) The LHA, using grants received from the DLA and the bulk of the funding required for the scheme from Amfarms for this purpose, developed a township on the undeveloped land.
- 3) Each developed erf would ultimately be transferred to the individual members of the LHA.

New homes were constructed in Lanquedoc Village for the purpose of accommodating the persons who qualified for the LHP and who were residing elsewhere on Amfarms' and/or Realisation's land and who were to be provided with home ownership opportunities in the Lanquedoc Village. The process of moving members of the LHA into the newly constructed houses in Lanquedoc Village commenced in February 2004

¹⁹ In terms of the LHA's constitution founding membership of the LHA was open to all adults residing in houses owned by Amfarms in the Western Cape, provided that:

- (a) the member or the member's spouse was permanently employed by Amfarms;
- (b) the member had entered into an agreement with Amfarms providing for the relinquishment of the rights of occupation of all persons occupying the house owned by Amfarms and presently occupied by the member; and
- (c) one person in the member's household has donated an amount of R15,000.00 to the LHA (either in the form of a land acquisition grant or in cash).

The legal successors of any member shall be regarded as a founding member. In addition, future membership may be granted to persons who meet the abovementioned criteria, or who are ex-permanent employees of Amfarms who left its employ in good standing, or are legal occupiers in terms of ESTA, and who lawfully reside on Amfarms' land in the Western Cape (subject to the proviso that there is sufficient common land available).

²⁰ Pers. comm. Ms. Sharon Hosking, Amfarms' Human Resources Manager, on Wednesday 14 December 2005.

and has been undertaken in phases as and when each development phase of the LHP has been completed.

Notwithstanding the process for land reform outlined above, it is evident from the documentation made available to us, that the attempts to finalise the LHP are being frustrated by *inter alia* the unlawful occupation of vacant houses in Lanquedoc Village and the unlawful occupation of company houses on land owned by Amfarms, Realisation and other owners of certain portions of the historical Amfarms landholdings in the Dwars River Valley, by a relatively small percentage of individuals comprising mainly members of the LHA who are refusing to move to the houses allocated to them in Lanquedoc Village as part of the LHP.

On 30 May 2001 the Boland District Municipality's Council resolved to approve the application by Amfarms (prepared by Messrs. Friedlander, Burger & Volkman) in terms of the provisions of LUPO for the subdivision and consolidation of *inter alia* the properties from which the properties comprising the Founders' Estates ultimately would be created. Importantly, the aforementioned approval was made subject to various conditions²¹ including the following:

"Approval is subject to written confirmation by the applicant/owner to the Council that the provisions of the Extension of Security Act [sic] 1997 (Act 62 of 1997) have in all respects been complied with."

In compliance with the aforementioned condition, Amfarms issued a confirmatory letter to that effect.

4.1.1 Extension of Security of Tenure Act

The purpose of ESTA is to protect a particular class of tenant on rural and semi-rural land against eviction from that land.²² Central to the operation of ESTA is the notion of an "occupier"^{23 24} which is the term given by ESTA to the class of tenant protected by the Act.

²¹ Imposed in terms of section 42(1) of LUPO.

²² Section 2(1) of ESTA provides that, subject to certain exceptions, the Act does not apply to land in "a township established, approved, proclaimed or otherwise recognised as such in terms of any law, or encircled by such a township or townships".

²³ "Occupier" is defined in section 1 of ESTA as meaning "a person residing on land which belongs to another person, and who has or [sic] on 4 February 1997 or thereafter had consent to another right in law to do so, but excluding -

- (a) ...
- (b) a person using or intending to use the land in question mainly for industrial, mining, commercial or commercial farming purposes, but including a person who works the land himself or herself and does not employ any person who is not a member of his or her family; and
- (c) a person who has an income in excess of the prescribed amount."

²⁴ In GN R1632 of 18 December 1998, the Minister of Land Affairs established the prescribed qualifying income for the purposes of paragraph (c) of the definition of "occupier" in section 1 of the Act as an income of R5 000 per month.

In general terms, ESTA confers on occupiers (as defined in the Act) a right of residence and to security of tenure, which rights are founded on consent to the occupier to reside on or use the land in question.²⁵ In this regard, ESTA regulates the conditions and circumstances under which the right of occupiers to reside on land may be terminated and the eviction of such persons whose right of residence has been lawfully terminated in terms of the Act.²⁶ An occupier's right of residence may be terminated on any lawful ground provided that it is just and equitable to do so, and by having regard to all relevant factors, including those listed in section 8(1) of ESTA.²⁷ When the occupier's right of residence has been lawfully terminated, his or her refusal to vacate the land in question will be unlawful. Notwithstanding this, a court may issue an eviction order in respect of such person only if the conditions set out in ESTA are met.²⁸

Further, ESTA provides for the following additional protective measures in respect of certain kinds of occupier:

- 1) Where the occupier is an employee (and whose right of residence arises solely from an employment agreement), his or her right of residence may be terminated if the occupier resigns from employment or is dismissed in accordance with the provisions of the Labour Relations Act.²⁹
- 2) The right of residence of an occupier who has resided on the land for 10 years and has reached the age of the 60 years; or is an employee or former employee of the owner or person in charge (and as a result of ill health, injury or disability is unable to work), may not be terminated unless that occupier has committed a material breach of the agreement and/or relationship with the owner or person in charge.³⁰

Finally, in order to promote the implementation of the rights conferred by ESTA, the Minister is empowered to make funds available to any person, body or institution which

²⁵ Sections 3 and 6.

²⁶ Sections 8 and 9.

²⁷ Section 8(1) lists the following factors:

- “(a) the fairness of any agreement, provision in an agreement, or provision of law on which the owner or person in charge relies;
- (b) the conduct of the parties giving rise to the termination;
- (c) the interests of the parties, including the comparative hardship to the owner or person in charge, the occupier concerned, and any other occupier if the right of residence is or is not terminated;
- (d) the existence of a reasonable expectation of the renewal of the agreement from which the right of residence arises, after the effluxion of its time; and
- (e) the fairness of the procedure followed by the owner or person in charge, including whether or not the occupier had or should have been granted an effective opportunity to make representations before the decision was made to terminate the right of residence.”

²⁸ Sections 9, 10 and 11.

²⁹ Section 8(2).

³⁰ Sections 8(4) and 10.

the Minister has recognised.³¹ Of relevance to the present matter, is that the Act provides for measures to facilitate the long-term security of tenure for occupiers by enabling the Minister to grant subsidies in certain circumstances, including to facilitate the planning and implementation of *inter alia* off-site developments³²; and to enable occupiers to acquire land or rights in land.³³

4.1.2 Prevention of Illegal Eviction from and Unlawful Occupation of Land Act³⁴ ("PIE")

PIE was enacted within a few months after ESTA and also imposes restrictions on the eviction of certain persons. Crucially, however, PIE applies only to the eviction of persons who are in unlawful occupation of land belonging to another person. The application of PIE turns on the notion of an 'unlawful occupier' which the Act defines as follows:

*"...a person who occupies land without the express or tacit consent of the owner or person in charge, or without any other right in law to occupy such land, excluding a person who is an occupier in terms of the Extension of Security of Tenure Act, 1997, and excluding a person whose informal right to land, but for the provisions of this Act, would be protected by the provisions of the Interim Protection of Informal Land Rights Act, 1996 (Act 31 of 1996)."*³⁵

In interpreting the ambit of the definition of unlawful occupier in PIE, the Supreme Court of Appeal held³⁶ that PIE applies to those occupiers who unlawfully took possession of land (i.e. squatters) and also to persons who lawfully took occupation of land but whose possession subsequently became unlawful. The latter situation is commonly referred to as "holding over". In addition, PIE applies to all land throughout South Africa.³⁷ In other words, unlike ESTA, PIE applies to both urban and rural land.

The essence of PIE is that it introduces peremptory procedures for the eviction of an unlawful occupier and the courts are given a discretion to evict such an occupier. PIE provides that the courts may grant an eviction order where it is just and equitable to do so, and the Act prescribes a wide range of circumstances to be taken into account by the courts in determining this.³⁸ PIE, therefore, essentially provides for certain substantive and procedural safeguards to guard against the unlawful eviction of occupiers of land. In

³¹ Section 2(3).

³² An 'off-site development' is defined in section 1 of the Act to mean "a development which provides the occupants thereof with an independent tenure right on land owned by someone other than the owner of the land on which they resided immediately prior to such development."

³³ Section 4.

³⁴ Act 19 of 1998.

³⁵ Section 1.

³⁶ See *Ndlovu v Ngcobo; Bekker and Bosch v Jika* 2003 (1) SA 113 SCA.

³⁷ Section 2.

³⁸ Section 4.

other words, a landowner no longer has an absolute right to evict an unlawful occupier and must comply with the procedural requirements of PIE in this regard.

4.2 Conclusion regarding compliance with the relevant statutory framework in the rehousing and/or eviction of farm labour on the Boschendal Farmlands

The Boschendal Farmlands consist of rural and semi-rural land and, therefore, fall within the application of ESTA. In other words, the employees of Amfarms who fall within the definition of occupiers in terms of ESTA are protected against certain forms of interference with their rights of residence and use.

The LHP was a land reform project undertaken by the DLA in partnership with other government bodies and the private sector (including *inter alia* Amfarms, the LHA and the Boland District Municipality) for the purposes of developing a housing scheme in Lanquedoc Village that would provide home-ownership, and the security of tenure which flows from the right of ownership, for the permanent employees of Amfarms residing on Amfarms' historical landholdings in the Western Cape, and who qualified for membership of the LHA. In terms of the LHP, the members of the LHA who were already in occupation of houses situated in Lanquedoc Village would acquire ownership of such houses. As such, no-one was displaced from existing dwellings in Lanquedoc Village in order to accommodate the Amfarms employees who qualified for the scheme. In addition, Amfarms' employees who qualified for membership of the LHP and who did not occupy an existing house in Lanquedoc Village were afforded the opportunity of taking ownership of the new housing constructed in Lanquedoc Village as part of the LHP. Whilst, therefore, the LHP potentially entailed the termination of the rights of residence for some of its employees residing on Amfarms' historical landholdings, Amfarms' consent for its employees to reside on such land was withdrawn in terms of an agreement with those employees who qualified for membership of the LHA (in terms of which such persons would forego their right to reside on such land in return for a more secure right, namely that of ownership of housing in Lanquedoc Village).

On the whole therefore, most of the farm labourers historically residing on the Boschendal Farmlands relocated voluntarily in terms of the LHP. It is, however, worth noting that in view of the unlawful occupation of houses situated in Lanquedoc Village and on Amfarms' and/or Realisation's land, Amfarms and/or Realisation (as the case may be) has/have been obliged³⁹ to institute eviction proceedings against the unlawful

39 In terms of the sale agreements relating to the disposal of the Boschendal properties and the Residual Lands, both Amfarms and Realisation have obligations in terms of the respective sale agreements to relocate all occupants of the properties in accordance with the LHP and to implement the provisions of the LHP. This includes the obligation to:

- relocate any occupants from the properties; and/or
- provide such occupants with suitable alternative housing in accordance with the LHP; and/or

occupiers. In this regard it suffices to note that various applications have been launched by Amfarms for the eviction of these unlawful occupiers and consequential relief in terms of and in accordance with the provisions of PIE and, where applicable, ESTA.

As indicated above, in compliance with the aforementioned approval by the Boland District Municipality's Council regarding the application by Amfarms for the subdivision and consolidation of certain of its historical landholdings in the Dwars River Valley, Amfarms issued a confirmatory letter to Boland District Municipality to the effect that all provisions of ESTA had been complied with.

In conclusion, it is evident from the information available to us that Amfarms has gone to great lengths to ensure that all lawful occupiers on its historical landholdings in the Dwars River Valley are provided not only with security of tenure, but also freehold title to property through the means of the LHP. The provision in the LHP for ownership of housing achieves the objectives of the Government's land reform programme to facilitate long-term security tenure for a particular class of tenant. Where, however, the eviction of unlawful occupiers of land historically owned by Amfarms has proved necessary and unavoidable, this has occurred (or is occurring) in accordance with the relevant statutory framework set out above.

5. LAND RESTITUTION

In terms of Boschendal's instructions (together with SAHRA's requirements in relation to the HIA), the purpose of this aspect of the opinion is to investigate whether or not any claims have been lodged with the Commission on Restitution of Land Rights ("the Commission") in terms of the provisions of the Restitution of Land Rights Act ("the Restitution Act") for the restitution of a right in any of the properties (or any portions thereof) which comprise the Boschendal Farmlands. If our investigation reveals that a claim has been lodged, then we have been requested to advise as to the status of such claim. It would appear that SAHRA's concern regarding alleged land claims in respect of the lands comprising the Boschendal Farmlands stems from certain comments received by Doug Jeffrey Environmental Consultants during the public consultation process in

-
- pay such occupants reasonable compensation to vacate the property; and/or
 - duly and properly fulfil all its obligations under the LHP; and/or
 - pay a stipulated amount per dwelling if on 28 July 2005 there are remaining occupants still occupying the properties unlawfully in terms of the ESTA (it was subsequently agreed between the parties to the sale agreements that the deadline of 28 July 2005 will be extended to 28 July 2007).

connection with the draft HIA report.⁴⁰ The land claims under the Restitution Act which are potentially relevant to the Boschendal Farmlands are examined in more detail below.

5.1 Factual background and assumptions made

In 1995, Mr. Vincent Carl Cyster, together with his son (referred to together as the "claimants" in this opinion), lodged a claim for the restitution of a right in land with the Commission in terms of the Restitution Act in respect of the land formerly described as Portion 2 of the Farm "De Goede-Hoop" 1201, Pniel. The basis upon which the claim was lodged is set out immediately below.

In 1963 the claimants were dispossessed of the property (together with Portions 1 and 3 of Farm 1201)⁴¹ by the State through Proclamation No. 32 of 1963.⁴² In 1985 the Pniel Management Board⁴³ acquired ownership of these properties and in 1987 the Pniel Management Board, at its behest, entered into a land swap agreement with Amfarms in terms of which the Board ceded ownership of the remainder of Portion 5 of Farm 1201 to Amfarms in exchange for other land that the Board required for the purposes of providing housing. As a result of this arrangement, at the time the claim was lodged much of the property formerly described as Portion 2 of the Farm "De Goede-Hoop" 1201, Pniel had been transferred from the Pniel Management Board to Amfarms but the balance remained in the ownership of the Pniel Management Board. In other words, the claim lodged by the claimants was in respect of land owned by Amfarms and the Pniel Management Board.

In accordance with the mandatory requirements of the Restitution Act⁴⁴, the Commission published a notice in the *Government Gazette* on 7 June 1996 that a claim for the restitution of Portion 2 of Farm 1201, Pniel, had been lodged with the Commission under

⁴⁰ In the letter dated 28 September 2005 from the Dwarsrivervalley Community Development Forum to Doug Jeffrey Environmental Consultants reference was made to the Forum's objections previously submitted to the Stellenbosch Municipality under cover of its letter dated 25 February 2005. The latter letter alleged that "[t]wo land claim matters still have to be addressed."

⁴¹ The three portions of Farm 1201, Pniel acquired by the State in 1963 (i.e. Portions 1, 2 and 3) no longer exist. These properties were subsequently consolidated and resurveyed and registered as Portions 5, 6 and 7 of Farm 1201. The land that was formerly described as Portions 1, 2 and 3 thus fell within the boundaries of Portions 5 and 7 of Farm 1201, Pniel. The claim for the restitution of Portion 2 of Farm 1201 therefore affected both Portions 5 and 7 of Farm 1201. Subsequently, in 1993, Portions 6 and 7 were consolidated and renumbered as Portion 8. Accordingly, the property formerly described as Portion 2 now forms part of Portions 5 and 8. At the time the claim was lodged, Portion 8 of Farm 1201 was registered as being owned by the "Gemeenskap of Pniel" and Portion 5 was registered as being owned by Amfarms.

⁴² Published in *Government Gazette* No. 445 of 1 March 1963 issued pursuant to section 3 of the Preservation of Coloured Areas Act 31 of 1961.

⁴³ The land in question vested in the Pniel Management Board in terms of the Rural Coloured Areas Act 1 of 1979.

⁴⁴ Section 11.

reference number KRK 6/2/3/A/25/82/1764/1.⁴⁵ Notwithstanding the fact that all three parties involved in the claim for restitution (i.e. the claimants, the Pniel Transitional Council⁴⁶ and Amfarms) broadly accepted the principle of restitution of land rights, the Regional Land Claims Commissioner found⁴⁷ that it was not feasible to resolve the claim by mediation and/or negotiation and that the matter was ready for determination by the Land Claims Court. Accordingly, on 24 February 1999 the Chief Land Claims Commissioner referred the claim to the Land Claims Court. However, notwithstanding the referral of this matter to the Land Claims Court, the land claim was settled by agreement⁴⁸ between the parties concerned during September 2000. The settlement was reached on the following basis:

1. The claimants agreed to accept compensation offered by the Department of Land Affairs for rights in land lost.
2. Amfarms, as then current owners of Portion 5 of Farm 1201, agreed to sell this portion to the claimants and to invest the proceeds on behalf of the local community.
3. The Pniel Transitional Local Council agreed to restore a portion of Portion 8 of Farm 1201 to the claimants without compensation.

The only other land claim which is of potential relevance to the Boschendal Farmlands is the claim for the restitution of land rights on Erf 162: Papier Molen - Pniel Congregational Church: District of Stellenbosch which was submitted by Mr. R.O. Williams on 16 May 1995 to the Regional Land Commissioner for the Western and Northern Cape. Amfarms however does not occupy any of the land in question⁴⁹ and the ownership of Erf 162 Pniel is registered in the name of "Pniel Institute-Groot Drakenstein."⁵⁰ In view of the fact that this claim was not in respect of land owned by Amfarms, it has not been the subject of further investigation for the purposes of this opinion.

The documentation with which we were briefed included a letter dated 9 September 2003 from the Commission to Messrs. Sonnenberg Hoffmann and Galombik Attorneys which appeared to indicate that land claims had been lodged with the Commission against the

⁴⁵ In Notice 664 of 7 June 1996 published in *Government Gazette* No.17230. However, the aforementioned notice incorrectly identified the current owners of Portion 8 of Farm 1201 and Portion 5 of Farm 1201 as Amfarms and the Pniel Transitional Council, respectively. On 19 July 1996, therefore, the Regional Land Claims Commissioner caused a correctional notice to be published in *Government Gazette* No. 17325 of 19 July 1996, which correctly recorded that the land under claim was owned by Amfarms (Remainder of Portion 5 of Farm 1201) and the Pniel Transitional Council (Portion of Portion 8 of Farm 1201).

⁴⁶ As successor in-title to the Pniel Management Board.

⁴⁷ In terms of section 14(1).

⁴⁸ In terms of section 42D.

⁴⁹ Pers. Comm. Mr. James Dickenson-Barker, Amfarms' Company Secretary, on Monday, 12 December 2005.

⁵⁰ Held under Deed of Transfer No.11 dated 12 April 1843.

properties described in the Commission's letter as "Goodhope Farm and Pniel". In order to obtain further information regarding the claims referred to in the Commission's letter dated 9 September 2003, and to determine whether any claims had been lodged with the Commission in respect of the properties (or portions thereof) comprising the Boschendal Farmlands, we sent a letter dated 5 December 2005 to the Commission requesting the Commission to confirm whether or not a claim had been lodged in terms of the provisions of the Restitution Act for the restitution of a right in any of the properties listed therein (and which properties comprise the Boschendal Farmlands). In response to our enquiry, we received a letter dated 8 December 2005 (copy attached hereto as Annexure "A") from the Commission which advised that no claims have been lodged with the Commission in respect of the properties comprising the Boschendal Farmlands.

5.2 Applicable law

5.2.1 The Constitution of the Republic of South Africa Act⁵¹ ("the Constitution")

A right to restitution of rights in land was created by the Interim Constitution.⁵² It provided that every person or community dispossessed of rights in land, before the commencement of the Interim Constitution, in terms of any law that would have been inconsistent with the Interim Constitution (had the Interim Constitution been in operation at the time of the dispossession), would be entitled to claim restitution of such rights in land. In order to give effect to the restitution of rights in land, the Interim Constitution provided that an Act of Parliament should be enacted to provide for matters relating to the restitution of such rights.⁵³ The right to restitution of land rights was entrenched in the (final) Constitution.⁵⁴

5.2.2 The Restitution of Land Rights Act

The Restitution Act is the Act of Parliament referred to in both the Interim and the (final) Constitutions as the legislation required to provide for matters relating to the restitution of land rights. In general terms, the threshold requirements for the entitlement of a claimant to restitution in terms of the Restitution Act can be summarised as follows:

- 1) The claimant for the restitution of a right in land must be a person or a community (a community claim may also be lodged by a part of the dispossessed community.)
- 2) The claimant must have been dispossessed of a right in land.
- 3) The dispossession must have occurred after 19 June 1913.

⁵¹ Act 108 of 1996.

⁵² Act 200 of 1993. Section 8(3)(b).

⁵³ Section 121.

⁵⁴ Section 25(7).

- 4) The dispossession must have been the result of past racially discriminatory laws or practices.
- 5) The claim for such restitution must have been lodged by not later than 31 December 1998.⁵⁵
- 6) In addition, a claimant is not entitled to restitution of a right in land if just and equitable compensation, as contemplated in section 25(3) of the Constitution or any other consideration which is just and equitable, was received in respect of such dispossession.

In terms of the Restitution Act, the procedure for lodging a claim for restitution of land rights takes place in four phases. The first phase entails the formal act of lodging a claim by the claimant with the Commission or the Registrar of the Land Claims Court. As indicated above, this is required to have taken place not later than 31 December 1998 and the claim must be lodged on the form prescribed for this purpose.⁵⁶ The claim form must include a description of the land in question, the nature of the right in land of which the claimant was dispossessed, and the nature of the right or equitable redress that has been claimed.⁵⁷

The second phase of the restitution process entails a decision by the Regional Land Claims Commissioner to either refuse or to accept the claim. In the first case, the applicant must be informed of the refusal and be furnished with reasons for the decision.⁵⁸ If, however, the claim is accepted, the Commissioner must give notice of that fact by publication in the *Gazette* of a notice that a claim has been accepted by the Commission. In addition, steps must be taken to inform the community in the district in which the land in question is situated of the claim.⁵⁹ The Regional Land Claims Commissioner may only proceed with the aforesaid publication if he or she is satisfied that:

- 1) the claim has been lodged in the prescribed manner; and
- 2) the claim is not precluded by the provisions of section 2 of the Restitution Act; and

⁵⁵ Section 2(1)(e).

⁵⁶ This document forms part of the Rules regarding procedure of the Land Claims Commission promulgated in GN R703 of 12 May 1995, as amended.

⁵⁷ Section 10. This section also sets out the requirements for a claim lodged by a community. It must be lodged by the representative of a community that is entitled to claim restitution of a right in land. The basis for which it is contended that the person submitting the form represents such community must be declared and any resolution or documents supporting such contention to that effect must accompany the claim form.

⁵⁸ Section 11(4).

⁵⁹ Section 11(1).

3) the claim is not frivolous or vexatious.⁶⁰

Immediately after publishing the notice, the Regional Land Claims Commissioner is obliged to notify (in writing) the landowner of the publication of the notice.⁶¹ This is important as the publication of the notice in the *Gazette* has direct implications for the landowner concerned, including *inter alia* that no person may sell, exchange, donate, lease subdivide or rezone the land in question without one month's written notice being given to the Regional Land Claims Commission of such intention.

The third phase of the restitution process deals with the investigation phase in terms of which the Regional Land Claims Commissioner is obliged to investigate the claim thoroughly.⁶²

The fourth and final phase is the referral stage when the matter is referred by the Regional Land Claims Commissioner to the Land Claims Court.⁶³ However, a referral to the Court occurs only if the parties to a dispute arising from the claim agree in writing that it is not possible to settle a claim by mediation and negotiation; or the Commissioner certifies that it is not feasible to resolve the dispute by mediation and negotiation; or when the Commissioner is of the opinion that the claim is ready for hearing by the Land Claims Court. If the parties enter into a written agreement on how the claim should be finalised then the Regional Land Claims Commissioner can certify that the agreement need not be referred to the Court.⁶⁴

5.3 Conclusion regarding claims lodged under the Restitution Act in respect of the Boschendal Farmlands

The restitution process provided for in the Restitution Act is subject to various procedural requirements including *inter alia* the obligation to notify the landowner of the claim and, further, the Act imposes a limitation on the period within which claims may be lodged.

Boschendal Ltd has not received any notification of the publication of any claim in respect of any of the properties comprising the Boschendal Farmlands. This is, however, not surprising in view of the fact that Boschendal took transfer of the Boschendal properties only in 2003, some four years after the expiry of the date on which claims in terms of the Restitution Act were required to be lodged with the Commission. Accordingly, it is more likely that if a claim was lodged legitimately with the

⁶⁰ Sections 11(1)(a) - (c).

⁶¹ Section 11(6).

⁶² Section 13.

⁶³ Section 14.

⁶⁴ Section 14(2). In addition, section 42D of the Act provides that the Minister may enter into an agreement with the parties interested in the claim for an award of land (or a portion of land or any right in land) to the claimant or the payment of compensation to the claimant; or the both such an award and compensation.

Commission in respect of the Boschendal Farmlands that Amfarms would have been the landowner in question.

The only notification received by Amfarms from the Commission in connection with a claim received by the Commission was in respect of the property formerly described as Portion 2 of the Farm "De Goede-Hoop" 1201, Pniel. Amfarms was also notified by their erstwhile attorneys of another claim, in respect of Erf 162, Pniel (Papier Molen). As set out above, the claim in respect of the former property has been settled; and Amfarms was not the owner of the property which was the subject of the latter claim. Accordingly, the land restitution claim in respect of Portion 2 of the Farm "De Goede-Hoop" 1201, Pniel would appear to be the only claim legitimately lodged in terms of the Restitution Act for the restitution of a right in any of the property currently and/or previously owned by Amfarms, and that claim has been resolved between the parties.

In view of the fact that the aforementioned claim was in respect of the farm formerly known as "De Goede-Hoop" situated in Pniel and being land that was owned historically by the Pniel Transitional Council and Amfarms, this would seem to coincide with the reference in the letter dated 9 September 2003 from the Commission to Messrs. Sonnenberg Hoffmann and Galombik in which reference was made to a claim in respect of "Goodhope Farm and Pniel". If indeed the reference to a land claim in the Commission's letter dated 9 September 2003 was intended to be a reference to the claim lodged in 1995 by the Cysters it is, however, not clear why the aforementioned letter indicates that the Commission had received claims against Goodhope Farm and Pniel in view of the fact that the claim was settled in September 2000. Notwithstanding the apparent reference in the Commission's letter of 9 September 2003 to outstanding land claims, it is nevertheless clear from the Commission's letter dated 8 December 2005 that no claims have been lodged in respect of any of the properties comprising the Boschendal Farmlands.

Accordingly, based on the information available to us, we are of the opinion that no (as yet unresolved) claims have been lodged with the Commission in terms of the provisions of the Restitution Act, for the restitution of a right in any of the properties (or any portions thereof) which comprise the Boschendal Farmlands.

6. **EFFECTIVENESS OF THE LEGAL MECHANISMS IN THE LEASE AGREEMENT FOR SECURING THE FARMING OF THE FOUNDERS' ESTATES AS A SINGLE FARM UNIT AND ITS PRODUCTIVE VIABILITY**

We are instructed that during the public participation process regarding the draft HIA report dated August 2005 a concern was raised, principally by the Drakenstein Heritage Foundation⁶⁵ regarding the effect of the proposal to lease portions of the Boschendal Farmlands for a period of 99 years. In addition, we are instructed that the sale of the Boschendal wine business to a third party and, therefore, the effective separation of the

⁶⁵ In a letter from that Foundation dated 28 September 2005 to Doug Jeffery Environmental Consultants.

winery from the agricultural landholding comprising the Founders' Estates has given rise to the further concern regarding the viability of the Founders' Estates as an agricultural land holding.

Pursuant to the above-mentioned concerns, we are advised that SAHRA has requested that the effectiveness of the proposed 99 year lease in securing the character and/or viability of the agricultural lands (comprising the Founders' Estates) be addressed in the form of a legal opinion.

6.1 Factual background and assumptions made

As a point of departure, it is clear that the management and use of the properties comprising the Founders' Estates will be governed by a contract of lease to be entered into between Boschendal Ltd as landlord and a Boschendal farming company as tenant⁶⁶ (the so-called "Farm Management and Lease Agreement" (referred to as "the Agreement" in this opinion)). In terms of the Agreement the properties which will comprise Founders' Estates will be created from the consolidation (and subsequent subdivision) of Portions 2, 5, 8 and 9 of the Farm Boschendal No. 1674, situated in the Stellenbosch Municipality, Division of Paarl, Western Cape Province.⁶⁷ ⁶⁸ The effect of this consolidation and subdivision is that the land which is the subject of the lease⁶⁹ will consist of an agricultural unit of approximately 400 hectares. Crucially, from the perspective of viability and/or sustainability of the agricultural land holding, the land in question will be managed (by a Boschendal farming company established for this purpose) as a single farm unit. In other words, the entire agricultural unit will be managed as one farm by the tenant.

The specific provisions of the Agreement which have a bearing on the sustainability of the agricultural landholdings constituting Founders' Estates will be examined in section 6.3 of this opinion below.

⁶⁶ The Tenant in the Farm Management and Lease Agreement is currently known as Boschendal Wines (Pty) Ltd. However, in order to avoid any potential confusion regarding the sale of the Boschendal winery, we are instructed that the name of the Tenant will be changed in the near future.

⁶⁷ To the exclusion of the Excluded Area(s) as defined in the Agreement.

⁶⁸ Currently registered in the name of Boschendal Ltd under Title Deed No. T000017501/2004.

⁶⁹ Referred to and defined in the Agreement as the 'Leased Land'.

6.2 Applicable law

6.2.1 Removal of Restrictions Act⁷⁰

The Removal of Restrictions Act empowers the MEC for Environmental Affairs and Development Planning (the erstwhile Administrator) of the Western Cape Province, among other things, to remove certain restrictions in respect of land. Section 2 of the Removal of Restrictions Act is relevant in this regard.⁷¹

⁷⁰ Act 84 of 1967.

⁷¹ Section 2 provides as follows:

“(1) Whenever the Administrator of a province in which the land in question is situate, is satisfied-

(a) that it is desirable to do so in the interest of the establishment or development of any township or in the interest of any area, whether it is situate in an urban area or not, or in the public interest; or

(b) that the land in question is required-

- i. for ecclesiastical purposes by the owner or purchaser thereof; or*
- ii. for public purposes by the State or a local authority; or*
- iii. for the use or erection of any building by the State or a local authority; or*
- iv. for purposes incidental to any purpose mentioned in subparagraphs (i) to (iii), inclusive,*

he may, subject to the provisions of this Act, of his own accord or on application of any person in terms of section 3, by notice in the Provincial Gazette of the province alter, suspend or remove, either permanently or for a period specified in such notice and either unconditionally or subject to any condition so specified, any restriction or obligation which is binding on the owner of the land by virtue of-

- (aa) a restrictive condition or servitude registered against the title deed of the land; or*
- (bb) a provision of a law relating to the establishment of townships or to town planning; or*
- (cc) a provision of a by-law or of a regulation or of a townplanning scheme; or*
- (cc) a provision of a townplanning scheme and a restrictive condition or servitude registered against the title deed of the land; or*
- (dd) a provision of a townplanning scheme and a provision of a law relating to the establishment of townships or to town planning,*

and which relates to-

- (aaa) the subdivision of the land; or*
- (bbb) the purpose for which the land may be used; or*
- (ccc) the requirements to be complied with or to be observed in connection with the erection of buildings or the use of the land.” [Emphasis supplied].*

In order to remove a restrictive condition, application will have to be made in terms of the Removal of Restrictions Act to the provincial authorities. Further, in order to grant an application for the removal of restrictive conditions pursuant to the Act, the decision-maker must be satisfied that one or more of the circumstances mentioned in sections 2(1)(a) and (b) of the Act are present. Section 2(1)(a) of the Act is particularly relevant. In short, this section provides that the decision-maker must be satisfied that it is desirable to remove the title deed restriction in question on one of the following grounds:

- (1) in the interest of the establishment or development of any township; or
- (2) in the interest of any area; or
- (3) in the public interest.

Of crucial relevance to the interpretation of section 2 of the Removal of Restrictions Act is the decision by the High Court (Cape of Good Hope Provincial Division) in *Camps Bay Ratepayers and Residents Association and Others v Minister of Planning, Culture and Administration, Western Cape and Others*⁷² where the Court held, in our view correctly, that unless the MEC is satisfied, as a matter of fact, as to the presence of one or more of the circumstances outlined in paragraphs (1) to (3) above, a jurisdictional fact required for the exercise of his or her power to remove the restrictive conditions pursuant to the Removal of Restrictions Act will be absent. In other words, in order for an application under the Act for the removal of a restrictive condition to be successful, it must be established by the applicant that the application is desirable; in the interest of the area, or in the public interest.

6.3 Conclusion regarding effectiveness of the legal mechanisms relevant to ensuring that the Founders' Estates will be farmed as a single viable productive agricultural unit

SAHRA identified the need to clearly establish whether or not, in terms of the proposed development, the land comprising the Founders' Estates will be a viable productive farm unit. Implicit in this enquiry is the ease with which the proposed 99 year lease could be revoked varied and/or cancelled by either party thereto, which potentially would have the effect of creating 19 separate (and possibly unviable) farm units. In order to address these concerns it is necessary to have regard to the provisions of the Agreement.

The Agreement⁷³ provides that the Founders' Estates will be alienated by Boschendal Ltd to the owners of the 19 individual subdivided portions of the land comprising the Founders' Estates. The Agreement provides that these persons (the "Transferees" in the Agreement) will then become joint landlords in terms of the Agreement thereby assuming the rights and obligations (under the Agreement) of Boschendal. Importantly, from the perspective of the concerns raised by SAHRA, the land which is the subject of the

⁷² 2001(4) SA 294 (C).

⁷³ Clause 4.18.

Agreement may be dealt with by the Landlord only as a "composite indivisible entity."⁷⁴ In other words, the size of the agricultural unit (400 ha) which will be managed in terms of the Agreement is a substantial portion of land which the joint landlords will be obliged to deal with as an indivisible unit. In terms of the Agreement, the *de facto* management of this agricultural unit will be undertaken by the tenant.

With regard to the use to which the land which is the subject of the Agreement may be put, the Agreement⁷⁵ expressly provides that the leased land shall be utilised in accordance with the provisions Annexure "B" to the Agreement. Annexure "B" stipulates that the leased land will be let to the tenant for agricultural and pastoral purposes only. These purposes are expanded upon in the Agreement and include the farming of cultivated crops. Further, it expressly prohibits any type of farming activity which is not in keeping with the farming activities normally carried out in the Dwars River Valley. Crucially, the tenant may not use the land for any purpose other than that set out in Annexure "B" to the Agreement without the consent of Boschendal Limited, the Stellenbosch Municipality and SAHRA.

A contract of lease is, however, like any other contract, susceptible (in principle) to being amended, varied or cancelled. This begs the question on what basis could anyone of the parties to the Agreement (including the joint landlords) resile from the Agreement, thereby potentially jeopardising the viability of the land in question as an agricultural unit. For the purposes of this enquiry, the Agreement provides for various provisions which are relevant and which offer protection against the termination of the Agreement. These provisions are examined below.

Firstly, the individual owners (as joint landlords) of the subdivided properties expressly agree to take any action (as landlord in terms of the Agreement) only by a decision of the joint landlords.⁷⁶ In this regard, the Agreement further stipulates the requirements regarding a meeting of the joint landlords for the purposes of taking such decision and the quorum for that meeting. Importantly, the Agreement imposes the further requirement that a decision to take action must carry the support of at least 75% of the persons present in person or by proxy. Secondly, the Agreement provides that no variation⁷⁷ of the Agreement will be binding unless *inter alia* the variation in question is expressly consented to by the Minister of Agriculture, the Stellenbosch Municipality and SAHRA.⁷⁸ Thirdly, the Agreement provides that the lease shall be registered against the title deeds of the Boschendal Land (as defined in the Agreement).⁷⁹ Finally, in the event

⁷⁴ Clause 4.6.2.

⁷⁵ Clause 4.13.

⁷⁶ Clause 4.18.3.

⁷⁷ For the purposes of the Agreement the term 'variation' includes "an addition, amendment, repeal, conduct at variance with, novation, cancellation or any waiver of any right by an [sic] party arising from this agreement."

⁷⁸ Clause 4.14.4.

⁷⁹ Clause 4.12.

of default by either the landlord and/or the tenant the Agreement provides for the cancellation of the Agreement. Crucially, however, neither the tenant nor the landlord is entitled to cancel the Agreement in the absence of the express consent of the Minister of Agriculture, the Stellenbosch Municipality and SAHRA.

In view of the above, many of the provisions of the Agreement have been drafted specifically with a view to securing the character and viability of the agricultural lands comprising the Founders' Estates. In particular, the obligation to manage the Farmlands as a single indivisible unit of land 400 ha in extent and the requirement to obtain the consent of *inter alia* the national Minister of Agriculture and SAHRA to any variation or cancellation of the Agreement are notable in this regard.

In addition, the registration of the Agreement against the title deeds will have the effect of creating a restrictive condition regarding the use to which the Founders' Estates properties may be put. In view of the heritage significance of the Dwars River Valley and the provisional protection of the Cape Winelands Cultural Landscape as a heritage resource in terms of section 29 of the NHRA, it will not necessarily be an easy task to motivate an application (under the Removal of Restrictions Act) for the removal of the restrictive condition in question. Accordingly, this factor alone offers a measure of protection regarding the manner in which the properties comprising the Founders' Estates will be used in the future.

In conclusion, the structure of the Agreement (together with the registration thereof against the title deeds) potentially provides a significant measure of protection for the agricultural landscape.

7. BOUNDARY DISPUTES

7.1 **Factual background and assumptions made**

Dating back to 1995, Amfarms has received correspondence from a member of the Pniel community, namely Mr. R.O. Williams, regarding an alleged dispute about the correctness of the boundaries of the properties owned by Amfarms. The nature of the dispute is that it was alleged that a portion of land that fell within the existing boundaries of Amfarms' properties was in fact the property of the Pniel community.

7.2 **Conclusion regarding boundary disputes**

It is evident from the documents in our possession that Amfarms responded to the alleged boundary dispute by investigating the allegation and causing extensive research to be undertaken. In short, the results of this research were that Amfarms was satisfied that it lawfully owned all land as demarcated by the boundaries of Amfarms' properties.

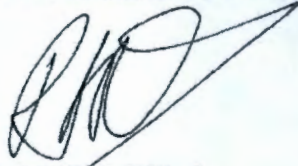
More recently, further research undertaken by Messrs. Friedlaender, Burger & Volkman which involved a survey of all land surrounding Pniel Village has confirmed the existing boundaries of the village. In addition, Messrs. Friedlaender, Burger & Volkman found no evidence to support the validity of the alleged discrepancy between the existing boundaries of Amfarms' properties and the land owned by the Pniel community. In this regard we attach hereto a copy of the letter dated 6 December 2005 from Messrs. Friedlaender, Burger & Volkman to Baumann & Winter (attached as Annexure "B" hereto).

DATED at CAPE TOWN on this 16th day of January 2006.

R.W. SUMMERS

More recently, further research undertaken by Messrs. Friedlaender, Burger & Volkman which involved a survey of all land surrounding Pniel Village has confirmed the existing boundaries of the village. In addition, Messrs. Friedlaender, Burger & Volkman found no evidence to support the validity of the alleged discrepancy between the existing boundaries of Amfarms' properties and the land owned by the Pniel community. In this regard we attach hereto a copy of the letter dated 6 December 2005 from Messrs. Friedlaender, Burger & Volkman to Baumann & Winter (attached as Annexure "B" hereto).

DATED at CAPE TOWN on this 16th day of January 2006.



R.W. SUMMERS

NICHOLAS SMITH & ASSOCIATES
Environmental Law Specialists

Baumann & Winter Heritage Consultants
Attention: Ms. Sarah Winter
Per fax: (021) 788 2871

Our ref: NDS/RWS/kb/B13-001
Your ref: Ms. S Winter

13 January 2006

Page 1 of 4 (including annexures)

Confidentiality notice: The information contained in this correspondence is intended for exclusive attention of the addressee. Disclosure or distribution of the information is prohibited. Please advise us immediately should you have received this correspondence in error.

Dear Sarah

RE: PROPOSED DEVELOPMENT OF FOUNDERS' ESTATES

I refer to the above and to our telephone conversation a few moments ago. Please find attached hereto, a copy of the letter dated 8 December 2005 from the Commission on Restitution of Land Rights (with annexures) which must be attached as Annexure "A" to the opinion I have prepared for the purposes of inclusion in the final HIA report.

Kind regards



RICHARD SUMMERS

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Nicholas Smith & Associates

N.D. Smith BA (Hons) LLB ADL LLM (Marine & Environmental Law)
Associate
S.I.F. Ndlovu BA (Law) LL.B LL.M (Marine & Environmental Law)
R.W. Summers BSecSci LL.B LL.M (Environmental Law)
Assisted by
N.J. Rubin BCom LL.B LL.M (Marine & Environmental Law)

ANNEXURE "A"



**COMMISSION ON RESTITUTION OF LAND RIGHTS
IKHOMISHANA YOKUBUYISELWA KWAMALUNGELO
OMHLABA**

**KHOMISHINI E MABAPI LE PUSEISO YA
DITSHWANELO TSA LEFATSHE**

KOMMISSIE OP HERSTEL VAN GRONDREGTE

Enquiries: Kholeka Ngonyama
Our ref: KRK6/1

**NICHOLAS SMITH & ASSOCIATES
P.O. BOX 619
CAPE TOWN
8000**

FAX: 021 424 5825

Dear Sir/Madam

RE: ALLEGED LAND RESTITUTION CLAIM IN RESPECT OF PROPERTIES OWNED BY BOSCHENDAL LIMITED, DWARS RIVER VALLEY [SEE ATTACHED LIST OF PROPERTIES]

We thank you for your e-mailed enquiry received on the 5 December 2005 w.r.t. Restitution claims against the above properties.

We have done a check on our database for the above-mentioned property and advise that no claims have been lodged on this property. However, the Commission hereby wishes to place on record the following:

Claims are lodged with the Commission in accordance with the historical and /or present property descriptions of the dispossessed properties and therefore may not match the current property descriptions as described by you in respect of the above-mentioned properties.

However, if the historical description of any of the above property has changed since 1913, or you are aware of any other local or official name by which it was then described or currently known, kindly supply us with such information so as to enable to do a further search.

Furthermore, the Regional Land Claims Commission: Western Cape has taken reasonable care to ensure the accuracy of the above-mentioned information, the Commission cannot be held accountable if, through the process of further investigation, additional information is found that contradicts this communication.

Yours faithfully

**REGIONAL LAND CLAIMS COMMISSION
WESTERN CAPE
DATE: 8/12/05**

In the Stellenbosch Municipality, Division of Paarl, Province of the Western Cape:	
"Rachelsfontein"	Portion 1 of the Farm 969, Paarl
	Farm No. 970, Paarl
	Farm No. 971, Paarl
"Rachelsfontein"	Farm No. 972, Paarl
"Rachelsfontein"	Portion 1 of Farm 973, Paarl
	Farm No 985, Paarl
"Rachelsfontein"	Remainder of Farm 991, Paarl
	Portion 2 of Farm (Factory Annex) 998, Paarl
"Lekkerwyn"	Remainder of Farm 997, Paarl
"Zandvliet"	Remainder of Farm 999, Paarl
"Rhonen" & "Lanquedoc"	Remainder of Farm 1173, Paarl
"Rhone"	Remainder of Farm 1174, Paarl
"Bossendal"	Remainder of Farm 1178, Paarl
"Bossendal"	Remainder of Farm 1179, Paarl
	Remainder of Farm 1180, Paarl
"Boschendal" & "Champagne"	Portion 1 of Farm 1180, Paarl
"Nieuwendorp"	Remainder of Farm 1184, Paarl
	Farm 1185, Paarl
	Farm 1186, Paarl
	Remainder of Farm 1187, Paarl
	Remainder of Farm 1183, Paarl
	Remainder of Farm 1188, Paarl
	Remainder of Farm 1189, Paarl
	Farm 1190, Paarl
	Farm 1191, Paarl
	Farm 1192, Paarl
"De Goede Hoop"	Remainder of Farm 1194, Paarl
"Good Hope" Annex	Remainder of Farm 1199, Paarl
"Good Hope" Annex	Farm 1286, Paarl
"Good Hope" Annex	Farm 1285, Paarl (Good Hope Annex C)
	Remainder of Farm 1201, Paarl
	Remainder of Farm 1340, Paarl
	Portion 3 of Farm 1631, Paarl
	Portion 5 of Farm 1631, Paarl
	Remainder of Farm 1632, Paarl
	Remainder of Farm 1647, Paarl
"York Vlaagte"	Portion 1 of Farm 1647, Paarl
"Simonsberg Private Nature Reserve"	Portion 1 of Farm 1647, Paarl
"Mountain Vineyards"	Portion 2 of Farm 1674, Paarl
"Rachelsfontein"	Portion 3 of Farm 1674, Paarl
"Excelsior"	Portion 4 of Farm 1674, Paarl
"Nieuwendorp"	Portion 5 of Farm 1674, Paarl

"Rhodes' Cottage"	Portion 6 of Farm 1674, Paarl
"Champagne"	Portion 7 of Farm 1674, Paarl
"Goede Hoop"	Portion 8 of Farm 1674, Paarl
"Droebaan"	Portion 9 of Farm 1674, Paarl
"Boschendal"	Portion 10 of Farm 1674, Paarl
"Thembaletu"	Portion 11 of Farm 1674, Paarl
"Le Rhone"	Portion 12 of Farm 1674, Paarl
"Groot Drakenstein Eco Precinct"	Portion 13 of Farm 1674, Paarl
	Remainder Erf 146, Pniel
	Erf 148, Pniel
	Erf 149, Pniel
"Old Bethlehem"	Remainder of Farm 153, Stellenbosch
"Old Bethlehem"	Portion 1 of Farm 153, Stellenbosch
"Old Bethlehem"	Portion 2 of Farm 153
"Old Bethlehem"	Portion 4 of Farm 153
"Old Bethlehem"	Portion 5 of Farm 153
"Old Bethlehem"	Portion 6 of Farm 153
"Old Bethlehem"	Portion 7 of Farm 153
"Old Bethlehem"	Portion 9 of Farm 153
"Old Bethlehem"	Portion 10 of Farm 153
"Old Bethlehem"	Portion 11 of Farm 153
"Old Bethlehem"	Portion 12 of Farm 153
"Old Bethlehem"	Portion 13 of Farm 153

From :

FAX No. :

Dec. 08 2005 12:20PM P01

ANNEXURE "B"

FRIEDLAENDER, BURGER & VOLKMANN

*Professional Land Surveyors • Sectional Title Consultants • Mapping Consultants
Professionals Landmeters • Deeltyl Konsultante • Kartering Konsultante*

6 December 2005

**NICOLAS BAUMANN AND SARAH WINTER
HERITAGE CONSULTANTS**

PER FAX: 7882871

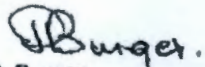
Dear Nicolas/Sarah

INVESTIGATION: LAND DISPUTE - PNIEL

I confirm that our firm has recently been involved with the survey of land surrounding the Pniel village. We have confirmed the majority of the boundaries around the village and we are not aware of any possible areas that could be subject to a land claim.

We have also recently assisted the Pniel Congregational Church in tracing the history of the land transactions that have created the Pniel Village. A presentation including all the documentation has been prepared for the Church. This could be made available to SAHRA in the new year once the church has endorsed the findings. This process did however confirmed the existing boundaries, and did not reveal any evidence of a land transaction that could lead to a land claim or a possible land dispute.

Yours faithfully



**D.P. Burger
Pp Friedlaender, Burger & Volkmann
Landmeters**

27 Church Street / Kerkstraat - TEL: 021 8654000, FAX: 021 8070900 - PO Box / Posbus 154, Steinkamp, 7700 - E-mail: info@friedlaender.com
Members / Partners: D.P. Burger, B.Sc (Land Surv.) P.L.(SA), M.P.P./J.L.P.P., M.J. Struwig, M.B. (Land Surv.) P.L.(SA), M.L.P./J.L.P.P.
In association with / In assosiasie met: H.J. Volkmann B.Sc (Land Surv.) P.L.(SA), M.L.P./J.L.P.P.

Appendix 12: Historical Chronology of Identified Themes
prepared in association with Sally Titlestad

HISTORICAL CHRONOLOGY

Prepared in association with Sally Titlestad, Historical Researcher

This section of the report provides a historical analytical framework for the identification, mapping and assessment of heritage resources. It draws mainly on previous historical, architectural and archaeological research undertaken in the study area and baseline studies undertaken for the purposes of this heritage assessment. These more detailed baseline studies are available in the following appendices:

- Appendix 13: Historical Timeline prepared by Tracey Randle.
- Appendix 14: Historical Spatial Chronology prepared by Sally Titlestad.
- Appendix 15: Built Form Chronology and Catalogue prepared by Aikman & Berman
- Appendix 16: Vegetation Chronology and Catalogue prepared by Aikman & Berman.
- Appendix 17: An Analysis of the Social Value of Heritage Resources in the Dwars River Valley prepared by Juanita Pastor-Makhurane.

This chronology has been spatialised on the accompanying maps.

Refer to Figure 15: Map of the Drakenstein Valley for the period 1650-1795

Refer to Figure 16: Diagram illustrating the consolidation of the cadastral boundary changes and land use in the Drakenstein Valley during the 19th century

Refer to Figure 17: Map of the Drakenstein Valley in the 19th century with SDG detail

Refer to Figure 18: Map of the Drakenstein Valley for the period 1896-1950

Refer to Figure 19: Built Form Chronology

It is acknowledged that there are gaps within the research material used as well as between the studies consulted. Where necessary, more detailed research will be undertaken during the broader EIA heritage assessment for the Residual Lands and Boschendal Development Precinct.

A study of the documentary and physical evidence relating to the key events/structures/activities/people/processes that have influenced the cultural landscape of the Dwars River Valley reveals the following broad chronological periods:

- Stone Age period (1.5 million to 2000 years ago)
- Herder period (from 2000 BP)
- Herder/Colonial contact period (from 1652)
- Colonial pioneer farming period (1689 – 1710)
- Agricultural "estate" formation period (1710 - 1790)
- Agricultural wealth and prosperity period (1795-1830)
- Agricultural decline and emancipation period (1830 – 1899)
- Rhodes Fruit Farms institutional and corporate capitalism period (1899 onwards) including
 - Apartheid period (1948 to 1994)
 - Democratic period (1994 onwards)

Marked changes and continuities are revealed in the following broad themes or patterns:

- Land use
- Landownership
- Access and movement
- Labour
- Social linkages and separations
- Built form
- Planting and cultivation

The abovementioned periods and patterns/themes should not be seen in isolation to one another but rather as a series of interrelated and interconnected layers of a complex cultural landscape. The advantage of this temporal/thematic approach as opposed to a linear chronology is its contribution to an understanding of heritage significance.

1. LAND USE

The following significant changes or continuities in the patterns of land use have occurred in the landscape over time:

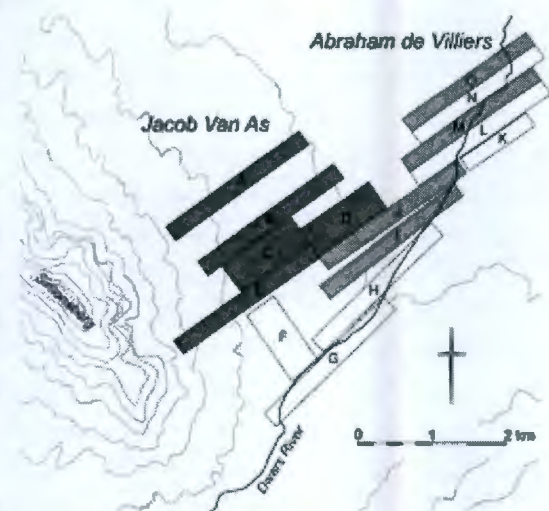
- A relatively ephemeral pattern of land use associated with the use of the Valley as a seasonal grazing ground and watering place by Khoikhoi herders from 2000 years ago until at least the end of the 18th century; and also as a site of contact and interaction between the colonial explorers, traders, hunters and settlers and the local Khoikhoi population from the 17th century.
- The establishment of an industrial mining settlement on the upper and lower slopes of the Simonsberg between 1743 and 1748. The footprint of this previous land use is still evident in the landscape in the form of mineshafts, ruins and tracks and has associations with local community history and memory.
- The establishment of an agricultural pattern of land use along the banks of the Berg and Dwars Rivers and foot slopes of the Simonsberg, which endured as the dominant pattern of land use for more than 300 years. This history is characterised by the following major trends and shifts:
 - A discontinuous, mixed pattern of subsistence agriculture (i.e. fruit, wine, grain, vegetable, livestock farming) during late 17th/early 18th century laid out in a series of thin, rectangular plots at right angles to the rivers and consisting of relatively simple farm buildings and kraals surrounded by clumps of trees, cultivated fields, windbreaks, irrigation furrows and pasturage for cattle and sheep. Outspans were established alongside the individual land grants as spaces for farmers to camp and water their livestock.
 - A growing emphasis on wine farming during the mid to late 18th century which culminated in a period of agricultural wealth and prosperity in the late 18th century/early 19th century. This period was associated with the expansion and consolidation of farmlands, increased land under cultivation, increased farm labour and associated lodging to accommodate the labour-intensive demands of wine production, and the full realisation of the classical Cape Dutch farmstead. By the end of 18th century/early 19th century, the landscape was characterised by the existence of relatively large agricultural estates producing wheat and/or wine and embedded with a collection of impressive farmsteads. It is a pattern, which dominated the landscape for more than 100 years.
 - A dramatic shift to large-scale funded fruit farming for processing and export in the late 19th/early 20th century including the consolidation of extensive farmland under the single corporate ownership of RFF. This was in response to a period of agricultural decline in the wine industry and infestation of vineyards at the Cape by phylloxera. This new intensified agricultural land use pattern associated with the fruit export industry lasted more than 100 years, the core of which survived until recently as Amfarms. The enduring impact of this shift on the landscape included the construction of a new agricultural related infrastructure, e.g. the railway line and station buildings, dams, roads, bridges, packing sheds and processing facilities. It included the restoration and renovation of the homesteads of the individual farms, the construction of new farm manager's houses, the building of additional farm workers houses in the form of cottage clusters and the planned village of Lanquedoc. It also included the development of secondary industries related to the fruit industry, e.g. the canning and jam factories, forestry and the sawmill. This development resulted in the establishment of an agro-industrial pattern of land use at the intersection of the R45 and the R301 around the Groot Drakenstein station. The railway had earlier been implemented as part of a Rhodes initiative.

- The diversification of the fruit farming industry from the 1970s onwards during the Amfarms period, including the establishment of a dairy at Werda and a piggery on the lower slopes of the Drakenstein Mountains. In recent years, Amfarms shifted its primary business to wine farming instead of fruit farming by planting new vineyards and the expansion of Rhone winery.
- The establishment of a village pattern of land use during the mid 19th century when the mission settlement of Pniel was established in 1843 and later during the early 20th century when the villages of Lanquedoc, Johannesdal and Kylemore were established along the banks of the Dwars River. The embedded nature of these villages within an agricultural landscape is a pattern that has endured over time. The pattern of subsistence agriculture, which the communities were largely dependent on to supplement their livelihoods as farm-workers and a tradition of fruit and vegetable farming by these communities lasted into the later years of the 20th century.
- The RFF period accompanied broad changes in the use of the land as individual farms were incorporated into a single ownership. However, the illusion of a pattern of individual ownership is sustained by the renovation and restoration of its various farm werfsⁱ.
- The establishment of a flourishing tourism industry, which was initiated by the opening of the restored Boschendal homestead in 1979 which was followed by restaurants and shops and which have over time offered a host of new job opportunities to people in the Valley. The Homestead was declared as a National Monument at this time.

2. LAND OWNERSHIP

The following significant changes and continuities in the cadastral pattern have occurred in the landscape over timeⁱⁱ:

- Cadastral patterning prior to the 17th century did not exist, as the concept of land ownership was in conflict with patterns of land use prior to colonial settlement.
- A strong cadastral pattern was established in the late 17th century, with land grants being equal in size and lying across the landscape, incorporating access to rivers, arable land and pasture land. The differentiation of privately owned land from public land was explicit.ⁱⁱⁱ
 - Social aspects of land ownership and the expansion of wealth within certain families began early. The figure alongside illustrates land held within two families in the late 17th early 18th centuries (Lucas, 2004:77)
 - The families who accumulated land early tended to endure, acquire more wealth and tended to have some social links with influential officials^{iv}. When van As died in the smallpox epidemic of 1713, de Villiers acquired his land, and the de Villiers family continued to extend their landholdings well into the late 19th century.
- Freehold land grants in the colony ended in 1713.^v Land that had already been granted could continue to change hands, but the cadastral pattern was cast and remained stable for the next 100 years.
- Significant changes to this pattern began to occur early in the 19th century^{vi}
 - Incorporation of available common land into existing land parcels in the form of quitrent land occurred in the Valley from 1813 and altered the cadastral pattern, but the nature of the tenure ensured the endurance of the original cadastral imprints on the landscape^{vii}.



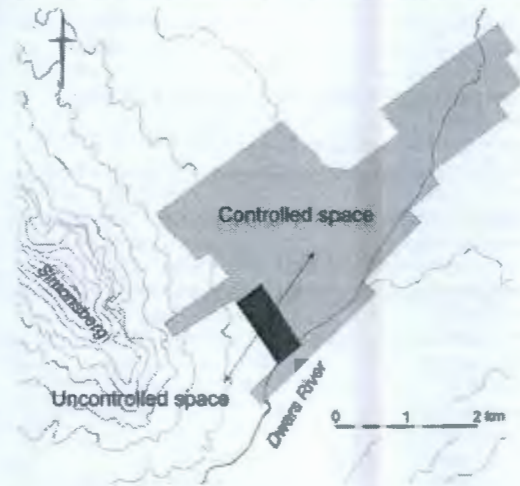
- Applications for the granting of outspans to individual landholders (the *nature* of tenure held at that time being unclear) transferred dedicated public land to private use in the 1870's, thereby increasing private landholding and effectively removing large tracts of dedicated public ground.^{viii}
- The social aspects of these transactions followed previous patterns in land accumulation, and both sets of outspan were granted to individuals who had already accumulated large tracts of land in the Valley.
- All of the above aspects are illustrated in Figure 13. This diagram is a consolidation of 19th century Surveyor General's Diagrams where land was privately requested, and indicates clearly the changes from previous forms of land holding^{ix}.
- Establishment of labour settlements began to change the cadastral pattern significantly in certain marginal portions of land in the Valley. Papiermolen (a previous subdivision of Good Hope), whose owners had become insolvent was purchased for the establishment of a labour settlement, and was accompanied by the approximately simultaneous acquisition of the land that later that century became Johannesdal and Kylemore.
- Establishment and control of Pniel mission station at the time of slave emancipation followed the established pattern of social links to officials^x.
- The consolidation of 29 land parcels into effectively a single landholding (although the cadastral definitions were not altered) occurred in four periods over the 20th century and introduced corporate capitalism which totally altered the nature of life in the Valley and eventually the cadastral pattern^{xi}.
 - The early period (1896 – 1902) in which Rhodes and his agent, Michell, advised by Pickstone, selected and purchased viable farms in the Valley. Rhodes and De Beers Diamond mines provided capital for the project, and Pickstone directed farming operations until 1903^{xii}. Farms acquired were Boschendal, Rhone, De Goede Hoop, La Motte, Doornbosch, Welgegund, Zondernaam, La Pasis, Watergat, Meerrust, Delta, Lekkerwyn (later to Pickstone), Werda, Eenzaamheid, Nieuwe Dorp, Papiermolen, Weltevreden, Bien Donne (after April 1902, and later went to government), De Kleine Bergrivier, Vrijburg, Waterrant, Franschmanskraal; in Stellenbosch Noodgedagt, Koelenhof, Upper Vredenburg and a portion of Libertas; in Tulbagh, Rhone.^{xiii}
 - Rhodes Fruit Farms (the Rhodes Trust, Alfred Beit and De Beers Diamond Mines) was formed in 1902 as a subsidiary of De Beers Diamond Mines, and administered the farms between 1902 and 1937, during which time the land incorporating the silvermine was purchased.^{xiv}
 - In 1937 Abe Bailey (a friend of Rhodes') purchased RFF, and upon his death in 1941 it was sold to a syndicate.^{xv}
 - The syndicate period (1941-1969) during which notably Bethlehem was acquired, already subdivided in 1952/3 although the subdivisions remained held by RFF.
 - From 1969 RFF became Anglo American Farms (1969 – 2003), originally established by Rhodes and De Beers Diamond Mines. During this period, some additional landholdings were acquired, most notably additional portions of Rachelsfontein.
- The mountain lands above Nieuwedorp and Bethlehem were designated nature reserves in 1997, i.e. the Simonsberg and Drakenstein Nature Reserves^{xvi}.
- The cadastral changes undertaken by Amfarms towards the end of the 20th century created an entirely different set of cadastral patterns than had previously existed. However, markers of the historical land grants have still endured in places.

3. ACCESS AND MOVEMENT

The following significant changes and continuities in the patterns of access and movement through and within the landscape have occurred over time:

- Patterns of movement and access prior to colonization were ephemeral and record keeping produced a bias in the identification of these^{xvii}.

- The Valley was a site of contact and interaction between early colonial explorers, traders, hunters and the local Khoikhoi population from c1650's^{xviii}.
- Movement through the Valley in the 17th century followed a network of wagon routes between places. A wagon road from Stellenbosch through the Valley via homesteads towards Franschhoek was established early and was met by another between Paarl and Franschhoek. The location of this wagon road below the homestead at Bethlehem is gained from early surveyors diagrams and endured well into the 19th century. This route was later superseded by the formalisation of the R310.
 - Access to land and movement across the landscape became cadastrally defined and was located between and outside privately held lands.
 - The identification of the corresponding controlled and uncontrolled space across this section of the Valley is illustrated by Lucas (2004:141) in the accompanying diagram^{xx}.
- Additions to the enduring movement routes occurred in the 19th century and an alternate (shorter) wagon route was established in keeping with British colonial concerns for efficient transport and travel. A route linking farms across the Simonsberg slopes is evident on the historical diagrams. Further clarity is required regarding the existence of a possible servitude across Nieuwedorp and Rachelsfontein.
- Patterns of access were radically altered by the establishment of labour settlements (emancipation) and by the privatization of public land (the outspans) in the 19th century, leaving reduced access to land outside of private ownership and control. RFF ownership reinforced control of access across their lands^{xx}.
 - A primary movement network linking the farm-working communities and providing access to land outside the perceived area of control persisted and was refined over time.
 - A finer grained domestic network was established around and within farm-working settlements.
- A network of routes across the landscape developed over time linking the villages of Kylemore, Johannesdal, Lanquedoc, Pniel and Lubeck. One of these routes is located on a similar alignment to the old wagon route to the south-east of the Dwars River, which until recently served to link the communities of Lanquedoc and Lubeck. Another such route links Kylemore, Lanquedoc and Pniel.^{xxi} Primary historical research indicates a "public route" on a similar alignment to the track linking Kylemore and Lubeck along the lower slopes of the Drakenstein but that this route swings in an easterly direction and links with the R45 in the vicinity of L'Omarins. The existence of rights attached to portions of this route needs to be investigated.
- New roads and railway was built in 1904, and while the location of the road does not deviate significantly from the enduring pattern its implementation allowed more speedy access to the Valley from surrounding areas.
- The establishment of the railway allowed transporting of larger volumes of goods into and out of the Valley as well as establishing a mechanism of public transport and mobility not previously available.
- The soft edges of access across the natural landscape of mountain and rivers has been consistently hardened over time with the growth of corporate capitalism, and the extension of access controls to increasing volumes of previously uncontrolled ground.
 - The enduring cultural use of land along the mountainside was increasingly restricted by the company in the latter decades of the 20th century, at times creating tension between company and community^{xxii}.



4. LABOUR

The following significant changes or continuities in the patterns of labour practice have occurred in the landscape over time^{xxiii}:

- Most of the farmers in the Drakenstein began with no slaves and acquired increasing numbers of slaves as they began to achieve measures of social success themselves^{xxiv}.
- In the 17th century there is little or no material recognition of the existence or the lives of labourers in the Valley, and the only recognition thereof are the scant records of farmers disciplined by the VOC for mistreating labourers. By 1700, 80 slaves were registered in the Valley^{xxv}.
- The first major changes in labour practice are evidenced by the building of slave lodges on the larger farms^{xxvi}. These include Boschendal, Rhone and Goede Hoop.
- A strong labour force was accumulated in the Valley over time and accessible traces of individuals in this system can be linked to changes that occurred in the registration and monitoring of slaves that began in 1816 in association with changes in the oceanic slave trade.
- The invisibility of labour up to that time requires primary research, and itself constitutes a comment on early labour practices and the hierarchies of access to opportunity that have endured throughout the history of this Valley.
- Major shifts in labour practice began early in the 19th century accompanying the abolition of the oceanic slave trade and altered the previously enduring patterns of labour permanently^{xxvii}.
 - Legislation required the registration of slaves and Khoikhoi labourers
 - Emancipation was directly responsible for the establishment of Pniel and later Johannesdal and Kylemore.
 - Religious requirements associated with mission settlement effectively rid the Valley of those ex slaves that were Muslim by depriving them of access to accommodation.
 - The possible illicit occupation of buildings at the silvermine by freed slaves is recorded.^{xxviii}
- The establishment of labour settlements produced the first clear layers of labour in relation to landscape, as housing became fixed, and communities began to develop that were slightly more independent from farm owners^{xxix}.
 - Family was and is still important in Pniel and the significance of the household for the ex-slave community cannot be over-emphasized. The houses they built came to be the primary arena in which family life was constructed and new identities articulated – inflected as it was by the conditions of labour to which they were still bound. The family and the household became a means and context in which an identity was forged effacing their slave past and creating a new future^{xxx}.
 - Labour practices underwent radical change with emancipation, and the crisis attenuating adaptation to market labour took decades to resolve^{xxxi}.
- Paternalism bearing racial undertones in the accommodation of people at Pniel embedded the trends of segregation occurring in the colony into the Valley by spatialising racial separation^{xxxii}.
- By the end of the 19th century Pniel was already a close-knit and religious community, which soon provided a reliable and steady service to RFF and the fruit industry^{xxxiii}.
- RFF/Amfarms has provided employment to local people for over the past century and strong family ties with the company have developed. The fruit industry offered employment for some and stimulated entrepreneurial skills in others who took up market gardening, became fruit vendors or entered the fruit transport industry^{xxxiv}.
- In the 20th century, with the advent of corporate capitalism, labour practices and their impact on the landscape once again underwent radical change although class distinctions and hierarchies (social, racial, and job grade) established early in the Valley persisted^{xxxv}.
 - The consolidation of landholdings led to the construction of Lanquedoc in the early 20th century. The opening of the cannery and jam factory and existing housing needs contributed to its development. The construction of housing at Lanquedoc occurred in the early 20th century

(designed by Herbert Baker). The settlement was expanded in the 1940's, again in the 1960's and more recently in 2001^{xxxvi}.

- The settlements of Kylemore and Johannesdal were established.^{xxxvii}. Many of these inhabitants had family connections with Pniel^{xxxviii}.
- The growth of the fruit industry created additional seasonal and permanent employment opportunities. This resulted in the employment of labour from other fruit growing areas, e.g. from Stellenbosch, Worcester, Robertson, Ceres and Grabouw^{xxxix}.
- By the 1940's many of the labourers were (male) migrant workers from the Eastern Cape. Some Black labour was housed at Uilkraal (below Boschendal) which accommodated family housing from the 1980s. As the necessities of production increased labour demands and produced the concomitant need to control the location and access of labourers, a migrant labour hostel was built in 1974^{xl}.
- Between 1927 and 1949 under De Beers' management of the farming operation, Appleyard increased the number of workers houses from some 100 to "several hundred", a post office, shop, soup kitchen and two clinics were built in addition to 'a school for the coloured people'^{xli}. See Built Form for assessment of housing typologies.
- In 1968 Pniel was declared a 'Rural Coloured Area' in terms of the Group Areas Act. It was probably at this time that Johannesdal and Kylemore were similarly declared in terms of the Group Areas Act.
- In the 1970's the planning and establishment of cottage clusters (for 'Coloured' workers) and the later erection of "Bantu dormitories" in the form of Thembaletu (for Black workers) continued the traditions of racial separation and class segregation within and between labourers^{xlii}.
- Parallel to this, segregation and hierarchy in the housing of employees occurred in terms of rank (manager versus farm-worker), status (temporary or seasonal versus permanent), race (white, coloured or black) and sector (diary, forestry, piggery, cannery or fruit farming)^{xliii}.
- The promotion of some workers to lower and middle management positions with differential housing allocations continued the traditions of establishing hierarchies within the workers community, ensuring that company controls were implemented within and outside working hours and spaces^{xliv}.
- Racial segregation in the provision of housing and services to Xhosa workers is evident from the 1940s. After the late 1960s there was a large increase in a migrant Black population from the Eastern Cape. Black labour was generally employed in the industries started by Amfarms after 1969, namely in the dairy at Werda and York piggery on the southern bank of the Dwars River Valley. Housing for employees within each of these different sectors generally followed this pattern of segregation^{xlv}. This served a secondary role of entrenching racial boundaries and the class differentiations between unskilled, semi-skilled, skilled and management level labourers^{xlvi}.
- The demolition of 'native rondavels', the 'native village' and 'native shacks' which had been present on the landscape prior to the 1960's, presents another layer of intervention to shape the impact of labour on the landscape^{xlvii}.
- The Pniel community (being the oldest) began during this time to expand physically and to develop an independence from the corporate controls, which has consolidated post-apartheid into a stronger sense of autonomous existence^{xlviii}. The relationship of dependence between community and employer has partly been loosened by the introduction of municipal services^{xlix}.
- Increasing demands for seasonal unskilled labour was met by employing family members of permanent staff locally, and when this could no longer meet the labour demands cheap migrant labour from the Transkei was used. The impact on the farming operation and the landscape was transitory, as these labourers were imported for harvesting season only, and therefore made little more demand on the company or the landscape than their temporary accommodation required.
- In recent years, seasonal labour has been able to be acquired from the expanded settlements of Mbekweni (Paarl) and Kayamnandi (Stellenbosch)^l.

- Labourer's access to public amenities is very recent, e.g. the first house in Pniel had electricity in 1920s, most only much later. Piped water to communal taps in Pniel was introduced in the early 20th century. Piping direct to homes occurred much later. Until the mid 20th century, most residents of Pniel relied on food produce by themselves on their allotments. Municipal services such as refuse removal began as late as the 1980'sⁱⁱ.
- In 1983 the first Xhosa speaking school (Nondzame) was established at Uilkraalⁱⁱⁱ.
- The emerging democratic legal framework aimed at land reform and the reformation of labour practice had major impacts for the company and its employees. These included the negotiation of retrenchments and the facilitation of access to land and housing for employees who qualifiedⁱⁱⁱ. The Lanquedoc home ownership project was undertaken as a Land Reform Project under the auspices of the Department of Land Affairs in collaboration with Amfarms and the Boland District Council.
 - The implications of this included the resettlement of all labourers from the cottage clusters and the boarding up of these previous community settlements.
 - One of the unforeseen impacts of this process of reform has been the experience of dislocation of community, the cessation of contract labour and its social fabric, and an increase in social problems and tensions new to Lanquedoc. Another is that the nature of settlement and community across the entire agricultural operation that was RFF has been irrevocably altered^{liv}.
- The recent construction of new houses at Lanquedoc to accommodate an additional 400 families has changed the nature of the existing Lanquedoc community.^{lv} It has also changed the latter of labour settlement across the Valley^{lvi}.
 - The movement of labour from the farm based housing to Lanquedoc has caused a loss of social cohesion which existed within housing clusters, loss of amenity, and loss of access to land for farm gardens and tending small livestock^{lvii}.
 - The shifts in labour conditions, resulting largely from voluntary severance packages, have resulted in a loss of economic stability for household members who were seasonally employed as well as for those who were permanently employed on the farms^{lviii}.

5. SOCIAL LINKAGES AND DIVISIONS

The following significant changes or continuities in the patterns of social linkages and social divisions have occurred in the landscape over time:

- Land-owners and farm workers:
 - The underlying and most enduring pattern of linkage and disjuncture is the early establishment of significant division between land owners and land workers, inherent in which was the over-writing of all indigenous forms of land use and the indigenous people with the advent of Colonial settlement^{lix}.
 - This was based in the 17th century conundrum surrounding the contradictions between the stated intentions of the VOC to establish a victualing station, and the actions of the officials by granting land to private ownership and the subsequent beginning of Colonial settlement^{lx}.
 - The VOC intention to create a colonial settlement within the Dwars River Valley, and the granting of lands for productive agricultural use to those individuals who had made successful attempts to farm, supported both the accumulation of wealth and the ownership of the means to production (i.e. slaves), hereby setting in motion a distinctive pattern of social linkages and social divisions^{lxi}.
 - The establishment of a 'dominant class' holding social and official access to power, and accumulating wealth established a hierarchy differentiating access to opportunity and power in the late 17th century which endures and influences many aspects of social transaction in the Valley^{lxii}.
 - The social cohesion between early farmers was a necessity^{lxiii}. The links formed between land owners and the division between owners and workers became a means of racial separation in the

- 19th century, and this division endures and is clearly expressed in the landscape cadastrally. Property sizes and their proximity to one another clearly express the cohesions and divisions^{biv}.
- The links and divisions that were entrenched mutually reinforced a sense of historical community and established patterns of entitlement and lack thereof. The 1911 court case for land title is an example of the contestation of these divisions^{bv}.
 - The differentiation of private from public became based on access to the ability to negotiate private space and private lives. This option was largely unavailable to those who did not own large tracts of private land.
- Differential access to opportunity and power:
 - This pattern, which is evident across the landscape, has its roots in the conceptual influences of divisions created early in the history of the Valley. It has been fed by issues of land ownership, segregation in labour practices and the paternalistic relationships of employees to employers upon whom they are dependant for their economic survival.
 - The manner in which differential access to opportunity has functioned has changed over time. The most marked change that occurred was from multiple employers to the single corporate employment entity of the last century (namely RFF / Amfarms).
 - Prior to 1896, the multiple employers would have individually differed in the ways in which opportunity was available to workers.
 - Segregation in labour practices and service provision:
 - The invisibility of labour in relation to landscape prior to slave emancipation in the 1830's points to the entrenchment of paternalistic relationships between master and servant. This is further attested to in the number of complaints about accessibility of labour post emancipation, and the extensive use made of Khoikhoi labour where less controls were applicable^{bvi}.
 - Paternalism bearing racial undertones in the accommodation of people at Pniel embedded the trends of segregation occurring in the colony into the Valley by spatialising racial separation^{bvii}.
 - Establishment of Pniel, Lanquedoc, Johannesdal and Kylemore provided an accessible labour base for agricultural production in the Valley and is evidence of the separation of labour from farm owners. It also provides evidence in the landscape of differential service provision.
 - Segregation between workers and a hierarchy in the housing of employees occurred in terms of rank (manager versus farm-worker), status (temporary versus permanent), race (white, coloured or black) and sector (diary, forestry, piggery, cannery or fruit farming)^{bviii}.
 - The promotion of some workers to lower and middle management positions with differential housing allocations continued the traditions of establishing hierarchies within the workers community, ensuring that company controls were implemented within and outside working hours and spaces^{bx}.
 - The settlement of workers in housing clusters according to work sector entrenched the divisions between different groups of workers.
 - Racial segregation in the provision of housing and services to Xhosa workers was evident from the 1940s (prior to the implementation of Apartheid policy), and became more pronounced after the 1960s when there was a large increase in the migrant Black population from the Eastern Cape.
 - Black labour was generally employed in the unskilled and semi-skilled positions, namely in the dairy at Werda and York piggery on the southern bank of the Dwars River Valley, and housed from the 1970's in Thembaletu migrant labour hostel^{bx}.
 - Provision of housing for employees within the different sectors generally followed this pattern of segregation^{boxi}. This served a secondary role of entrenching racial boundaries and the class differentiations between unskilled, semi-skilled, skilled and management level employees^{boxii}.
 - Segregation in services is evidenced by the first Xhosa School being built in 1983, while Afrikaans schools for labourers children had been established at the outset of the Pniel Mission Station^{boxiii}.

- The resettlement of all workers from farm housing has further entrenched the divisions between workers and between the various labour settlements, while being offset by individual home ownership. This has further reinforced the enduring pattern of guarded hierarchical identities within the Valley and has embedded the long standing social divisions between the settlements.
- **Articulation of Identity:**
 - 17th century articulation of identity was fluid and ephemeral. The accumulation of capital began to create divisions and the need to articulate identity more definitively. The Dutch/French/Slave/Khoi identities and differences were prominent.
 - The 19th century introduction of British gentry necessitated adjustment, and created both cohesion and division from previous identities and between groups.
 - The heart of the development of Afrikanerdom was in Paarl and represented a protest against the British exclusion of farmers from access to economic power^{boxiv}.
 - The introduction of Rhodes and the RFF overwrote previous identities and group cohesion, rendering the elite of the Valley English, and the growing number of workers largely Afrikaans and Xhosa.
 - Xhosa identity articulation in the Valley has remained tenuous due to the majority of Xhosa workers being migrants, and the lack of available amenity to this group of labourers. This enduring division between labouring groups has been recently overcome by removing the temporary employment status of migrant workers which in turn qualified them for property ownership in the Lanquedoc homeownership scheme.^{boxv}

6. BUILT FORM

The significant changes or continuities in the patterns of built form, which have occurred in the landscape over time, are outlined below. The built form typology evident in the landscape includes the following^{boxvi}:

- Farmstead or farm werf
- Village
- Farm housing
- Farm manager's housing
- Farm buildings
- Industrial complexes
- Earthworks, e.g. quarries and mine shafts
- Routes and paths
- Burial places
- Gateways and gates
- Waterworks and drainage channels, e.g. dams and furrows

The chronology below mentions only the main built form typologies, i.e. farm werf, village, farm-workers' housing, farm managers' housing, farm buildings and industrial complexes.

Each era saw the development of a new built form typology in the Valley. Prior to the Victorian era the standard building form consisted of a 6m wide thatched building with end gables. Important buildings had a characteristic decorated central gable. These structures were used as dwellings, stables, cellars, slave quarters, etc. They were modified and extended and over time could be used for different purposes. It resulted in an enduring and harmonious built form, which could be configured in a number of ways such as the letter of alphabet forms (U, H L and T, etc). This early Cape model was far more flexible and adaptable than the later and more "advanced" building forms, brought about by "advanced" building technology and materials^{boxvii}.

6.1 Farmstead or farm werf:

The development of the farmstead or farm werf tradition within the Dwars River Valley can be traced in terms of the following chronology:

- Small timber structures of the late 17th century and associated with the early pioneer farmers. These structures were called *kapstylehuises* or *timmerage*. No known remaining physical evidence of these structures has been recorded^{boxviii}.
- More substantial rectangular thatched two- or three- bay structures or longhouses of the early 18th century constructed either completely of stone or with stone footings and mudbrick walls. These early structures were generally demolished or incorporated into later structures, e.g. at Goede Hoop and Boschendal^{boxix}. A characteristic feature of these early dwellings and which endured to become the norm until the early 20th century was the maximum 6m width of the building module^{boxx}.
- Buildings reflecting the wider architectural changes sweeping the Cape in the mid to late 1800s and which saw the emergence of the Cape Dutch style, i.e. a "L", "T" and "H" plan form, symmetrical façade with a central door and flanking windows, central voorhuis and central gable. In the country districts like to Dwars River Valley, it was the "T" and later the "H" which became the norm^{boxxi}. ..
- Building interventions associated with the late 18th/early 19th century wine boom including the extensive remodelling or demolition of earlier structures and the addition of functional and decorative elements, e.g. enclosing wall, slave lodge, wine cellar, mill house, etc. It was during this period that most of the impressive farm werfs were constructed at the Cape. It was these elements and classical principles employed in the location, planting, layout, form and decoration that transformed the werf into an ordered, hierarchical, symmetrical, axial space reflecting the status of an established landed gentry and an increasing social-differentiation within the burgher population. They illustrate the full realisation of the Cape farmstead tradition^{boxxii}. Most of the standing buildings within the Dwars River Valley were constructed during this period, e.g. Boschendal and Rhone, though they also have evidence of earlier structures. However, various degrees of symmetry are evident ranging from relatively unstructured, e.g. Bethlehem, to the semi-structured, e.g. Goede Hoop with its off axis stable block. The ordered werf of Rhone and formal quality of Boschendal exemplify the highly structured werf. The range of central gable styles is also wide with the simple dormer 'leg of mutton' gable of Goede Hoop to the curvilinear types of Lekkerwyn and Meerust, and the neo-classical gables at Rhone and Boschendal^{boxxiii}.
- The influence of an English style of architecture from the mid to late 1800s, e.g. the narrowing of the central hallway, replacement sash windows and new decorative features. Some buildings with the Valley represent a hybrid of English and Cape Dutch styles, e.g. the farm manager's house at Goede Hope^{boxxiv}. During the second half of the 19th century industrially produced building materials from Europe and North America began to be used, e.g. corrugated iron, mass-produced joinery and cast iron^{boxxv}.
- Extensive renovation of many of the historical werfs during the early 20th century after they were incorporated into RFF. When buying up the farms in the Drakenstein, Rhodes requested that preference be given to those farms with the more beautiful and impressive homesteads, which not only reflected his admiration for Cape Dutch architecture but a desire to conserve a continuity with the past and the notion of individual farms rather than a landscape of corporate ownership^{boxxvi}. RFF owned farmsteads subject to internal and external changes in the early 20th century included Boschendal, Goede Hoop, Rhone, Weltevreden, Bethlehem, Watergat, Bien Donne, Nieuwedorp, Delta and Lekkerwijn. Herbert Baker, a close associate of Rhodes, admirer of Cape Dutch architecture and follower of the Arts & Crafts Movement, was responsible for much of this work. He was also responsible for a number of other architectural projects in the Valley including changes to the Priel Church, the design of the St Georges Church and the design of village of Lanquedoc^{boxxvii}.

6.2 Village

The major physical consequence of emancipation was that two entirely new forms of settlement were introduced to house farm labour, i.e. the village and cottage cluster. The first of these forms to be discussed the village, the chronology of which can be traced in terms of the following:

- The emergence of a village form dates from the mid-19th century with the establishment of the mission settlement of Pniel in c 1843. The overarching characteristics of its built form include the following:
 - An embedded settlement form in relation to a mountain backdrop, sloping topography, riverine corridor and agricultural setting and in terms of possessing distinctive edge conditions and sense of fit and scale within this landscape.
 - The arrangement of plots around a central focal point, i.e. the church and werf and its role reflecting a strong social and religious order.
 - A sense of connectedness within the overall landscape through a hierarchy of perceptual, visual-spatial and physical linkages between the village and its surrounding landscape setting.
 - A historical building form comprising simple rectangular plan forms, sometimes with a back room creating a "T" or "L", a double-pitched roof, symmetrical front façade and front stoep.
- Villages emerging in the Valley during the early 20th century included Johannesburg, Kylemore and Lanquedoc. Similarly to Pniel, these settlements remained largely embedded within and subservient to an agricultural and natural landscape in terms of their orientation and layout, edge conditions, sense of scale and a system of linkages. Similarly to Pniel in the case of Lanquedoc, its linear form enters into a central social or religious space. However, recent large-scale expansion of this village has dramatically broken with its distinctive pattern.

6.3 Farm-workers' Housing

The second form of farm workers' housing to emerge during the post-emancipation period is the cottage cluster. This form of housing continued until the later decades of the 20th century, during which time the hostel type housing had also been established. The chronology of these housing forms can be traced in terms of the following:

- A shift from slave labour being housed either within the homestead or one of its outbuildings to being housed in a purpose built slave lodge occurred during the period of agricultural prosperity and increased slave labour in late-18th/early 19th century, e.g. the slave lodge at Boschendal ^{bxxxviii}.
- A shift towards the housing of farm labour in cottages away from the farmstead occurred during the post emancipation period. Few of these mid to late 19th century structures still remain. One possible grouping is located on the farm of Goede Hoop. Another grouping is located along the approach road to the Boschendal farmstead. The typical cottage of the mid-late 19th century was a narrow two-bayed thatch structure with a large projecting hearth and chimney at one end. Thatch was later replaced with corrugated iron. The cottages dating from this period were typically arranged in a linear pattern ^{bxxxix}.
- As previously discussed, a shift to the village form first occurred with the establishment of mission settlement of Pniel in c 1843, and again in the early 20th century with the establishment of Lanquedoc, Johannesburg and Kylemore. Of significance is Baker design of the Lanquedoc cottages. The village was conceived at the time when the concepts of suburban "garden villages" and industrial housing were only just beginning to emerge. The houses are well proportioned yet functional, reflecting Baker's combined interests in Cape Dutch architecture and the Arts & Crafts movement. In some ways Lanquedoc was a hybrid between the linear cottage cluster of the mid-late 19th century and the village of Pniel^{xc}.
- From the late 1920s to the late 1940s, a growing demand for labour resulted in an expansion of farm-workers housing on RFF from about a 100 to several hundred houses. Those cottage clusters

constructed pre 1949 ranged in size from 2 to 10 units either in paired, linear or informal arrangement. Those cottage clusters constructed during the 1970s and 1980s were larger in numbers including as many as 30 units, typically grouped in three around a central communal space.^{xci} More recent cottages dating to the 1970s and 1980s have taken the form of a stripped box-like utilitarian structure with a low-pitched roof and little or no detail^{xci}. The place names associated with the various cottage clusters include Droebaam, Excelsior/ Maholeni, Seven Steps, De Aar, Kakamas Dorp and Rachelsfontein.^{xciii}

- During the 1940s an increasing number of Black migrant workers from the Eastern Cape were employed by RFF. But the employment of Black migrant workers occurred in large numbers after 1969 under Amfarms. The housing of farm-workers appears to have been increasingly racially segregated in keeping with the times and the law and differentiated during between the 1970s and 80s. While housing for Black labourers was provided in the form of "native rondawels" or cottages dotted across the landscape, in the 1970s separate "Bantu dormitories" were established. The first hostel for Black (male) migrant labourers was designed on the southern bank of the Dwars River and became known as Thembaletu^{xciv}. At a similar time, a smaller establishment for Black labour was built at Uilkraal just below the Boschendal farmstead. It was at Uilkraal that a separate Xhosa-speaking school established in 1983. In more recent decades, during the 1980s and 1990s Black families were accommodated in the newly built cottage clusters, e.g. at Excelsior and at Droebaam^{xcv}.
- A recent dramatic shift in farm-workers housing has been the move of its families and communities to the new homeownership project at Lanquedoc. This shift reflects the emerging democratic legal framework aimed at providing security of land tenure for farm workers. Amfarms donated the land and financially contributed towards the Lanquedoc homeownership project, a project undertaken under the auspices of the Department of Land Affairs to provide first-time homeownership for its employees. Most of the farm-workers housing on the farms is now vacant, boarded up and planned for demolition.

6.4 Farm Manager's Housing

The concept of the farm manager's house was introduced during the RFF period. While the farm labourers lived in the new village of Lanquedoc and Pniel, the management and administrative staff lived in the former homesteads, particularly Goede Hoop, which for most part of the 20th century was used as the official residence of the managing director of RFF/Amfarms^{xcvi}.

Baker established the prototypical farm-manager's house, Champagne, in his Cape Revival style, with its curvilinear gables and Cape vernacular detail. This free standing building form has been built over the years in whatever style was popular at the time. There are examples of Arts and Crafts, Art Deco, face brick and stripped Cape style of the 1970s. These are all similar to examples in any middle class suburban environment in the Cape. There are stand-alone manager's houses relating to upper management level, e.g. Mountain Vineyards, as well as rows or groups housing forming conventional suburban settings, albeit in a larger rural context, and relating to middle management level, e.g. Cannery Row^{xcvii}

There are two main characteristic styles of farm manager's houses, firstly, the highly particular Baker Cape style and secondly, the later circa 1970s generic stripped plain Cape style. The post Baker houses are generally low-key, low impact, modest background buildings of little architectural merit^{xcviii}.

6.5 Industrial Complexes

The chronology of an industrial built form can be traced back to the mid 18th century when the Simonsberg was mined for precious metals, predominantly for the purposes of extracting silver. A series

of mine shafts were dug into the mountainside. Related to this is a major complex of settlement ruins including the foreman's house, storerooms, 2 smelting ovens and or/smithy, labourer's quarters and a kraal. A smaller group of ruins located much further down the slope and behind the Goede Hoop farm werf. Consisting of 5 separate structures built of stone including a large 'mill' structure and an annexe, another possible small structure, and then above it on a promontory, a domestic building and associated smaller structure dating to the 19th century. The mining operation was abandoned by 1748.

Besides evidence for a mill at Goede Hoop and at Nieuwedorp during the mid 19th century, further industrial activity only occurred in the Valley in the early and later 20th century. Intensive commercial forestry and fruit farming as well as mechanisation led to a range of new structural forms appearing in the Dwars River Valley, including structures to process the produce and house the staff. The development of a factory precinct, i.e. fruit canning factory, packing sheds, jam factory and saw mill, at the junction of the R45, the railway and the R301 provided the necessary infrastructure to diversify and exploit the produce optimally^{xcix}.

Other industrial activities range from those directly related to agricultural activity like the cellar and winery at Rhone to indirectly related activities, e.g. the sawmill that manufactured wood wool, boxes and pallets for fruit.

The railway also brought with its new railway architecture, e.g. new station building at Simondium, designed by Baker, cottages for railway workers, goods sheds and marshalling yards and the associated cannery and jam factory^c

6.6 Social infrastructure

Over the last 150 years, a number of social institutions were established in the Dwars River Valley to serve a layered and diverse, existing and newly emerging society. This is reflected in its schools, churches, sports fields, each serving a highly differentiated community. Landmark social facilities included the mission church of Pniel and the two Baker-designed churches, the St Giles Church in Lanquedoc and the St Georges Church adjacent to the R45. These early 20th century churches reflect the Garden City movement in the UK, i.e. a function of capital and private social facilities for the workers.

Despite Bakers use of a Cape Revival style for his church buildings, in some instances he adopted a traditional English style in sandstone. Related to this is the fact that a new English community affiliated to RFF and with their own Baker-designed Church, was established at this time in the Valley.^{ci}

Besides its churches and schools, until fairly recently limited social facilities were formally provided for in the villages of Kylemore, Pniel and Lanquedoc although Pniel and Lanquedoc had sportsfields for some time. The privately owned swimming places along the Dwars River and the mountain slopes therefore provided recreational or leisure spaces for the community. In this way the mountain and riverine landscapes played a significant role in the emotional and social development of these communities^{cii}.

6.7 Farm Buildings

During the mid 20th century, a number of shed-like structures were built used for workshops, storage and garages, etc. Earlier structures would have been 6m wide generic barn form.^{ciii} More recent structures, embodying industrial building technologies often have disruptive visual qualities. They have a more ad hoc arrangement than earlier structures, which were tied into the werf.

7. PLANTING AND CULTIVATION

The following significant changes or continuities in the patterns of planting have occurred in the landscape over time:

- There was a shift in the pattern of cultivation from a mixture of grain, fruit and vine crops during the early pioneer farming period, to a growing emphasis on vineyard planting during the mid to late 1800s, which lasted more than a century. During the late 1800s/early 1900s there was a dramatic shift to orchard planting. This was in response to the devastating effects of Phylloxera, which had plagued the Cape vineyards. Fruit farming lasted until recent decades when again there was a shift towards vineyard planting. The shifts between vineyard and orchard planting had a profound impact on the visual quality of the landscape in terms of their architecture, i.e. a horizontal quality of vines versus the vertical quality of fruit trees; the fine grained, enclosed quality associated with the planting of orchards within regular blocks framed by windbreaks versus the trellised and terraced low sweep of a vineyard landscape.
- After the exploitation of most indigenous trees by the early settlers for construction and fuel purposes there was an introduction of a number of new tree species during the Dutch, British and RFF periods for construction, fuel, shade purposes and for aesthetic and cultural reasons^{cv}. The indigenous hard woods found in the kloofs were then only used for joinery items like door and window frames (stinkwood) and door panels (yellowwood)^{cv}.
- The impact on the landscape was positive but in the case of some highly invasive tree species, e.g. Black Wattle, Rooikrans, Port Jackson, their impact on the landscape has been very negative^{cvi}. It should be emphasized that this was not a planted landscape by the result of infestation.
- The following chronology relating to introduction of new tree species is evident^{cvi}:

Dutch period:

- Western European Oak (*Quercus robur*) planted to form avenues, around homesteads, symmetrically around the central feature of a farm complex, e.g. an entrance to the homestead and along water furrows and streams.
- Grey poplar (*Populus canescens*) planted along the riverbanks as a valuable source of timber for roof construction.
- Spanish reed (*Arundo donax*) still used in thatch construction.
- Asiatic camphor (*Cinnamomum camphora*), e.g. at Good Hope and Nieuwedorp
- Mediterranean stone pine (*Pinus pinea*) e.g. at Boschendal and Pniel
- Cluster pine (*Pinus pinaster*)*, which clad the slopes of most of the mountains in the Valley and was planted as a source of wood for the production of fruit boxes and wood wool.

British period:

- Tasmanian bluegum (*Eucalyptus globulus*), e.g. at Groot Drakenstein station
- Sugar gum (*Eucalyptus cladocalyx*) planted to support the feeding of bees and to form avenues and windbreaks.
- Flowering gum (*Eucalyptus ficifolia*) planted as individual trees in gardens and to form avenues.
- London plane (*Platanus acerifolia*) planted extensively in the 1970s to form windbreaks and avenues.
- Monterey pine (*Pinus radiata*) planted in groups, as individual specimens or as windbreaks.

RFF period:

- Beefwood (*Casuarina cunninghamiana*) planted to replace traditional windbreaks of Monterey pines and sugar pines.
- Lombardy poplar (*Populus nigra*) planted after WW II to form windbreaks.
- Jacaranda (*Jacaranda mimosipolia*) planted widely in extensive groups and individually in the gardens of the houses of farm managers.
- Black Alder (*Alnus glutinosa*) planted to form windbreaks.

- The pattern of tree planting had a profound and enduring impact on the structure of the agricultural landscape; i.e. windbreak frames, tree avenues, tree clumps, specimen/landmark trees, etc. While its purpose was largely functional, i.e. to provide sun and wind protection, its purpose was also aesthetic, i.e. to accentuate or announce a presence, gateway, axial relationship and symmetry. Many of these patterns of planting, i.e. homesteads being surrounded by clumps of trees and use of windbreaks are depicted in the early drawings of the area, which provide some evidence of their antiquity.

- ⁱ Lucas (2004:162)
- ⁱⁱ Cadastral differentiation refers broadly to the practice of delineating land ownership boundaries for the purposes of taxation. The application of cadastral boundaries allows differentiation of what portions of land are privately held, the identification of public space and public access, and the changes and adaptations of underlying principles and meaning of land ownership in the development of particularly colonised lands.
- ⁱⁱⁱ Lucas (2004)
- ^{iv} These include the granting of Nieuwedorp (5 pieces of land) to Jacobus van As, Willem Basson, Arnoldus Basson, Erasmus van Lier, and Pierre Meyer. Willem Basson was the husband of Angela of Bengal – a slave owned and freed by van der Stel, Jacobus van As was her son born in slavery, and freed with her, while Arnoldus Basson was apparently the son of Basson – all having links with van der Stel. The granting of Bethlehem to Pierre Simond, a French Huguenot Pastor, relates to the history of Huguenot refugees arriving in the Colony to claim the promised free land in exchange for religious freedom. De Goede Hoop was granted to “the rather impoverished Huguenot Pierre Jacobs” and settled by late 1687, although the title deed was only registered to his (by then Widow) Susanna de Vos in 1708 (Vos, 2004).
- ^v Randle (2005)
- ^{vi} The differences occurring around this time are associated with the bankruptcy of the VOC and the introduction of new fiscal controls around land, largely administered by the re-surveying and re-establishment of ownership and quitrent boundaries. See Fischer (1984) in Martin & Friedlander (1984) for more detailed discussion of land tenure policies and their changes across time.
- ^{vii} Titlestad (2005)
- ^{viii} Titlestad (2005) consolidation of 19th century Surveyor General’s Diagrams
- ^{ix} Titlestad (2005)
- ^x Titlestad (2005)
- ^{xi} Vos (2004); Lucas (2004);
- ^{xii} Lucas (2004) & Vos (2004)
- ^{xiii} De Bosdari(1953) and Aucamp (1985) in Vos (2004)
- ^{xiv} Lucas (2004:159)
- ^{xv} Lucas (2004:160)
- ^{xvi} Meeting with Amfarms 27 July 2005
- ^{xvii} Clift (1995)
- ^{xviii} Coertzen (1988), Oberholzer (1987), and Randle (2005)
- ^{xix} Lucas (2004)
- ^{xx} Meeting with Amfarms 27 July 2005
- ^{xxi} Pastor-Makhurane (2005)
- ^{xxii} Pastor-Makhurane (2005) confirmed in a Meeting with Amfarms 27 July 2005
- ^{xxiii} Location of labour practices is difficult in the years prior to the legislated requirements that slaves and employed Khoikhoi workers be registered. The difficulty in providing established commentary is a considered omission from a historical perspective, and represents a number of factors. The mapping of slavery and the (then) illegal employment of Khoikhoi on farms is not historically recorded in accessible ways as are the histories of land owners and agricultural (colonial) expansion. This in no way condones the invisibility of the labour force, or the colonial labour practices and the continued schism between those who owned the land and those who worked the land.
- ^{xxiv} Randle (2005)
- ^{xxv} Randle (2005:2)
- ^{xxvi} Elphick & Shell (1989:226)
- ^{xxvii} Worden & Crais (1994)
- ^{xxviii} Lucas (2004)
- ^{xxix} These communities were clearly sites of the earliest labour contestations and bids for livelihood separate from the paternalistic relationships determined by the hierarchies of agricultural production.
- ^{xxx} Lucas (2004)
- ^{xxxi} Bank (1991) and Worden & Crais (1994)
- ^{xxxii} Lucas (2004) in Randle (2005)
- ^{xxxiii} Pers. Com. Boschendal Museum staff (2005)
- ^{xxxiv} Boschendal Museum Exhibition 1999
- ^{xxxv} This subsection based on Lucas (2004) and Pastor-Makhurane, (2005)
- ^{xxxvi} Titlestad (2005) Historical spatial Map 4
- ^{xxxvii} Pastor-Makhurane (2005)
- ^{xxxviii} Lucas (2004)
- ^{xxxix} Pers. com. Boschendal Museum Staff
- ^{xl} Titlestad (2005) Historical-spatial Map with reference to the naming of labour housing, and Pers. com. Boschendal Museum Staff (2005)
- ^{xli} Food Services Industries report (1949) in Randle (2005)
- ^{xlii} Pastor-Makhurane (2005), Lucas (2004), drawings and plans held by Boschendal Estates, and Titlestad Historical-spatial Map 4.

- xliii Pastor-Makhurane (2005).
- xliv Based on Pastor-Makhurane (2005)
- xliv Pastor-Makhurane, (2005); Boschendal Museum Staff (2005)
- xlv Based on Pastor-Makhurane (2005)
- xlvii Tittlestad (2005) historical dating Map 4 from Boschendal maps, drawings and site plans
- xlviii Lucas (2004)
- xlix Lucas (2004)
- ^l Pers. com. Boschendal Museum Staff
- ⁱⁱ Lucas (2004)
- ⁱⁱⁱ Boschendal Museum Staff (2005)
- ⁱⁱⁱ Meeting with Amfarms 27 July 2005.
- ^{iv} Pastor-Makhurane (2005)
- ^{iv} Pers. Com. Boschendal Museum Staff, confirmed in a meeting with Amfarms 27 July 2005
- ^v Pastor- Makhurane (2005)
- ^{vii} Pastor- Makhurane (2005)
- ^{viii} Pastor- Makhurane (2005)
- ^{ix} Clift (1995), Bank (1991), Ross (1981), Worden (1985)
- ^{ix} This debate is extensively considered in a number of works: Martin & Friedlander (1984), Brink (2004), Worden, van Heyningen & Bickford Smith (1998) among others.
- ^{lxi} Vos (2004)
- ^{lxii} Bank (1991)
- ^{lxiii} Randle (2005)
- ^{lxiv} Tittlestad (2005) Map 2
- ^{lxv} Tittlestad (2005) Map 2
- ^{lxvi} See Randle (2005), Tittlestad (2005) Map 1 and 2, and Worden & Crais (1994), Bank (1991), Bickford-Smith (1995), and James & Simons (1989).
- ^{lxvii} Lucas (2004) in Randle (2005)
- ^{lxviii} Pastor-Makhurane (2005).
- ^{lxix} Based on Pastor-Makhurane (2005)
- ^{lxx} Pers. Com. Boschendal Museum Staff (2005), Boschendal Map Collection (1960's-1980's), Pastor-Makhurane (2005) and Tittlestad (2005)
- ^{lxxi} Pastor-Makhurane, (2005); Boschendal Museum Staff (2005)
- ^{lxxii} Based on Pastor-Makhurane (2005)
- ^{lxxiii} Pers. Com. Boschendal Museum staff
- ^{lxxiv} Elphick & Giliomee (1989)
- ^{lxxv} Based on Pastor-Makhurane (2005), Basic Conditions of Employment Act, and pers.com. Boschendal Museum staff.
- ^{lxxvi} Aikman & Berman (2005)
- ^{lxxvii} Aikman & Berman (2005)
- ^{lxxviii} Malherbe 1997 cited in Lucas (2004)
- ^{lxxix} Lucas (2004)
- ^{lxxx} Aikman & Berman (2005)
- ^{lxxxi} Lucas (2004)
- ^{lxxxii} Berman (2005); Lucas (2004)
- ^{lxxxiii} Aikman & Berman (2005)
- ^{lxxxiv} Lucas (2004)
- ^{lxxxv} Fransen (2004); Aikman & Berman (2005)
- ^{lxxxvi} Lucas (2004)
- ^{lxxxvii} Baker 193 cited in Aikman & Berman (2005), Lucas (2004)
- ^{lxxxviii} Lucas (2004)
- ^{lxxxix} Aikman & Berman (2005)
- ^{xc} Boschendal Museum Exhibition (1999)
- ^{xc} Boschendal Private Map collection; Aerial photograph c 1949
- ^{xcii} Aikman & Berman (2005)
- ^{xciii} Pers. com. Boschendal Museum Staff
- ^{xciv} Boschendal Private Map Collection
- ^{xcv} Pers. com. Boschendal Museum Staff
- ^{xcvi} Lucas (2004), Dressler pers. comm. in Lucas (2004)
- ^{xcvii} Aikman & Berman (2005)
- ^{xcviii} Aikman & Berman (2005)
- ^{xcix} Boschendal Museum Exhibition (1999)
- ^c Aikman & Berman (2005)
- ^{ci} Winter 2000; Boschendal Museum Exhibition (1999)

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- cii Pastor-Makhurane (1995)*
 - ciii Aikman & Berman (2005)*
 - civ Aikman & Berman (2005)*
 - cv Raymond pers. comm. cited in Aikman & Berman (2005)*
 - cvi Aikman & Berman (2005)*
 - cvi Aikman & Berman (2005)*

Appendix 13: Historical Timeline prepared by Tracey Randle
(2005)

BRIEF HISTORICAL TIMELINE OF THE DWARS RIVER VALLEY FOR THE LAST 2000 YEARS

Compiled by Tracey Randle May 2005 for Boschendal Estates Heritage Impact Assessment

PERIOD	ROLE OF THE DWARS RIVER VALLEY	ASSOCIATIONS/PEOPLE/EVENTS/ ACTIVITIES/ELEMENTS/BUILDINGS	MATERIAL EVIDENCE PHYSICAL/DOCUMENTARY
<p>± 2 000 BP PRE COLONIAL SETTLEMENT</p>	<p>- As seasonal grazing ground for the khoikhoi populations that entered into the valley.</p>	<p>- Around this time, a group of pastoralists called the Khoikhoi (also known as the Cape Herders) had migrated down through Africa towards the Southern tip to the winter rainfall area of the Western Cape. They were a group of people that derived from the aboriginal hunters of Southern Africa</p> <p>- These pastoral herders initially sought out dependable rainfall regions for pasture and water for their herds of fat tailed sheep. By the time of contact with Europeans, they had large herds of cattle as well. It is possible that the cattle had come from later migration contact with black African farmers in the Eastern Cape [Boonzaier et al 1996: 27].</p> <p>- It is wrong to assume that the khoikhoi remained culturally, socially and politically unchanged over a period of two thousand years. During a period of migration to dependable water sources they had come into contact with the African farmers of the Eastern Cape (evidenced by the entering of cattle into khoikhoi material culture as well as the sheep they already herded). When coming to settle in the winter rainfall regions of the southern part of Africa, they also would have come into contact with the existing hunter-gatherer San communities. These groups became involved in practices of clientship whereby "poorer relatives or even other cultural groups worked for richer tribes or individuals" [Clift 1995: 7]. Aside from the indigenous populations the Khoi were to come in contact with, there was also the early "Portuguese and English seafarers that had been stopping off at the Cape periodically since the 15th century" [Clift 1995: 47].</p> <p>- The infertile soils and winter rainfall of the Western Cape provided poor grazing, forcing the pastoralists into adopting a semi-nomadic life [Boonzaier et al 1996]. Each year s the summer south-easters dried out the grazing, they moved away from the coastal areas towards the west coast. The annual visits to the coastal areas would have centred on reliable sources of water like the Berg and its tributary and the Dwars River.</p>	<p>- Physical evidence of the khoikhoi inhabitants living near the Dwars River during the last 2 thousand years is found in the various rock art sites situated in the footholds of the mountains surrounding the Wemmershoek Dam - depicting images of cattle and elephants [which trekked into the Drakenstein Valley until the end of the 18th century].</p> <p>- It is difficult to find physical evidence of khoikhoi kraals and settlements in the Drakenstein district. "The great mobility resulting from a pastoral mode of subsistence, the destructive action of hooves of the moving herds, as well as the fact that the majority of potential sites are now ploughed lands, have all contributed to the lack of suitable archaeological sites" [Clift 1995: 4]. The movement of these fairly large groups of people and their flocks of sheep and cattle created broad trails where once only narrow paths existed. It has been suggested that these stock trails became the basis of the Dutch East India Company (VOC) trading routes. [Ross 2002: 71].</p> <p>- The Khoikhoi groups were entering environments that were already inhabited by San hunters. "Any introduction of exotic herds is bound to have put pressure on the San's resources, such as grazing for wild game. The incoming herdsmen would have changed the social life and environment of the local hunting population" [Boonzaier et al 1996: 27].</p> <p>- While there is no obvious remaining evidence of the settlements of the khoikhoi on the landscape of the Drakenstein today, there are less overt signals of human habitation during this period and even further back in time. On many of farms and even amongst vineyards a trained eye can pick up the material objects of the Khoi, San and their ancestors in the form of refined stone tools and flakes and even in some cases Khoi pottery.</p>

<p>1652 – 1795 DUTCH COLONIAL PERIOD</p> <p>1652-1685</p>	<ul style="list-style-type: none"> - Drakenstein landscape opens up to colonial explorers, hunters and traders - Continued seasonal grazing ground of the khoikhoi 	<ul style="list-style-type: none"> - 1652 the Dutch East India Company founds a refreshment station at the Cape of Good Hope - 1657 the first white explorers to enter into the Drakenstein Valley in a group led by Abraham Gabbema and accompanied by surveyor Pieter Potter who noted that there were hippos in the Berg River and that the Valley was populated by zebra and rhino [De Wet 1987: 13]. Early exploring groups would have come across quite a rich hunting ground with the region's ecosystems supporting the smaller antelope like grysbok, steenbok, and duiker. - 1660s Jan Danckaert's expedition group into the interior came across the Garachoqua kraal situated at Klapmutsberg [De Wet 1987: 13]. - 1705 VOC minister Francois Valentyn visited Zorgvliet and mentioned a Silvermine having been opened but not exploited due to great cost [Lucas 2004: 72] - Early European explorers and travellers were most likely to have come across a Khoikhoi group called the Cochoqua that would have seasonally used the pasturage of the Dwars River Valley for their herds. This tribe consisted of 2 branches- one led by Oedesoa h live in the region of the Mosselbank River, south of the Perdeberg; and the other group under Gonnoma which lived along the Berg River in the vicinity of present day Riebeeck's Kasteel [De Wet 1987: 13]. 	<ul style="list-style-type: none"> - Various historical maps show the position of Khoikhoi kraals on the landscape i.e. <ul style="list-style-type: none"> - a Map of the Cape of Good Hope c. 1710 [KAB M1/ 1162] indicating Gonnoma's Kraal and 'Sonqua's Drift' [a settlement of a hunter-gatherer group known as the San]; other maps similarly show the positioning of Kraals in relation to colonial settlements i.e. [KAB M2/630]; - The Map of Drakenstein and 'Waveren' c 1710 [KAB M1/1159], Map of the Cape of Good Hope [KAB M1/ 3587]. Many of the colonial maps of the time do not represent the close proximity of the Khoi communities to their settler neighbours. This creation of 'empty spaces' prime for the taking was part of the colonial ideology of the assertion of power over a foreign landscape and inhabitants.
<p>PERIOD</p>	<p>ROLE OF THE DWARS RIVER VALLEY</p>	<p>ASSOCIATIONS/PEOPLE/EVENTS/ ACTIVITIES/ELEMENTS/BUILDINGS</p>	<p>MATERIAL EVIDENCE PHYSICAL/DOCUMENTARY</p>

<p>1688 - 1795</p>	<p>- A site of contact and interaction between early colonial explorers, traders and hunters and the local Khoikhoi population.</p> <p>- As an agricultural resource for the Dutch East India Company (VOC)</p>	<p>-During the 1650s and early 1660s VOC scouting parties of explorers, hunters and traders were sent out into the Drakenstein area to trade with the Khoi. The early settlers might have done the same despite the fact that private trade with the Khoi as prohibited until 1700.</p> <p>- 1659-1660 The First Khoikhoi/Dutch War arose as a direct result of the colonial expansion into traditional Khoikhoi grazing lands. The war took place primarily between the Peninsular Khoi and the Dutch soldiers and settlers of Cape Town. [Clift 1995: 12]. The following decade signalled a period of increasingly bad relations between the Dutch and Khoi in general [Clift 1995: 12]. There were also internal conflicts within the Khoi groups themselves.</p> <p>-1673-1677 The Second Khoikhoi/Dutch War. This time the Dutch not only fought the Peninsular Khoi, but the Cochoqua that seasonally inhabited the region of the Berg River [Clift 1995: 13]. - The Cochoqua led by Gonnema surrendered to the Dutch with the result that his group had to pay a tribute of 30 head of cattle (the main economic wealth of the tribe/kraal) per annum to the Castle [Clift 1995: 13]</p> <p>- Between 1688 and 1690 the first settlers arrived in the Dwars River Valley to establish permanent agricultural homesteads. This area was one of the first outside the Cape Peninsula to be settled. From 1679 to 1717 the VOC attempted to stimulate agriculture and encouraged freeburghers to take up grants of land in Drakenstein, Paarl, Franschoek, Tijeberg, Wagenmaker's Valley and the Land of Waveren. i.e. in the Dwars River Valley, - Good Hope was granted 1688</p> <ul style="list-style-type: none"> - Meerust and Eenzaamheid in 1689 - Boschendal, Nieuwendorp, Zandvliet, and Lekkerwijn in 1690 - Rhone in 1691 - Zorgvliet in 1692 - Bethlehem in 1696 [Fransen 2004] <p>- 1688 the first French Huguenots arrive at the Cape seeking asylum from religious persecution due to the Edict of Nantes. Large numbers of them came to settle in the Drakenstein region and especially Franschoek. Many were experienced wine farmers that sought about trying their skills and techniques of wine farming in their new foreign home.</p> <p>- Grain was the primary crop demanded by the VOC but the settlers also planted fruit trees and vines and grew vegetables. Livestock farming soon became an important aspect of the emergent economy. Like their counterparts in other districts, the Drakenstein farmers sent their livestock in the dry summer months inland in the care of a son, knegt, trusted slave or Khoikhoi. Outspans were also established alongside the individual land grants of Free-burghers. These were spaces for farmers to camp and water their livestock. Many of these outspans could be found in the 19th century in the Paarl/Drakenstein region and were often places where Khoi were housed and worked on [Clift 1995].</p> <p>- Wine farming was to become the most important agricultural industry of this district as by 1701, the Drakenstein had the second largest number of vines planted after Cape Town (roughly 600 000), although it was to produce more wine than the port city [Van Zyl 1987]. - By 1783 the number of vines had increased to 4.2 million</p>	<p>- "European goods become more common in the indigenous artefact assemblages as time (and contact) progressed" [Clift 1995: 40]. On many historic sites in the Western cape there is evidence of reworked colonial material in the form of "porcelain and glass bottle sherds converted into pendants, buttons and bladelets" [Clift 1995: 53]. More intensive and systematic archaeological research in the Dwars River Valley is necessary to uncover whether such colonial-Khoi contact and acculturation can be evidenced their material culture</p> <p>- The 17th century settlers set about transforming the landscape in a more systematic way than their fellow Khoikhoi inhabitants of the Valley. It has been suggested that the first areas to be cleared of the indigenous vegetation were on the fertile alluvial areas along the banks of the streams and rivers where wheat, barley, rye and vegetables could be grown and the first vines could be planted. The settlers introduced exotic European trees to provide timber and crops like acorns for their pigs and shade for their houses and tracks. Poplars and oaks were planted as well as many species of pines. [Rourke 1996].</p> <p>- Many of the colonial species of trees that were planted by these early settlers are still prospering in the Dwars River Valley today. Many of the old homesteads house oak trees (often planted for shade) that could be well over 200 years old and the spatial configuration of the oaks in relation to the homestead has certain symbolic meaning in terms of the desire of a settler within a foreign landscape to carve out a space that represents the owner as powerful and in control of his environment [See Hall 1995]</p> <p>- The Opgaafrolle, or census records held in the Cape Archives [KAB A2250; 1682-1782], for this region attest to the various different types of agriculture.</p> <p>-Tracks and roads became more defined. The farmers continued with the Khoikhoi pattern of burning to create more pasturage for sheep and cattle on the foot slopes of the mountain [Houston 1981: 30].</p> <p>- One of the many responsibilities that a 'Heemraad' of a district (primarily a judicial officer; a representative of the free burghers of their district) had to undertake was for the upkeep, maintenance and clearing of the road of the area he was in charge of. [Visagie 1987: 23-32].</p>
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PERIOD	ROLE OF THE DWARS RIVER VALLEY	ASSOCIATIONS/PEOPLE/EVENTS/ ACTIVITIES/ELEMENTS/BUILDINGS	MATERIAL EVIDENCE PHYSICAL/DOCUMENTARY
	<p>- A place of permanent colonial settlement</p> <p>- A dangerous contact zone between settler and Khoi inhabitants; a space where the disintegration of Khoi society could be witnessed</p>	<p>- In accordance with VOC Commissioner Hendrik van Rheeде tot Drakenstein's decree of 1685, an ordered system of 60 morgen rectangular plots were set out at right angles to the rivers. - More than changing the landscape through the introduction of agriculture, the very spatial conceptualization of the landscape was to change as settlers now owned tracts of lands with certain rights and privileges that worked in opposition to traditional Khoikhoi patterns of land use – vital access to seasonal water and grazing, the very backbone of their semi-nomadic pastoral lifestyle, was being denied according to the laws of a government that they were not part of.</p> <p>- In the early years the majority of the settlers of the Drakenstein Valley were extremely poor ex-service VOC men. They initially established themselves as subsistence farmers who grew a few vines, had small numbers of cattle and sheep and produced enough barley and oats to feed their families and animals. The population of the Drakenstein Valley came from very diverse backgrounds- some were impoverished ex- VOC sailors and soldiers from places such as Germany and Holland; some French Huguenots, and others were struggling freeblacks trying to escape their lives of slavery through ownership of property- the only real means of acquiring wealth in this early period at the Cape. The Cape was a relatively 'open' society at least until the early 18th century- ex-slave women of different ethnic origins to their European husbands were involved in mixed marriages (the Drakenstein Valley has many examples of this) and could become integrated within the settler community [Elphick and Shell 1989: 198]</p> <p>- Jacobus Van As (freeblack son of Anseia van de Kaap), owner of Niewendorp (a number of estates that had been amalgamated into 625 acres), left 11 slaves as part of his estate on his death in 1713. During his lifetime Van As was the largest landowner in the Drakenstein district. Van As had acquired his wealth through the purchasing of the farms that had been owned by his brother and step father.</p> <p>- Another wealthy landowner that would come to dominate the Drakenstein Valley was Abraham de Villiers. At his death in 1720, de Villiers owned nearly ¼ of all freehold land in the Drakenstein totalling 5000 acres. In 1702 Abraham purchased Meerrust, 1710 Purchase of Boschendal 1716 Purchase of Lekkerwyn While Abraham did not purchase estates from family, after his death many of the estates and money was kept within the de Villiers family- his initial estates were to stay within the de Villiers family for over a century</p> <p>- Family connections would have been extremely important especially since after 1717 no further freeholds were granted and it was not until 1813 that Perpetual Quitrents were introduced – see British occupation of the Cape</p> <p>- The first substantial buildings began to appear from the beginning of the 18th century. The classic Cape farmstead layout began to emerge from this time</p> <p>1689 - Charles Marais of Plessis Marle was killed by a 'Hottentot' called <i>Dikkop</i> over a fight over a watermelon [Coertzen 1988: 100] 1702 - Daniel Hugo launched a formal complaint that Hottentots had built a kraal near his vineyard on the farm Sion and that their cattle were badly damaging his grapes [Coertzen 1988: 100]</p> <p>- "Khoikhoi men initially worked for farmers on a seasonal basis, while their women and children remained at the kraals. From the late 17th century onwards, there was an increased tendency for the Khoikhoi to move to farms... By 1700 working for colonial farmers provided the Khoikhoi with the</p>	<p>- The original deeds of grant as awarded by Governor Simon van der Stel to these first settlers, often show the spatial configuration of the original plots outlining access to water and detailing permitted use of the landscape and the required agricultural input that would go the Company as tax [For the Drakenstein district, these grants were kept in the Old Stellenbosch Freehold Books].</p> <p>- Looking at the various genealogical lines [de Villiers and Pama 1981] of the various first settlers to the Drakenstein Valley, it becomes clear that many who owned property were descended from slaves or were ex-slaves themselves. I.e. Christoffel Snyman, the second owner of Zandvliet was the son of the first woman convict at the Cape- "Grootie Catrijn" from Bengal; The first owner of Eensaamheid, Arnoldus Willemsz Basson's wife was the freed slave, Anseia van de Kaap; Basson's step son, Jacobus Van As was to become the wealthiest landowner in the Drakenstein until his death in 1713.</p> <p>- When you connect the genealogical lines with the transfer deeds of many of the Drakenstein estates found in the Deeds Office in Cape Town, family connections make a clear statement about how the space of the Drakenstein Valley was set out socially. The landscape was not conceived as being configured of a number of separate segments of land but rather a network of socially connected space. Slaves especially would have been extremely aware of the social connections that linked land as space was conceptualized for them rather in terms of controlled and uncontrolled space [Lucas 2004: 141]</p> <p>- The Drakenstein Valley becomes a space where wealth, land and even slaves were inherently connected to tight networks of marriage alliances and family inheritance so that it was these social and family links that defined the spatial settlement and ownership of the Dwars River Valley. The de Villiers family especially was to master this form of settlement so that by the early 19th century it is difficult to find a farm in the Dwars River Valley that does not have some link to de Villiers ownership.</p> <p>- Archaeological evidence of the early settler's first houses in the ruins of three roomed long houses found at sites such the archaeologically excavated 'Silvermine' Complex on the slopes of the Simonsberg Mountains [Lucas 2004:].</p> <p>- Can find evidence of complaints and disputes between Khoi inhabitants and settlers in the Criminal Justice cases held in the Cape Archives [KAB CJ]. Many of the colonial maps of the time [see above] do not represent the close proximity of the Khoi communities to their settler neighbours. This creation of 'empty spaces' prime for the taking was part of the colonial ideology of power over a foreign landscape and inhabitants.</p> <p>- Ink Drawings housed in the South African Library show evidence of khoikhoi labourers living in their traditional 'matjieshuis' (or mat</p>

		only means of accessing grazing and water for the stock they may still have owned" [Clift 1995: 17].	house) on colonial farms for the period 1688-1707 [Smith & Pheiffer 1993)
PERIOD	ROLE OF THE DWARS RIVER VALLEY	ASSOCIATIONS/PEOPLE/EVENTS/ ACTIVITIES/ELEMENTS/BUILDINGS	MATERIAL EVIDENCE PHYSICAL/DOCUMENTARY

- A landscape of labour: the importation of slaves and the integration of a khoikhoi labour force

- Until 1692 no farmers in the Drakenstein settlement owned slaves and 3 years later only 48 slaves were recorded in this region [Clift 1995: 19] so these rural Drakenstein colonial farmers would have relied quite heavily on Khoi labour and partnerships with other landowners in the early years.
- Settlers were able to exploit game and timber from the forests but the poor soils forced them into working long backbreaking hours to increase the productivity of a fixed quantity of land. In the early years of Khoi/Dutch troublesome relations and wars, khoikhoi labour would have been available on more of a seasonal basis as the kraal communities continued to eek out some form of community existence. A demand for more dependable labour was created and this was met by the VOC's importation of slaves [Guelke 1989: 77].
- Slaves originated from diverse backgrounds: many came from Angola, Madagascar, various Indonesian islands, South India and the East African coast and its hinterland. Each would bring their own languages with them making it difficult to communicate amongst themselves and their masters
- A lingua franca emerged: in fact there were two. "Some slaves used a form of creolised Portuguese, which persisted throughout the Company period...but it is clear that most masters and slaves conversed in an evolving form of Dutch" [Armstrong 1989: 83]
- Most of the farmers in the Drakenstein had acquired slaves by the early 18th century, with the average number owned being seven [Lucas 2004: 140].
- By 1700, 80 slaves were owned in the Drakenstein; 70 men, 6 women and 4 boys [Opgeaafrolle A2250]. In the rural districts, such as the Drakenstein, there was a predominance of male slaves resulting in less of a slave community as was present in Cape Town. In contrast to Cape Town, the arable lands of the Western Cape were "more insulated from the influx of new people and ideas, and more dominated by a labour-intensive economy...the region was soon characterized by the assimilation of blacks to European culture, but not by their incorporation into the church or freeburgher society" [Elphick and Shell 1989: 231]
- Between 1652-1795 two great world religions appeared at the Cape- Christianity and Islam and both these religions had the greatest impact on the slaves of Cape Town itself [Elphick and Shell 1989: 193]
- 1710 slave shortage led to request that farmers be granted permission to apprentice the children of freed Khoikhoi women and slave fathers [Worden 1985: 31]
- 1713 Small Pox Epidemic- further exacerbated the disintegration as the Khoi were particularly susceptible to this European disease
- Use of Khoikhoi as an alternative source of labour "gained increasing importance from 1721 and culminated in 1775 with the Indentureship system; children of Khoikhoi women and slave fathers (referred to as 'Bastard Hottentotten') could now legally be indentured from the age of 18 months to 25 years" [Clift 1995: 19-20]
- While the Khoi who worked for farmers would have most likely lived in their own huts on the property, in the early years of slavery, slaves would most often be housed within the homesteads and outbuildings of the landowners themselves [Elphick and Shell 1989: 226 and also evidence of such practices in Penn 1999].
- It must be remembered that the borrowing and changing of cultural traits was not one sided. The Cape cultural transfer was mutual [Elphick and Shell 1989: 225].

- Census rolls and transfer deeds of estates indicate the predominance of partnerships in working and owning land in this early period of land settlement of the Drakenstein Valley.
- Household inventories and auctioned estates (KAB MOOC 10/- series) often listed the slaves that a deceased or insolvent estate owner had acquired alongside his other possessions. Names were often included which indicated the origin of the Slave i.e. Maria van Mozambique or as children of slaves that were born at the Cape were given an appendage to their first name: van de Kaap.
- This evolving Dutch developed into Afrikaans that is still in use today. In many of the Dutch records kept at the Cape Archives a linguist can pick up the evolution of this Dutch through its various diverse linguistic origins). Afrikaans not only has elements of Dutch, German and many of the slave ethnic languages, but there are Khoi influences as well. Words such as *gogga* (insect), *Koedoe* (antelope), *Kwagga* (zebra), *dagga* (Cannabis sativa) and *eina* (ouch) have Khoi linguistic origins [Boonzaier et al 1996: 11]
- Census records in the Cape Archives [KAB A2250; 1682-1782] show the numbers of slaves owned by individuals in the Drakenstein district.
- "This [indentureship] system not only provided farmers with a constant and stable labour force (whom they were not obliged to remunerate except for providing food and lodging), but also greatly restricted the mobility of the colonial Khoikhoi" [Clift 1995: 20]. The 1775 Indentureship system tied the khoikhoi to the farmers as firmly as slavery did [Clift 1995: 23] with the resultant effect that communities who consider themselves 'Khoi' today still try to eek some form of impoverished livelihood on the outskirts of society.
- Evidence of Khoi and slave culture still present at the Cape today not only evidenced in the Afrikaans language but in Cape cuisine, as flavours and spices of the East are important elements of the "traditional Afrikaans" dish of babotie and accompaniments such as chutney and atchaar. The adoption of veldskoenen (khoikhoi sandals made of cattle hide or animal skin) owes its origins to the Khoi [Elphick and Shell 1989: 228]

PERIOD	ROLE OF THE DWARS RIVER VALLEY	ASSOCIATIONS/PEOPLE/EVENTS/ ACTIVITIES/ELEMENTS/BUILDINGS	MATERIAL EVIDENCE PHYSICAL/DOCUMENTARY
	<ul style="list-style-type: none"> - Centre of an Industrial Complex 	<p>All information concerning the Silvermine Industrial Complex from [Lucas 2004: 39-65]</p> <ul style="list-style-type: none"> - 1731 Peter Kolb wrote of a Silver and Copper Mine discovered near the Simonsberg mountain ranges - 1740 Silvermine project started by VOC soldier Frans Diederik Muller who started work with about 10 men, mostly soldiers, 1 sailor and a smith. Mine optimistically named <i>Goede Verwachting</i> ('Good Expectations'). -The establishment of the Silvermine Industrial Complex highlights the role of silver in the global economy and the desire of the VOC for increasing its stock in silver [Lucas 2004: 39]. - Between 1743 and 1747 progress was made on the various shafts of the mine - By May 1745 Muller had built himself a house and presumably quarters for his men , a smithy, two small ovens or furnaces, and completed a processing facility for the ore - 1746 five men from the garrison at Klapmuts came to work on the mines and 6 more men from Cape Town (they may have replaced other men that had left) - In the same year, 18 slaves arrived on the mines as well as 2 masons and in 1747, 2 carpenters and 6 more labourers joined them. At the mines peak, it was home to around 16-22 VOC men on average and 12-13 slaves resulting in a combined population of 30-40 people - 1749 Muller was implicated with fraud and sentenced to banishment 	<ul style="list-style-type: none"> - The shafts of these excavated mines still exist on Simonsberg mountains today and are now an important part of the local history of the Pniel community as the entrance to the upper mine is covered with local graffiti, mostly in people's names - There are two sites of ruins, a major complex high on the slopes of the Simonsberg at the upper limit of the current vineyards [the miners settlement] and a smaller group much lower down and close to the lower edge of the vineyards [the ore processing buildings - The material remains and artefact assemblage found from the archaeological excavations of the site undertaken by Lucas may shed some light on slave life in the Drakenstein Valley and spatial and social relationships between master and slave.
<p>1795 -1806 INTERREGNUM</p>		<ul style="list-style-type: none"> - 1795 Britain annexed the Cape of Good Hope, an indication that the Cape held a position of strategic military importance to the British in protecting the sea route to the East - 1803 Cape returned to the Batavian Republic - 1806 Britain once again reclaimed occupation of the Cape 	<ul style="list-style-type: none"> - In this early transitional phase, not too many changes were made to policies of government or administration of the Cape

<p>1806- 1892 BRITISH OCCUPATION OF THE CAPE</p> <p>1806 - 1838 (to the emancipation of slaves)</p>	<p>- The heart of the Cape Wine Boom</p>	<p>- 1806 less than 40% of the Stellenbosch and Drakenstein farmers used slave labour exclusively [Worden 1985: 27]</p> <p>- 1808 the abolition of the oceanic slave trade; it was now illegal for slaving ships to land at any British harbours, including the Cape which Contributed to the constant labour shortage, limiting the number of new slaves arriving at the Cape; the colonists now had to rely on the free-born Khoikhoi descendants as a major new source of labour as the birth rate of slaves was very low [Clift 1995: 22]</p> <p>- 1812 Cradock's amendment of the 'Hottentot Proclamation' included a section on child labour; Khoikhoi children could be indentured from the age of 8 for a period of 10 years (a move towards the institutionalization of a secure labour force)</p> <p>-1813 Britain reduced the duties on Cape Wines entering into Britain, thereby beginning a system of preferential tariffs of Cape Wine in the British empire, encouraging the consumption of the Cape's stein's and sweet hanepoots. This was one of the most significant British policies that would affect the Drakenstein region as it resulted in an explosion of wine production witnessed by the dramatic increase in vine plantation. In 1810 there were 16, 9 million vines, by 1824; this number had nearly doubled to 31, 9 million. - By 1860, the number of vines in the Drakenstein had increased from the 4, 2 million in 1783 to 20 million More than half of these vines were planted in the Drakenstein, which also produced more than half the wine. By the 1820s, Cape wine formed around 10% of all wine consumed in Britain [Van Zyl 1987: 75]</p>	<p>- The Drakenstein Valley is still to this day dominated by the uniform layout of vineyards on the landscape, and while these might be more recent additions to a landscape that came to be dominated by fruit orchards during the early 20th century- conceptually the Drakenstein landscape is conceived in terms of a historic 'wineland'. Franschoek and many of the estates situated in the Drakenstein Valley, such as Boschendal, are integral components of 'wine tours' to the Cape farmlands for visiting overseas tourists.</p>
<p>PERIOD</p>	<p>ROLE OF THE DWARS RIVER VALLEY</p>	<p>ASSOCIATIONS/PEOPLE/EVENTS/ ACTIVITIES/ELEMENTS/BUILDINGS</p>	<p>MATERIAL EVIDENCE PHYSICAL/DOCUMENTARY</p>

	<p>- Pre- slave emancipation: the wine boom ends; a period of depression for the Drakenstein farmers</p>	<ul style="list-style-type: none"> -1813 Perpetual Quitrents introduced, i.e. A leasehold which could be sold and transferred like freeholds [Lucas 2004: 78] - Due to the need for greater vine plantation and production to keep up with the growing demand for Cape wine, more land was opened up for farmers who intended to become involved in the wine market. Not until the 19th century that the empty land in the Dwars Valley was carved up [Lucas 2004: 78] - While the de Villiers family still continue to dominate the Drakenstein Valley in terms of land ownership and wealth, these new quitrents open up spaces for other people to invest in the Drakenstein Valley. - "From 1795 to 1820, wine farmers experienced a reasonably prosperous time. The presence of a strong army and navy at the Cape and the development of overseas markets...ensured that wine farmers obtained good prices for their wine" [Van Zyl 1987: 76]. - With this new expanding and profitable market of wine production came a change to the status and wealth of these Drakenstein Wine farmers evidenced by the building and rebuilding of homesteads throughout the Valley resulting in many of the Cape Dutch Homesteads that still exist on these historic estates today. The unique structure and form of the Cape farmhouse developed quickly as the concave convex gable proliferated in just 40 years. Classical principles were employed in the location, planting, layout, form and decoration of the settlements, such as order, hierarchy [Berman 2004]. - While the farmers of the 18th century had owned on average 7 slaves, those wealthy wine farmers of the 19th century owned considerably more- as many as 30 to 40. - Such large numbers of slaves could no longer be housed in the same homestead or outbuildings as the owner lived in. Separate slave quarters and lodges were built. Evidence for these separate buildings can be found in the inventories of deceased, insolvent and auctioned estates. Both <i>Goede Hoop</i> and <i>Boschendal</i>, as two of the wealthier farms at the time provided separate accommodation for their slaves in the form of slave lodges [Lucas 2004: 101] - 1821 drastic drop in the wine price until the end of the 1840s principally caused by "surplus offerings on the local and British markets" [Van Zyl 1987: 76] - During these three decades the cost of being a wine farmer would have weighed heavily on the minds and in the pockets of the Drakenstein land owners. They had to contend with expensive equipment, the high cost of slaves and their maintenance. Farmers had to take out big mortgage bonds to finance the development of their wine farms. "In 1824 it was calculated that these bonds totalled more than 3 million Rix Dollars" [Van Zyl 1987: 77]. While there is this veneer of prosperity and wealth evidenced by the building and remodelling of homesteads in the Dwars River Valley, there was also a dark undercurrent of debt as many of the farmers desperate for the manual labour need to turn grapes into wine took out loans against their landed property and human property in the form of slaves. - At this stage transport was a major problem for the wine farmer of the Drakenstein region; "Because the ox wagon was the only means of transport, and could only transport two leaguers of wine at a time, the bigger farmer who marketed 100 leaguers of wine would have to undertake 50 journeys to Cape Town. A single journey over poor roads could take up to four days for the remote Drakenstein wine farmer" [Van Zyl 1987: 77]. 	<ul style="list-style-type: none"> - Many wine merchants from Cape Town purchase wine estates in the Drakenstein and Stellenbosch regions in order to capitalize on the boom in their market by being in control of both the production and sale of wine i.e. look at the Wine Taster's Office Records of the Cape Archives [KAB WT] which shows however time merchants in Cape Town come to own property in the agricultural districts - Some of the buildings that were built in this period still exist on the estates today: <ul style="list-style-type: none"> - <i>Boschendal's</i> homestead in its current form was built in 1812 by Paul de Villiers - On <i>Goede Hoop</i> [now Good Hope] the house was built in 1821 by Pieter Hendrik de Villiers, David's son; a cellar was later built in 1832 - <i>Zandvliet's</i> front gable is dated 1831 and was most likely built by Cornelis Brink, Jan's son - <i>Lekkerwyn's</i> revised gable is dated 1834 and was built by Jacobus Stephanus de Villiers - <i>Bethlehem's</i> wine cellar is dated 1840 and was probably built by Carel Albrecht Haupt who might have additionally altered the main homestead at this stage - <i>Meerlust's</i> gable is dated at 1849 [All homestead information from Franssen 2004: 271-280] - The records of the Slave Office (SO) held in the Cape Archives are particularly interesting at this time. Slave registers indicate all the slaves an owner had purchased and sold from 1816 to the beginning of emancipation in 1834. There are also the books of the slave cases detailing the complaints of slaves and disputes that occurred between master and slave. Many of these documents allow the researcher to reconstruct part of what the life of a slave on a particular farm and in a particular area would have been like - During the 20th century, under the ownership of Rhodes Fruit Farms, the <i>Boschendal</i> slave lodge was converted into a restaurant for tourists - The Slave Office records additionally keep track of all the mortgaged slaves that farmer's took loans out on their slaves. The Insolvent estates of the property owners in this Valley just after the emancipation of slaves in 1834 give a good idea of just how deep the debt of some of these wine farmer's ran.
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PERIOD	ROLE OF THE DWARS RIVER VALLEY	ASSOCIATIONS/PEOPLE/EVENTS/ ACTIVITIES/ELEMENTS/BUILDINGS	MATERIAL EVIDENCE PHYSICAL/DOCUMENTARY
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<p>1834 - 1838</p>	<p>- A place of labour limbo; the apprenticeship period</p>	<p>1828 Ordinance 48 added to labour restriction of Khoikhoi as a pass system was introduced</p> <ul style="list-style-type: none"> - Ordinance 50 of 1828 repealed all the prior legislation regarding the Khoikhoi servants. "The ordinance was passed in anticipation of the liberation of the slaves in 1838-1839. Ordinance 50 removed the legal category of "Hottentot", and all "people of colour" were grouped together; no distinction was made between ex-slaves, Khoikhoi servants and so called "Bastaards" [Clift 1995: 25] - 1834 slavery abolished at the Cape, but slaves were not automatically freed until 1838 as over a four year period they were legally bound to serve an apprenticeship with the very people that owned them - The colonists reacted to the emancipation of slaves with loud demands for a vagrancy law which resulted in an ordinance that controlled the movement primarily of the Khoikhoi as slaves were still essentially tied to the land of their owners [Boonzaier et al 1996: 111]. - The emancipation of slaves marked a major shift in the labour relations of South Africa. For the first time at the Cape, there was classification that was based on race rather than legal status. The British utilized the terms "white" (European) and "coloured" (lumping together freeblacks, ex slaves and Khoikhoi) to categorize the population at the Cape. This racial duality was overlaid with a class one- one of Master and Servant [Lucas 2004: 142] 	<ul style="list-style-type: none"> - Farmers were trying to ensure a stable labour force on the eve of slave emancipation. It was not an insignificant labour force that would be lost: In 1833 the official returns of the Compensation Commissioners recorded 35 745 slaves with an estimated value of over £3 million- the majority of which were living in Cape Town and the arable south western districts [Worden 1989:32] - Racial undertones in the form of group categorization and living separation- the Pniel Mission Station that was established in 1843 was spatially planned along lines of racial segregation- there was a separation of: <ul style="list-style-type: none"> - lighter-skinned Creole ex-slaves and - darker skinned Mozambique ex-slaves who lived on the North East of town off the main road- an area now known as Masambiekveel [Lucas 2004: 142] <p>Subtle evidence of separation and segregation existed in the Cape agricultural interior before the formal policies of Apartheid of the Nationalist party of the later 20th century were enforced.</p>
<p>1840 - 1892</p>	<p>- A new start for ex-slaves and Khoikhoi: the establishment of the Pniel Mission Station</p>	<ul style="list-style-type: none"> - While a few ex-slaves from the agricultural interior moved on to Cape Town to try to make a new life for themselves after the apprenticeship period was over, due to their poor economic situation and social and family ties, many continued to work for pay for the same people that had owned them during slavery - After the 1840s masses of ex-slaves and Khoikhoi servants moved away from the farms and settled at the mission stations [Clift 1995: 25]. The mission created a haven for the Khoikhoi (Worden 1995), "providing them with access to land and grazing, an alternative way of living within a colonial society that had robbed them of their land, wealth and dignity" [Clift 1995: 25]. - 1843 a Mission Station was set up in the Dwars River Valley called Pniel that was to be run by the Reverend Stegman of the Apostolic Union (a non-denominational protestant group) [Lucas 2004: 143]. - Land set aside for the Pniel mission inhabitants was divided into 99 plots and separated into 2 zones: <ul style="list-style-type: none"> - One area consisting of housing the lots (erven) - Another area of garden for the inhabitants to grow vegetables and keep livestock [Lucas 2004: 142] - It was perhaps due to this labour shortage that the mission station of Pniel was to exist at all. The Pniel station was an amalgamation of land belonging to Pieter Izak de Villiers (owner of <i>Goede Hoop</i>) and Johannes Jacobus Haupt (owner of <i>Rhone</i> and <i>Languedoc</i>) who together acted as Directors of the new missionary institution. After a 4 year period of apprenticeship, farmers now experienced an acute labour shortage. In January 1840 C.J. Voigt, a well known farmer from Paarl wrote to <i>De Zuid-Afrikaan</i> that "unless measures are instituted immediately, most wine farmers will not be able to harvest the existing vintage due to lack of labourers, which was also the reason why part of the fruit harvest was lost" [translated by Van Zyl 1987: 77]. 	<ul style="list-style-type: none"> - Many of the people who live in Pniel today can trace their family histories and genealogical lines back to ex-slaves who worked on the estates of these wine farmers and then came to live on the Mission Station of Pniel after the apprenticeship period had ended. Many of the family names that exist in Pniel today appear in the register of Pniel in 1849. Not only can residents trace connections their to ex-slaves, but the white owners of the wine estates that had owned them [Lucas 2004: 155] - July 1843 an area of land just less than ½ hectare of de Villier's farm, <i>Goede Hoop</i>, was transferred to the Pniel Mission Station for the creation of a school and church on the allocated land - December 1843 'Papier Molen', a large farm of around 42 hectares on the southern boundary of <i>Goede Hoop</i>, was purchased as land to house plots for the missions new inhabitants. These two portions of portions of property still make up the heart of what is the Pniel community today. Perhaps even some of the social and economic conditions prevalent in the settlement today can be traced back to the paternalistic set up of the initial mission stations as while the erfholders of Pniel had "to a large degree, right of disposal over the erfs, they had no property rights and as tenants they were subject to the regulations and decisions of the board of directors" (namely Haupt and de Villiers) [Visagie 1987: 45]. The paternalistic relationships that had dominated slavery were still evident in a landscape of emancipation. - The Insolvent Estate papers [KAB MOIB series] of many of the wine farmers of this period attest to this economic depression.

PERIOD	ROLE OF THE DWARS RIVER VALLEY	ASSOCIATIONS/PEOPLE/EVENTS/ ACTIVITIES/ELEMENTS/BUILDINGS	MATERIAL EVIDENCE PHYSICAL/DOCUMENTARY
	<p>- Renewed economic impoverishment for the Drakenstein wine farmers; the onset of the Phylloxera vine disease</p>	<ul style="list-style-type: none"> - During the 1840s and 50s labour question somewhat relived by unemployed freed slaves who started to once again seek work on the estates of wine farmers [Van Zyl 1987: 77]. Freedmen and freedwomen were paid only partially in wages- "they were forced to work for farmers in return for the use of land, or more commonly for food, drink (the perpetuation of the <i>dop</i> system which had originated under slavery), housing or clothing" [Worden 1989: 35] - By the end of 1845, the old difficult sandy road across the Cape Flats had been replaced with a good hardened one as far as Klapmuts (although the road used by Drakenstein wine farmers to transport their wine to the Paarl-Cape Town road remained in a poor condition for many years) [Van Zyl 1987: 78] This resulted in great savings many of the Drakenstein farmers as their transport costs were nearly halved [Van Zyl 1987: 78]. - 1860 British legislation passed that drastically reduced the import tax on French wines, and later in that year Britain passed a law which made the import tax on wine form all other overseas countries, including the Cape Colony, the same as of 1 January 1861. "This new legislation immediately ended the preferential treatment which Cape wine had received since 1813. Cape wines ere unable, on the basis of quality, to compete with European wines...within a few years after 1861 Cape wine exports had ceased" [Van Zyl 1989: 78] . - By the 1880s, distinctions in terms of the Priel Mission Station occupant's heritage and background of either ex-slave or Khoi origin became blurred to that the label of 'coloured' was adopted in distinction to the 'blacks' of the Eastern Cape [Lucas 2004] - 2 January 1886 Phylloxera was discovered in a vineyard in Mowbray. The Drakenstein initially escaped the damaging effects of the disease - By 1890 only 4 farms had been affected, but thereafter it spread like a veld fire through the Drakenstein vineyards - In the summer of 1890/91 out of a total infected vineyards in the Cape, viz, 214 652, Groot Drakenstein alone had almost 80% of the total (170138) [Van Zyl 1987: 80] 	<ul style="list-style-type: none"> - In 1849 there was still evidence of ex-slaves working on wine estates in the Dwars River Valley i.e. on farms such as - Boschendal and Goede Hoop <ul style="list-style-type: none"> - Languedoc/Rhone - Meerrust/ Eensaamheid - Bellingham, Werda, & L'Ormarins - Zandvliet, Lekkerwijn & Johannesburg - This British legislation represents a turning point in the economic life of the Cape Colony and Drakenstein itself: it became obvious that wine farmers would have to diversify their economic activities although the change to agricultural activities was limited as changes occurred on small farming units [Van Zyl 1987: 78] (rather than the later sweeping changes brought on by the establishment of the Rhodes Fruit Farms (Ltd) in the 1890s - It has been suggested that the Cape's wine export trade had still not fully recovered from the British legislations of 1860/61 even by over a century later in the 1980s [Van Zyl 1989: 78] - The concern over 'foreign black labour' was perhaps due to the increasing numbers of migrant labourers that had started working on the Diamond mines of Griqualand West in 1867 and on the gold mines of the Witwatersrand in 1886 [Thompson 1995: xvi] and who started working in the industrial areas of the Cape. - While measures such as the grafting of resistant American vine stocks occurred in nurseries being established at Paarl, it was perhaps a little too late for many of the Drakenstein farmers who were already sitting on huge debts due to the unstable nature of the wine industry at the Cape. Finally, however, it was due to this devastating vine disease that many farmers went bankrupt as it threatened their only source of income. - The final consequence of this devastating vine disease and impoverishment of wine farmers was the low value of property in the Drakenstein Valley paving the way for the grand scale acquisition of low priced land in the area by H.E.V. Pickstone on behalf of the Rhodes for the creation of fruit tree nurseries

<p>1892-1969 RHODES FRUIT FARMS</p>	<p>- A landscape transformed into fruit tree orchards- transition towards economic revitalization for the Dwars River Valley</p>	<p>- 1892 H.E.V. Pickstone came to the Cape and started the first true nursery for fruit trees on the farm Nootgedacht near Stellenbosch (financed by Cecil John Rhodes who contributed £ 100).</p> <p>- 1893 Pickstone and his brother started a nursery on the farm <i>Welvanpas</i> near Wellington (also with the financial help of Rhodes) which became the headquarters of the firm and that had 2 other branches- one in the Hex River and the other in Constantia</p> <p>- By 1896 the undertaking was so profitable that Pickstone purchased 3 farms in Groot Drakenstein and laid out nurseries there i.e. on:</p> <ul style="list-style-type: none"> - <i>Meerlust</i> - <i>Delta</i> (formerly <i>Zandvliet</i>) - <i>Lekkerwijn</i> <p>- While the new ownership of the many of the properties lying in the Dwars River Valley certainly affected the landscape, it also affected the physical buildings that lay on the properties. Due to connections between Rhodes and Herbert Baker, many of the homesteads on RFF were altered so that a new English colonial spatial understanding of the world took control of the homesteads- dark passageways and rooms were opened up to light as fanlights and new windows were inserted into the walls of these Cape Dutch homesteads.</p>	<p>- The landscape of the farms and vineyards of the Drakenstein Valley that had been under specific patterns of wine farming and settlement which had stayed essentially the same over the last 200 years was now suddenly being altered in the space of less than half a decade by the introduction of large scale funded fruit farming.</p> <p>-The Herbert Baker Papers [BC206] housed at the University of Cape Town's Archives and Manuscripts' Library detail the architectural changes that occurred to the various homesteads and buildings situated in the Groot Drakenstein region. There are both files of correspondence outlining the alteration process and the architectural maps and blueprints themselves.</p>
<p>PERIOD</p>	<p>ROLE OF THE DWARS RIVER VALLEY</p>	<p>ASSOCIATIONS/PEOPLE/EVENTS/ ACTIVITIES/ELEMENTS/BUILDINGS</p>	<p>MATERIAL EVIDENCE PHYSICAL/DOCUMENTARY</p>

	<p>- An intensified 'landscape of labour'</p>	<ul style="list-style-type: none"> - Towards the end of 1896, Pickstone persuaded Rhodes to buy a number of farms in the Drakenstein and elsewhere to turn them into fruit farms. Rhodes together with De Beers Diamond Mines (Pty) Ltd made available more than ¼ million pounds sterling with which the farms that would become part of the largest fruit farm company in the Western Cape, Rhodes Fruit Farms Ltd (RFF) were purchased - The farms selected by Pickstone included: <table border="0" style="margin-left: 20px;"> <tr> <td>- La Motte</td> <td>- Lekkerwyn</td> <td>- Good Hope</td> </tr> <tr> <td>- Meerlust</td> <td>- Rhone</td> <td>- Werda</td> </tr> <tr> <td>- Boschendal</td> <td>- Eensaam</td> <td>- Weltevreden</td> </tr> <tr> <td>- Zondemaam</td> <td>- Watergat</td> <td>- Niewendorp</td> </tr> <tr> <td>- Delta</td> <td></td> <td></td> </tr> </table> - Investment certainly paid off as the number of exports increased from 247 tons of fruit in 1900 to 6 452 tons in 1914 [Van Zyl 1987: 92]. - 1899 Languedoc Workers Village constructed by RFF; over 100 houses and a local church designed by Herbert Baker - It was during the 20th century that the settlements of Kylemore and Johannesdal sprang up- as answers to the need for labour for the RFF. Many of the inhabitants of these settlements had family relations in Pniel [Lucas 2004: 174]. - 1904 a Railway line was brought to into the mouth of the Valley - 1906 Jam factory was started by RFF in Groot Drakenstein, one of the first canneries in the Union was built on the premises. Fruit drying and wine making facilities were later added on [Food Industries of SA 1949: 20-30]. Such an organization of farms constitutes a self-contained unit in that growing and processing are both done on the same spot; all operations from crop to finished products were centralized under close supervision [Food Industries of SA 1949] - 1910 Union of South Africa- as the Cape Colony, Natal, the Transvaal and the Orange Free State became amalgamated under a joint legislature and government - 1913 Natives Land Act limits African landownership to the reserves; the beginning of a series of segregation laws [Thompson 1995: xvii] - 1927 Alfred Appleyard takes over management of RFF, at this stage RFF had passed into the hands of De Beers who had invited Appleyard to compile a report on the RFF, thereafter persuading him to stay on as Director and Manager of the farms. - Alfred Appleyard's management had a physical impact on the landscape during his time as manager and director. By 1949: <ul style="list-style-type: none"> - Orchards and vineyards were extended - He built roads, bridges and dams - He increased the number of workers houses from over a 100 to several 100 and added a post office, a shop, a soup kitchen, two clinics complete with nursing service as well as a school for the "coloured people" [Food Industries of SA 1949: 30] - It was only after 1928 that a 'black' population increasingly began to settle in the region. But it was during the 1940s that large numbers of migrant labourers from the Eastern Cape came to work for the Rhodes Fruit Farms. 	- La Motte	- Lekkerwyn	- Good Hope	- Meerlust	- Rhone	- Werda	- Boschendal	- Eensaam	- Weltevreden	- Zondemaam	- Watergat	- Niewendorp	- Delta			<ul style="list-style-type: none"> - Baker's office was responsible for both internal and external changes i.e.: alterations and additions took place on: <ul style="list-style-type: none"> - Bien Donne - Simondium Station House - Boschendal - Simondium Station Master's House - Delta - Vrede en Rust - Good Hope - St. George's Church - Lekkerwyn - Pniel Church - L'Ormarins - Watergat - Nieuwe Hoop - Evidence of the restoration and alterations of homesteads on these historic estates not just a concern for aesthetics by Rhodes' desire to "maintain an appearance of continuity...by renovating and up keeping old farmsteads, an illusion of individual farms was sustained, masking the fact that this was now a landscape of cooperate ownership" [Lucas 2004: 162] - One can also trace changes to the built n environment during this period by studying the photographic collections of Arthur Elliot and Arthur Gribble held in the Cape Archives. Over 200 photographs exist of homesteads and views of Groot Drakenstein and Simondium. Both photographers worked contemporaneously around the early 20th century, although the Elliot photographs in many instances pre-date those of Gribble as alterations that were undertaken by Baker are not evident. - The fruit industry is a labour intensive industry, especially during the harvest period resulting in the RFF requiring a large labour force- and the consequential need for accommodation for these workers [Lucas 2004: 163]. Lanquedoc Village settlement still exists to the present day with new housing and accommodation having been added early in the 21st century. Architectural plans and blueprints of the additional housing added on to Lanquedoc in the mid to late 20th century are held in the Boschendal Estates Private Collection. - The layout of the railway on the landscape of the Drakenstein Valley can be found in the Cape Archives [KAB M1/917-919] - The Herbert Baker Papers kept at UCT's Manuscripts and archives library contain the plans for the station house and the station master's house built in 1917 [BC206 Folder No. 205] - Many policies of segregation and separation of the apartheid era were anticipated in the policies of this Union, but it was only formally that programmes of apartheid were introduced in 1948 under the Nationalist Party as separate areas and laws were carved out for different ethnic groups - Much of the evidence of changes to the landscape of the farms that were part of the Rhodes Fruit Farms in the Dwars River Valley is documented in the quarterly reports compiled by Appleyard from 1927- 1933 held in the University of Cape Town's Manuscripts and Archives Library [BC860 Alfred Appleyard Collection]. Appleyard details everything from the building alterations and additions on the farms of the RFF to discussion of labour, forestry, the wine industry...etc. These reports additionally contain photographs documenting changes to buildings, the construction of dams...etc - Until this point there was no particular provision made for separate areas for the various population groups, rather separation and segregation had occurred in the town planning of areas like Paarl on a more spontaneous basis and not in accordance with specific regulations [Visagie 1987: 45]
- La Motte	- Lekkerwyn	- Good Hope																
- Meerlust	- Rhone	- Werda																
- Boschendal	- Eensaam	- Weltevreden																
- Zondemaam	- Watergat	- Niewendorp																
- Delta																		

PERIOD	ROLE OF THE DWARS RIVER VALLEY	ASSOCIATIONS/PEOPLE/EVENTS/ ACTIVITIES/ELEMENTS/BUILDINGS	MATERIAL EVIDENCE PHYSICAL/DOCUMENTARY
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**1948- present day
FROM APARTHEID TO
DEMOCRATIC FREEDOM**

- December 1946 the black residential area called Mbekweni between Paarl and Wellington was established in terms of the Natives (Urban Areas) Consolidation Act [Visagie 1987: 25]

- 1948 Nationalist party introduces programme of Apartheid

- By 1949 it was reported that some 50 white families and from 1, 500 and 2, 00 coloured workers were employed by the RFF; The company did utilize labourers from areas such as Stellenbosch and Worcester [UCT MSSA BC806 Folder C1] but the majority came from the local community settled at Pniel. Not only did the RFF own the land the workers lived in, but they tried to control the social aspects of community life as can be evidenced in the managerial reports of Alfred Appleyard [UCT MSSA BC806 Folder C1]

- 1950 The Population Registration Act classifies people by race; Group Areas Act of the same year specifically dealt with the forced removal of certain ethnic groups from areas where they were not seen as 'belonging'.

- 1968 Pniel was designated as a rural 'Coloured Area' which is ironic as in reality it existed as a 'coloured' enclave surrounded by white owned agricultural property that was dependant on this community as a source of labour. "The ideology of segregation and later, apartheid was always in tension...with the economic need for labour in towns and cities" [Lucas 2004: 173].

- 1969 Rhodes Fruit Farms purchased by Anglo-American Farms (AAF or Amfarms), a subsidiary of the multi-national corporation Anglo-American [Lucas 2004: 160]

- 1974 proposed new road to pass through Bethlehem, Languedoc, Rhone, Normandie and Weltevreden

- 1974 new "Bantu dormitories" designed on RFF property for black migrant labour workers. Settlement to be called 'Thembaletu'- the first separate for migrant labourers in the Dwars River Valley

- 1986 Pass laws repealed; the government proclaims a nationwide state of emergency, detains thousands of people, and prohibits the press, radio, and television from reporting unrest

- 1990 President de Klerk unbans the ANC, PAC, and SACP; releases Mandela and other political prisoners [Thompson 1995: xix]

-1990-91 "1913 and 1936 Land ACTS, Group Areas Act, Population Registration Act, and separate Amenities Act repealed' political organizations unbanned; state of emergency revoked; amid widespread violence, delegates from 18 parties start formal negotiations" [Thompson 1995: xix].

-1994 First democratic non-racial election held and Nelson Mandela is sworn in as president and forms Government of National Unity[Thompson 1995: xix]

- Pniel became incorporated into the Stellenbosch Municipal Council which produced their own IDP with a vision of "...an integrated and reconciled community, free from all forms of discrimination" [Lucas 2004: 174].

- The mineral revolution and increasing industrialization had an impact on urban populations- which can even be evidenced by the influx of black migrant workers to the agricultural interior of Paarl, Stellenbosch and Groot Drakenstein. This resulted in a greater concern by whites for segregation [Lucas 2004 171-172]

- While there is a new vision for the Groot Drakenstein landscape brought on by the industrial scale of production, there is also a "great deal of continuity"- "the integration of many of the workers into the company as 'family'; people who worked for the company, also live in houses built by them, on land owned by them, while the management occupy the former homesteads [Lucas 2004: 163]. The paternalistic landscape that had been perpetuated during slavery still existed in the Drakenstein Valley in the form of corporate capitalism.

- Unlike District Six, Pniel did not suffer forced removal as it was designated a coloured area and so many of the historic workers cottages still stand today. This does not mean that the Drakenstein community did not suffer from forced removals as other areas declared 'white only' ushered in the removal of many people from their homes [Visagie 1987].

- The Boschendal Private Map Collection contains the proposed new road as well as other maps that detail the site plans of the new housing for workers on the various RFF estates as well as the plans for new dams and the agricultural layout of the landscape dated to 1959. There are also the architectural plans for the various types of houses as well as for the segregated black settlement village called Thembaletu. These plans are historically significant in that the physicality of labour history can be witnessed through the laying out of worker's housing within a white owned landscape.

- Under the new constitution, new policies concerning urban and rural landscapes were produced and in particular the promotion of "Integrated Development Plans (IDP) aimed to manage development in a fair and progressive manner" [Lucas 2004: 174].

- "Heritage and tourism are closely linked to the new IDP, and Pniel is keen to explore this aspect, part of which is occurring under the umbrella of the UNESCO slave route project" [Lucas 2004: 174]

- Local initiatives underway to explore the genealogical research linked to the history of Pniel as well as conservation oriented strategies that focus on material remains- such as the excavation of the Silvermine Complex situated on the slopes of the Simonsberg Mountain ranges excavated by Gavin Lucas in 2002 [Lucas 2004: 174]

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Appendix 14: Historical Spatial Chronology prepared by Sally
Titlestad (2005)

APPENDIX 8

TEXT EXPLANATION OF ACCOMPANYING HISTORICAL SPATIAL MAPPING

FOR THE SCOPING PHASE OF

THE HERITAGE IMPACT ASSESSMENT OF THE DRAKENSTEIN VALLEY

COMPILED BY SALLY TITLESTAD

JULY 2005

HERITAGE IMPACT ASSESSMENT MAPS OF THE DRAKENSTEIN VALLEY

These constitute a series of four visual images, each relating to a specific period in the history of the valley¹. The series of maps depict the land as it is currently in relation to historical themes and structural elements of both stability and change over time.

METHODOLOGY

The visual representations constitute a series of thematic superimpositions of largely secondary sources onto current aerial photographs with the new (implemented approximately 8 years ago) cadastral boundaries.

The specific superimpositions differ for each image, but depict the enduring elements of cultural landscape as well as the changes that occurred in relation to these aspects within and between time periods.

MAP 1 – FOR THE PERIOD 1650-1795 DEPICTS²

- Three sets of cadastral material representing original land grants in the valley³
- Land expansion and the development of wealth of families⁴
- Open and public spaces including access to both the mountain and the rivers
- Routes into and through the valley⁵
- The development of the first industrial site in the colony (the silver mine)⁶

MAP 2 – FOR THE PERIOD 1796-1896 DEPICTS⁷

- A significantly darkened base in order to de-emphasise the current detail, and to emphasise the available structural elements for the period⁸
- The enduring structural elements of the original land grants
- The expansion of land ownership in the consolidation of original grants
- Incorporation into private ownership of what had until 1813 been public land (both arable and grazing) which lay between the original grants
- The granting into private ownership of dedicated public land in the form of outspans in the 1870's⁹
- The development of the first labour housing settlement
- The individual men who influenced and controlled the location and manner of housing labour post emancipation

MAP 3 – FOR THE PERIOD 1896 – MID 20TH CENTURY DEPICTS

- The development of roads within and between farms
- The massive intervention into a valley crippled by bankruptcy and the destruction of crops from phylloxera, of Rhodes and Pickstone
- Baker interventions and, following his exit of the colony, interventions by his practice of architects
- Further Development of labour housing settlements (Johannesdal, Kylemore and Lanquedoc)
- The enduring identification of original cadastral layout

- The incorporation of what had been public land into individual ownership (Rachelsfontein and de Bordje)

MAP 4 – FOR THE PERIOD 1960 TO CURRENT DEPICTS

- Intervention in the built environment and the erection and recent boarding up of 'cottage clusters' for housing 'Coloured' labourers of the Rhodes Fruit Farms and Anglo American Farms in the last 50 years
- The formal provision of hostels for 'African' migrant contract labourers and their apparent disappearance from the labour pool as people were moved out of Thembaletu and the building boarded up
- Intervention and complete restructuring of cadastral boundaries without applying cognisance of the importance of the enduring historical patterns of cultural landscape
- The changes in labour practice post 1994 and the removal of all labour from farm housing and the boarding up of all previous labour housing on farms
- The impacts of the withdrawal of Anglo American Farms from the valley can be seen in the removal of labour from housing on farms and the expansion of common labour settlement

THEMATIC REPRESENTATION OF HISTORICAL AND STRUCTURAL ELEMENTS ACROSS THE MAPPING SERIES OVER TIME

Themes depicted (which are more thoroughly developed within the text of the phase 1 report) are

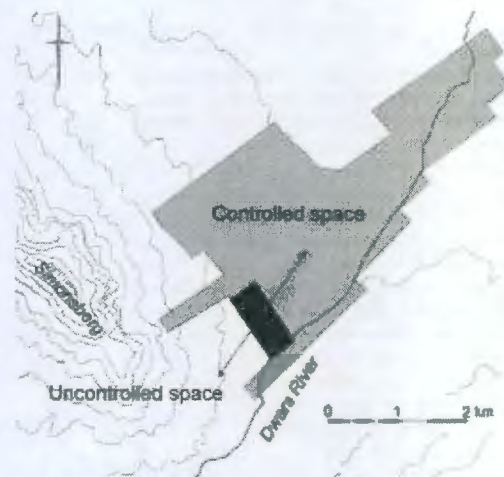
1. Patterns of land ownership (cadastral)¹⁰

- Land was first granted in the 1680's, with all land pockets being the same size. Title deeds were drawn later, and the cadastral boundaries differentiating privately owned land and land available for public use were set. The pattern of cadastral boundaries was established with land pockets lying more or less adjacent to one another, but with common arable and grazing ground between some of the land parcels, and with access to the river and mountains by non-land owners left open.
- The pattern of cadastral boundaries did not change until the 19th century¹¹. The changes wrought at this time were the incorporation of public ground or quitrent land into private ownership. The cadastral pattern of landform was essentially unaltered, but land holdings became larger. Reference to the original pattern endured despite these incorporations. At the time of emancipation, Labour settlements were established for the first time. Papiermolen (a previous subdivision of de Goede Hoop) was purchased and set aside for labour settlement in the form of a mission station, and later both Johannesdal and Kylemore were located on the margins of the valley and established. Later in the 19th century the outspans were absorbed into private ownership for the first time. Rachelsfontein and de Bordje were then privately owned for the first time, ending the period of open public access to rivers within private landholdings.
- The next major series of changes began at the end of the 19th century. The consolidation of 29 land parcels into effectively a single landholding occurred in four periods over the 20th century and eventually altered the cadastral pattern entirely¹².

- The early period (1896 – 1902) in which Rhodes and his agent, Michell, advised by Pickstone, selected and purchased viable farms in the Valley¹³. De Beers Diamond mines provided capital for the project, and Pickstone directed farming operations until 1903¹⁴.
- Rhodes Fruit Farms (the Rhodes Trust, Alfred Beit, and De Beers Diamond Mines) was formed in 1902 as a subsidiary of De Beers Diamond Mines, and administered the farms between 1902 and 1937, during which time the land incorporating the Silvermine was purchased¹⁵.
- In 1937 Abe Bailey (a friend of Rhodes') purchased RFF, and upon his death in 1941 it was sold to a syndicate¹⁶.
- The syndicate period (1941-1969) during which notably Bethlehem was subdivided in 1952/3 although the subdivisions remained held by the corporate, and
- In 1969 the syndicate sold RFF to Anglo American Farms, originally established by De Beers Diamond Mines (1969 – 2003) and the accumulation of land not previously available to private ownership continued.
- The mountain lands above Nieuwedorp were purchased by Amfarms approximately 10 years ago¹⁷.
- Within that period, title over the holdings changed from Rhodes and Pickstone to RFF and thereafter to Anglo American Farms. The cadastral interventions of Anglo American towards the end of the 21st century created an entirely different set of cadastral patterns than had previously existed. The endurance of the original cadastral layout was, however, so strong that it was used by Anglo as a structural element in identifying the new cadastral locations, in other words the new cadastral boundaries were drawn using the 17th century markers to locate identifiable boundaries against which the new cadastral layer was placed.

2. Patterns of access and movement

- Patterns of access and movement are differentially identified across different periods of governance and their associated historical preferences for mobility¹⁸. First access to the valley was in the 1650's, when trading with the Khoi began to become important.
- Travel into and through the valley from the beginning of settlement in the 17th century linked the Drakenstein to Cape Town. Wagon roads into the valley were established from Stellenbosch travelling through the valley to Franschhoek, and from Paarl to Franschhoek. Travel within the valley was finer grained and consisted of travel between farms and families. The means and mechanisms of movement differed depending upon one's place in society. Owned land was subject to certain controls, and free movement existed outside of the controlled lands. Lucas (2004:141) presents an illustration of mid 18th century access and control of movement, presented alongside.
- In the 19th century British concern with more direct routes of travel relocated some previously major routes, and the recording of land detail allows accessibility to others. Fine grained routes of travel by

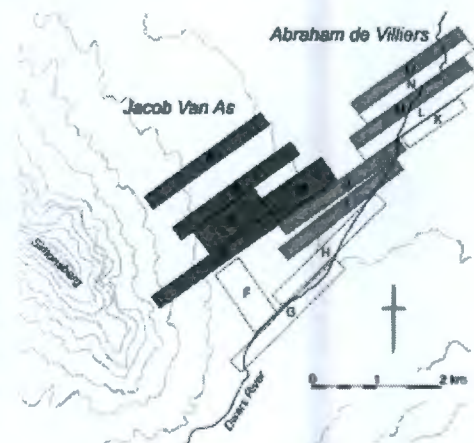


foot remain invisible for this period. The central enduring wagon routes are clearly depicted in SG diagrams and illustrated.

- Changes in routes of internal access occurred at the time of slave emancipation when the first labour settlement was developed at Pniel Mission station. The beginning of differentiating fine grained movement across the valley from domestic and social movement within the community began. These patterns of movement and access to the free land have endured, and been added to by the continued establishment of labour communities along the road into the Valley from Stellenbosch. There is a strong oral history that recalls patterns of movement that are not longer available¹⁹. Access between Kylemore and the (now) R45 was established by crossing farms along what is perceived as the old wagon road between these endpoints. This connected the communities of Banhoek, Kylemore, Johannesdal, Lanquedoc and Pniel²⁰. Access along this route was allowed by a servitude entrenching public accessibility, and has endured as an important route of travel between the communities²¹.
- Routes of access and available land were radically altered by the formal incorporation of additional land to previous landholdings, and by the privatisation of outspans after mid 19th century.
- A new road and railway was built in 1903/4, and while the location of the road does not deviate significantly from the enduring pattern its implementation allowed more speedy access to the Valley from surrounding areas.
- The establishment of the railway allowed transporting of larger volumes of goods into and out of the Valley as well as establishing a mechanism of public transport and mobility not previously available.
- The soft edges of access across the natural landscape of mountain and rivers has been consistently hardened over time with the growth of corporate capitalism, and the extension of access controls to increasing volumes of previously uncontrolled ground.
- The enduring cultural use of uncontrolled land along the mountain was curtailed after the purchase of the mountain land by Amfarms 10 years ago²².

3. Social – historical – visual - spatial linkages within land holdings and across the valley

- Social links between people and between those granted land in the valley and officials were strong²³.
- The need for early farmers to co-operate with one another, and to form a united community is evident²⁴.
- Family links between early farmers created a landscape of family linkages across parts of the valley from the 17th century which endured. This is illustrated in the diagram from Lucas (2004:77) which is reproduced alongside and illustrates family links in land ownership early in the 18th century.
- The creation of identity and changes in groups identifying with cultural linkages within the community over time relate directly to the parallel hegemony of Cape Society in varying time periods.



- In the early period visual spatial linkages would have followed the Dutch practice of travel between persons and families. Early pathways and roads across the valley would have snaked between one farm and the next. Lines of Connection would not have followed the 'square' cadastral pattern.
- Changes in social linkage and social division strengthened within groups prior to and through slave emancipation. Divisions between the Dutch and the British were particularly strong in farming communities and the locus of strength was located with the Afrikaner rebellion in Paarl and Stellenbosch²⁵.
- The development of Pniel was controlled by officials and their social links within the community²⁶.
- The development of family ties was (and remains) important in Pniel. The significance of the domestic household for the ex-slave community cannot be over-emphasized. The houses they built became the primary arena of the construction of family life, and provided the arena in which new identities were articulated - inflected as it was by the conditions of labour to which they were still bound. The family and the household became a means and context in which an identity was forged effacing their slave past and creating a new future²⁷.
- The introduction of corporate capitalism at the beginning of the 20th century totally altered the nature of life in the Valley.
- The establishment of further labour settlements extended the labour community, who were still in occupation of small amounts of land than were farmers, but the growth of the communities created different links between them and between families within these communities.
- Many of the inhabitants of the 20th century labour settlements had family connections with people already living in Pniel²⁸.
- The erection of housing clusters on farmland from the 1960's onwards strengthened links between families and the farms upon which they were located, and created communities of belonging and opportunity that have now been removed despite the continued existence of the empty houses once occupied by close knit groups of people.
- The erection of a hostel for Black migrant labourers strengthened the links between unskilled and semi-skilled labourers and the land upon which they worked (some seasonally and some on renewable annual contracts).
- The relationship of dependence between community and employer was partly loosened by the introduction of municipal services in the late 20th century.
- The recent retrenchments and erection of new houses at Lanquedoc to accommodate some 600 people has changed the nature of this community and imported workers from other farming communities²⁹. This has impacted on the landscape in a manner foreign to the Valley and to previous labour settlement³⁰.
- The removal of labourers and their families from the farm based housing clusters to Lanquedoc has caused a loss of social cohesion which existed within housing clusters, loss of amenity, and loss of access to land for farm gardens and tending small livestock³¹.

4. Patterns of labour

- On the first map there is no attempt to map labour practices. This is a considered omission from a historical perspective, and represents a number of factors. The mapping of slavery and the (then)

illegal employment of Khoi on farms is not historically recorded in accessible ways as are the histories of land owners and agricultural (colonial) expansion. Most of the farmers in the Drakenstein began with no slaves and the acquisition of slaves illustrates the growing success of the agriculturalist but indicates nothing about the people themselves³². Any attempt to map the lives of slaves and Khoi in the Drakenstein valley would require primary research³³. There would appear to be a link between the establishment of labour practices and the hierarchies of access to opportunity that have endured throughout the history of this valley.

- The first major changes in labour practice are evidenced by the building of slave lodges on the larger farms³⁴. These include Boschendal, Rhone and Goede Hoop.
- A strong labour force was accumulated in the Valley over time and accessible traces of individuals in this system can be linked to changes that occurred in the registration and monitoring of slaves that began in 1816 in association with changes in the oceanic slave trade.
- A labour force was certainly accumulated in the valley over time, but the first accessible (recorded) traces of this can be linked to occurring around the time of the abolition of the oceanic slave trade (1806), and thereafter slave emancipation (1834-38).
- Major shifts in labour practice began early in the 19th century accompanying the abolition of the oceanic slave trade and altered the previously enduring patterns of labour permanently³⁵. Labour practices underwent radical change with emancipation, and the crisis attenuating adaptation to market labour took decades to resolve³⁶.
- Religious requirements associated with mission settlement effectively rid the Valley of those ex slaves that were Muslim by depriving them of access to accommodation.
- The illicit occupation of buildings at the Silvermine by freed slaves is recorded.
- The establishment of labour settlements produced the first clear layers of labour in relation to landscape, as housing became fixed, and communities began to develop that were slightly more independent from farm owners.
- Paternalism bearing racial undertones in the accommodation of people at Pniel embedded the trends of segregation occurring in the colony into the Valley by spatialising racial separation³⁷.
- The consolidation into a venture of corporate capitalism has provided employment over the last century. The fruit industry provided employment for some while others were stimulated to develop entrepreneurial skills. Market gardening, fruit vending and the fruit transport industry resulted³⁸.
- In the 20th century labour practices and their impact on the landscape once again underwent radical change although class distinctions and hierarchies (social, racial, and job grade) established early in the Valley persisted³⁹.
- The settlements of Lanquedoc, Kylemore and Johannesdal were established to provide a source of labour for RFF .
- The growth of the fruit industry created additional seasonal and permanent employment opportunities.
- By the 1940's many of the labourers were (male) migrant workers from the Eastern Cape, who were housed at Uilkraal (below Boschendal) and as the necessities of production increased labour demands and produced the concomitant need to control the location and access of labourers, a migrant labour hostel was built in 1974⁴⁰.

- Between 1927 and 1949 under De Beers' management of the farming operation, Appleyard increased the number of workers houses from some 100 to "several hundred", a post office, shop, soup kitchen and two clinics were built in addition to 'a school for the coloured people'⁴¹.
- In 1968 Pniel was declared a 'Rural Coloured Area' in terms of the Group Areas Act.
- In the 1970's the planning and establishment of cottage clusters (for 'Coloured' workers) and the later erection of "Bantu dormitories" in the form of Thembaletu (for Black workers) continued the traditions of racial separation and class segregation within and between labourers⁴².
- The promotion of some workers to lower and middle management positions with differential housing allocations continued the traditions of establishing hierarchies within the workers community, ensuring that company controls were implemented within and outside working hours and spaces⁴³.
- Racial segregation in the provision of housing and services to Xhosa workers is evident from the 1940s, and increased after the late 1960s when there was a large increase in a migrant black population from the Eastern Cape. This served a secondary role of entrenching racial boundaries and the class differentiations between unskilled, semi-skilled, skilled and management level labourers⁴⁴.
- The demolition of 'native rondavels', the 'native village' and 'native shacks' which had been present on the landscape prior to the 1960's, presents another layer of intervention to shape the impact of labour on the landscape⁴⁵.
- The Pniel community (being the oldest) began during this time to expand physically and to develop an independence from the corporate controls, which has consolidated post-apartheid into a stronger sense of autonomous existence⁴⁶.
- Increasing demands for seasonal unskilled labour was met by employing family members of permanent staff locally, and when this could no longer meet the labour demands cheap migrant labour from the Transkei was used. The impact on the farming operation and the landscape was transitory, as these labourers were imported for harvesting season only, and therefore made little more demand on the company or the landscape than their temporary accommodation required.
- In recent years, presumably following changes in labour law to incorporate the rights of farm labourers, seasonal labour has been able to be acquired from the expanded settlements of Mbikweni (Paarl) and Kayamnandi (Stellenbosch)⁴⁷.
- Labourer's access to public amenities is very recent, e.g. the first house had electricity in 1920s, most only much later. Piped water to communal taps was introduced in the early 20th century. Piping direct to homes occurred much later. Until the mid 20th century, most residents relied on food produce by themselves on their allotments. Municipal services such as garbage removal began as late as the 1980's ⁴⁸.
- In 1983 the first Xhosa speaking school (Nondzame) was established at Uilkraal⁴⁹.
- Mass retrenchments beginning in 1998, the giving of land to individual title (for those who qualified), the removal of all labourers from the cottage clusters and the boarding up of these previous community settlements has created a dislocation of community, the loss of the Thembaletu labourers and 'community', and social problems new to the specific labour settlements in the Valley, as well as changing the nature of settlement and community across the entire agricultural operation that was RFF⁵⁰.

- The retrenchment of workers has resulted in loss of economic stability for household members who were seasonally employed as well as for those who were permanently employed on the farms, and has paradoxically entrenched links with the company as the base for economic stability⁵¹.

5. Interventions in the built form and planting

- The detail of changes in the built form and vegetation can be found in Aikman & Berman (2005a & 2005b).
- Fransen (2004) and Brink (2004) describe early developments in building form.
- Individually built houses and farming utility buildings were established with the growth of the farming operations in the valley from the 18th century.
- Homesteads and the building of slave lodges were symbols of wealth and success, and in the 19th century continued to expand individually.
- Roads between farms and across the valley were extant prior to the end of the 19th century⁵².
- The large scale bankruptcy of farmers in the valley at the end of the 19th century laid the ground for radical change in the built environment which accompanied Rhodes purchases of farmland across the landscape.
- The clearest location of changes in the built form depicted in this map series is located during the RFF period. The purchases (that began in 1896) of farms and alteration of homesteads included the demolition of the Nieuwedorp homestead and the erection of Rhodes Cottage.
- The early 20th century building intervention carried out on virtually every property purchased included building neo-classical replicas of Cape Dutch buildings and conversions of barns and (possibly) slave lodges⁵³. Primary research into the intervention in built environment should be carried out.
- Later 20th century interventions include erection of housing clusters, demolition of 'native' housing on various sites in the valley, and the demolition of mapped ruins. Primary archaeological and historical research is required for certainty of location and impact to be established.

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KAB S/G 1/1/2/18 1875 Survey Map of Government ground at Groot Drakenstein (Rachelsfontein) applied for by J.J. de Villiers

KAB S/G 5/1696 Surveyors Diagram with Original Title Deed for Bethlehem (dated 1696, but said to have been drawn mid 1700's)

KAB M1/1162 Valentyn's (1695-1713) Depiction of the most prominent farms and their owners

KAB M1/1159 1710 map depicting "The far off colonies of Drakenstein and Waveren

KAB M13589 undated map of the coasts from Saldahna to the Cape of Good Hope with inland farms indicated

KAB M2/630 1850 Survey map of ground between Dwars River and Stellenbosch

KAB M1/273 17th century map of the Cape Peninsula and surrounding country as far as the French Settlement

KAB M3/2528 1900 Divisional Map (Brink)

KAB CA DOY Doy'ly Collection

KAB CA AG Gribble Collection of Photographs

KAB CA E Elliott Collection

MSSA BC 860 Appleyard Collection of Photographs and Papers

MSSA BC 206 Baker Papers and Drawings

Surveyor General's Diagrams (This is not a complete listing of what has been consulted, but is a listing of what has been most significantly used in making the cadastral assessments (including in some cases the buildings)

- 5/1696 Bethlehem Diagram of land accompanying Title Deed at first grant
- 16/1691 Niuewendorp Original Grant
- 26/1714 Lormarins Original Grant
- 320/1818 de Goede Hoop Incorporation of New Quitrent land

- 332/1818 Nieuwedorp Incorporation of New Quitrent land
- 333/1818 Normandie Incorporation of New Quitrent land
- 246/1819 Boschendal Incorporation of New Quitrent land
- 212/1822 Bethlehem Incorporation of New Quitrent land
- 213/1822 Rhone & Languedoc Incorporation of New Quitrent land
- 46/1826 de Goede Hoop Subdivision Diagram (portion 3)
- 823/1856 Lormarans Incorporation of New Quitrent land
- 570/1864 Nieuwedorp Incorporation of New Quitrent land and shows buildings (Old homestead and outbuildings)
- 1067/1875 De Bordje Outspan Diagram for grant to private ownership
- 1/1/2/1875 Rachelsfontein Diagram in response to application of land for private ownership
- 679/1879 Rhone & Languedoc Electricity line
- 1451/1910 De Bordje Outspan ?Possible redistribution of lands in Rhodes Trust
- A4892/1926 Trade Winds
- 1272/1952 Bethlehem Subdivision Diagram
- B6/1924 De Bordje Outspan Survey of Mountain lands above the farm
- 1112/1944 De Bordje Outspan Subdivision Diagram
- 971/1951 De Bordje Outspan Incorporation of higher lands
- 11272/1952 Bethlehem Subdivision Diagram
- 11273/1952 Bethlehem Subdivision Diagram
- 11274/1952 Bethlehem Subdivision Diagram
- 11275/1952 Bethlehem Subdivision Diagram
- 11276/1952 Bethlehem Subdivision Diagram
- 11277/1952 Bethlehem Subdivision Diagram
- 11278/1952 Bethlehem Subdivision Diagram with buildings
- 11279/1952 Bethlehem Subdivision Diagram
- 11280/1952 Bethlehem Subdivision Diagram
- 6756/1953 Bethlehem Subdivision Diagram
- 6761/1953 Bethlehem Subdivision Diagram
- 6762/1953 Bethlehem Subdivision Diagram
- 2844/1955 De Bordje Outspan Subdivision Diagram
- 1434/1979 Babylonia/Lormarins Redefinition of Cadastral Boundaries
- 7908/1991 Redefinition of Cadastral Boundaries
- 10456/1994 De Bordje Outspan Redefinition of Cadastral Boundaries
- 7652/1995 De Bordje Outspan Redefinition of Cadastral Boundaries
- 3182/2001 Rhone & Languedoc Redefinition of Cadastral Boundaries
- 3531/2001 Redefinition of Cadastral Boundaries
- 2853/2003 Farm 1674 Redefinition of Cadastral Boundaries
- 2854/2003 Farm 1674 Redefinition of Cadastral Boundaries
- 2855/2003 Farm 1674 Redefinition of Cadastral Boundaries

- 2856/2003 Farm 1674 Redefinition of Cadastral Boundaries
- 2857/2003 Farm 1674 Redefinition of Cadastral Boundaries
- 2858/2003 Farm 1674 Redefinition of Cadastral Boundaries
- 2859/2003 Farm 1674 Redefinition of Cadastral Boundaries
- 2860/2003 Farm 1674 Redefinition of Cadastral Boundaries
- 2861/2003 Farm 1674 Redefinition of Cadastral Boundaries
- 2862/2003 Farm 1674 Redefinition of Cadastral Boundaries

¹ Time periods were selected thematically in relation to stability and disjunctures of enduringly stable patterns of influence in the colony and in the valley.

² The period 1650-1795 has been depicted as one period (although many detailed changes occurred across the period) because the relative stability of cadastral and population concerns fall into the overriding framework of the development of wealth and expansion of land ownership with a labour base of (growing numbers of) slaves, under the governance structure of the VOC (Dutch East India Company) at the Cape. Khoi occupation of and movement through the valley is difficult to locate because of the migration patterns of the tribes, and the Colonial tradition of representing the kraals outside of colonial settlements belies the realities of contact, trading and increasing employment of Hottentot labour (Clift, 1995).

³ The first is Guelke and Shell's (c1970's) research on freehold land grants in the South Western Cape has been compiled into a map depicting land grants at the Cape from 1657-1750. This has been superimposed onto the aerial photographs and is represented as white outlines with dates of grant (official grants in the form of title deeds), and farm names where these are noted, farm owners in terms of title deeds where no name is registered by Guelke & Shell. The second is Lucas' (2004) depiction of major land holdings and the social links between the owners. He also provides a diagram showing the accumulation of land by family and extended family at early 18th century. This diagram is superimposed on the aerial-cadastral layer and correlates extensively with Guelke's data. The third superimposition is the 1696 Surveyor's diagram of Bethlehem on the Southern end of the valley. The image superimposed is a photograph of the diagram from the deeds records and the photograph has foreshortening at the Western edge. It is not therefore entirely accurate, but its relation to Guelke's location of boundaries relates almost entirely. The differences between Guelke's depiction and Lucas's are evident in the translation of these diagrams to the rivers. Guelke shows the Eastern portions of land grants to traverse both the Dwars and Berg Rivers while Lucas shows the grants as traversing the Dwars River and ending at the Berg. Further research into individual title deeds would be necessary to resolve the apparent contradiction.

⁴ The principles guiding land expansion of the VOC into the Drakenstein were implemented (beginning in 1687) by Simon van der Stel who "followed commissioner van Reede's instructions (1685) exactly. The colony had to expand with industrious able men, not traders, preferably married, with a knowledge of farming and in particular viniculture; with a Calvinistic background and morals, who were able to stand together in times of war to defend the country; who intended to settle permanently and not depart the Cape with their acquired wealth" (Hulsof, 1941: 123-6) in Vos (2004: 3). Further factors influencing the original grants were that no choice was given; that they were oblong strips of land, all of equal size (60 morgen or 127.02 acres according to Malan & Harris, 1999) and that they stretched from the river to the mountains, resulting in each grant containing a balanced mix of arable and pasture land (Vos, 2004:3). Farms were granted in full ownership and without payment, on condition that the land was tilled within a year of the grant to discourage settlers from abandoning the farms through the harshness of the experience⁴. This provides some explanation as to the title deeds being drawn up some (4-10) years after the grants were allocated.

⁵ Roads into and through the valley are taken from Guelke's map. The correlation of his depiction with the contemporary river courses shows where perhaps river courses have changed, and where perhaps the flattening of the valley onto a map could produce error. There is however, extensive correlation. The 1696 diagram of Bethlehem (3 land blocks) correlates the land grants well, but the location of rivers and road differ. The difference in river location could have a few explanations. Of enormous interest is that the diagram is dated 1696 but according to Boschendal records was drawn in the mid 18th century. The diagram depicts 2 buildings. The first of these lies toward the Northern end of the middle piece of land and is labelled 'woonhuys'. The second is on the extrusion on the Eastern land block, and is labelled 'bokken hock'. The diagram depicts a wagon road running beneath the house that is labelled 'wagen weg naar Drakenstyn'. It is unknown whether the dating of this diagram is accurate or whether it depicts a wagon road used later – see diagrams for the later period. A 'groot klip' is also drawn and informs location.

⁶ The Silvermine, whose history is variously recorded is depicted as reference had been made as early as 1705 to attempts at mining. The detailed history of the mine has been researched by Lucas and recorded by historical archaeological artefacts and their reconstruction, which locations are defined by the work between 1999 and 2003 (Lucas Farm lives 2004)

⁷ The base map of aerial cadastral representation, with Lucas' depiction of the early farm grants forms the base for all further mapping. This period has been represented as one period despite changes in virtually every aspect of life. This period was historically difficult and began with the bankruptcy of the VOC. Colonially the beginning period was marked by the growth of wealth and the expansion of viniculture into export. Documented impacts for the community living in the Drakenstein valley of forces influencing this period include:

- the measles epidemic of 1829 that resulted in many deaths among the labour community (James & Simons: 1989)
- emancipation of slaves
- development of the Pniel mission and later Johannesdal
- mining of minerals at Kimberley
- a series of increasingly severe recessions and financial difficulties including loss of control over local banks by farmers
- drought, and
- the disastrous outbreak of phylloxera following years of waning crop returns, and ending the period with widespread bankruptcy of local farmers

⁸ The British period (1806-1910) introduced a number of administrative controls around land that allow for relatively easy access to data concerning changes in wealth and land in the colony. These include the introduction of detailed land surveys which were made in order for the British to establish the extent of the possible fiscal value of crown land, and for tighter control of cadastral taxation (Martin & Friedlander, 1984)

⁹ The consolidation of Surveyors Diagrams from this time period depicts the cadastral and land use changes, the incorporation of public land and the growth of wealth and capital which happened along with the growth in the wine industry and the beginning of land grants under the British

¹⁰ Cadastral differentiation refers broadly to the practice of delineating land ownership boundaries for the purposes of taxation. The application of cadastral boundaries allows differentiation of what portions of land are privately held, the identification of public space and public access, and the changes and adaptations of underlying principles and meaning of land ownership in the development of particularly colonised lands.

¹¹ The differences occurring around this time are associated with the bankruptcy of the VOC and the introduction of new fiscal controls around land, largely administered by the re-surveying and re-establishment of ownership and quitrent boundaries. See Fischer (1984) for more explicit discussion.

¹² Vos (2004); Lucas (2004);

¹³ Farms acquired were Boschendal, Rhone, De Goede Hoop, La Motte, Doornbosch, Welgegend, Zondernaam, La Pasis, Watergat, Meerrust, Delta, Lekkerwyn (later to Pickstone), Werda, Eenzaamheid, Nieuwe Dorp, Papiermolen, Cottage Farm, Weltevreden, Bien Donne (after April 1902, and later went to government), De Kleine Bergrivier, Vrijburg, Waterrant, Franschmanskraal; in Stellenbosch Nooidgegagt, Koelenhof, Upper Vredenburg and a portion of Libertas; in Tulbagh, La Rhone. (De Bosdari:1953, and Aucamp:1985) in Vos (2004)

¹⁴ Lucas (2004) & Vos (2004)

¹⁵ Lucas (2004:159)

¹⁶ Lucas (2004:160)

¹⁷ Gertenbach

¹⁸ During the Dutch period, routes of travel and access traditionally moved from place to place and the impact of this would have been that access passed through one place to another. The British preferred more direct routes of access and mobility, and roads were therefore altered during this time to create more direct (straighter) routes, ensuring easier mobility that was not dependant on going from person to person but could travel through a landscape without interfacing with all of its inhabitants.

¹⁹ See Makhurane-Pastor for detail of wagon routes and travel along mountainsides.

²⁰ Pastor-Makhurane (2005)

²¹ Pastor-Makhurane (2005)

²² Interviews recorded in Pastor-Makhurane (2005)

²³ The granting of Nieuwedorp (5 pieces of land) to Jacobus van As, Willem Basson, Arnoldus Basson, Erasmus van Lier, and Pierre Meyer. Willem Basson was the husband of Angela of Bengal – a slave owned and freed by van der Stel, Jacobus van As was her son born in slavery, and freed with her while Arnoldus Basson was apparently the son of Basson – all having links with van der Stel. The granting of Bethlehem to Pierre Simond, a French Huguenot Pastor, relates to the history of Huguenot refugees arriving in the Colony to claim the promised free land in exchange for religious freedom. De Goede Hoop was granted to “the rather impoverished Huguenot Pierre Jacobs” and settled by late 1687, although the title deed was only registered to his (by then Widow) Susanna de Vos in 1708.

²⁴ Randle (2005) describes in detail the opgaafrolle for the period and the lack of implements or firearms and slaves of the early farmers. This would have necessitated strong co-operation and assistance between them for success in farming to begin to become possible. The commonality held by those Huguenots who were granted land in the Valley created identity, link and assistance as this group had come with the intention of settling, and ‘had nothing to loose’.

²⁵ James & Simons (1989)

²⁶ See Surveyor General's Consolidated Diagrams, and Map 4 for visual detail

²⁷ Lucas (2004)

²⁸ Lucas (2004)

²⁹ Pers. Com. Winter with Boschendal Museum Staff

³⁰ Pastor- Makhurane (2005)

³¹ Pastor- Makhurane (2005)

³² Ofgaafrolle for the people free burghers granted land in this valley show that almost all of them began with no slaves and no weapons. The interpreted meaning of this is that both slaves and weapons were measures of wealth and their complete lack depicts farmers beginning with nothing but their determination to attempt to succeed and accumulate the means by which to defend themselves and produce crops. (Randle, 2005 historical research for this Heritage Impact Assessment)

³³ Aside from anecdotal material that can be gathered from previous research (Court records referred to by Coertzen (1988) and Oberholzer (1987) provide the scant details that are presented) there has been no systematic study of slaves and slavery, its practices and developing culture in the rural (or in the case of Drakenstein rural with strong links to Cape Town and travel between the two) settlements. Worden refers to Jan de Long (first owner of Boschendal) having a reputation of extremely harsh treatment of slaves, and the societal practice of rejecting those slave owners who treated labourers badly³³. Clift (2004) has undertaken research on Khoi lives and the decimation of the Khoi population in the Paarl area, and some implications may be drawn for Drakenstein, including the Khoi use of open space – none of these can be certainly located and attempting to do so would only provide a false sense of ‘knowing’.

³⁴ Elphick & Shell (1989:226)

³⁵ Worden & Crais (1994)

³⁶ Bank (1991) and Worden & Crais (1994)

³⁷ Lucas (2004) in Randle (2005)

³⁸ Boschendal Museum Exhibition 1999

³⁹ Lucas (2004) and Pastor-Makhurane, (2005)

⁴⁰ Boschendal Map collection depicted on Map 4

⁴¹ Food Services Industries report (1949) in Randle (2005)

⁴² Pastor-Makhurane (2005), Lucas (2004), drawings and plans held by Boschendal Estates, and Titlestad Historical-spatial Map 4.

⁴³ Based on Pastor-Makhurane (2005)

⁴⁴ Based on Pastor-Makhurane (2005)

⁴⁵ Titlestad (2005) historical dating map Map 4 Boschendal maps, drawings and site plans

⁴⁶ Lucas (2004)

⁴⁷ Pers. com. Boschendal Museum Staff

⁴⁸ Lucas (2004)

⁴⁹ Pers. Comm. Winter with Boschendal Museum Staff (2005)

⁵⁰ Pastor-Makhurane (2005)

⁵¹ Pastor- Makhurane (2005)

⁵² The Divisional map of Paarl (1900) clearly depicts roads, waterways, and some buildings. This map is accurate to other depictions of extant landscape and built features and has been superimposed on Map 3 for this reason. The fine grained travel access between farms and between parts of farming operations prior to Rhodes' takeover is informative of built environment interventions prior to asphalt.

⁵³ Vos (2004), and the Baker and Appleyard Papers held at UCT MSSA referred to in Randle (@005)

Appendix 15: Regional Determinants for the Dwars River Valley
prepared by Piet Louw & Dave Dewar Architects,
Planners & Urban Designers (2005)

Boschendal Heritage Impact Assessment

(Scoping Phase)

Identifying Settlement Informing Issues



May 2005

Prepared by

Piet Louw Architects • Urban Designer • City Planner

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Prepared for

Nicolas Baumann and Sarah Winter Heritage Consultants

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IDENTIFY SETTLEMENT INFORMING ISSUES

1. ADOPTING AN APPROACH

Boschendal is a key precinct within the wine and fruit lands, (as opposed to the wheat lands of the Swartland) of the Western Cape, an area of such beauty, historical significance and uniqueness that consideration is being given to seeking world heritage status for the entire area. It follows that, appropriately, a conservative approach should be adopted towards any proposals to change its character. This does not mean that no change, particularly in the form of urban development, can be considered. It does mean, however, that the impact, particularly visual impact, of any new development should be unobtrusive and that patterns of development should be in keeping with historical patterns. This document seeks to identify the main issues related to settlement which need to be considered at regional, sub-regional and local scales and to develop a set of principles which should inform attitudes towards new development.

2. THE REGIONAL SCALE

Figure 1 identifies the main issues at a regional scale. The agricultural valleys of the Western Cape are an important part of the unique landscape of the Western Cape. In terms of landform and land use, all have similar characteristics: steep weathered sandstone ridgelines, commonly under mountain fynbos or forest; more rounded granite intrusions in places on the steeper slopes; fertile mid-slopes which have long been farmed (commonly, they are under vines or fruit); settlements on the lower slopes; and river floodplains on the valley bottoms.

Historically, patterns of settlement have responded to the landscape. There is archaeological and linguistic evidence of significant Khoi occupation in the area in times before the settlers of the Dutch East India Company arrived in the Cape. Some of the migratory paths into the mountains (for instance, to the Silvermine area and to popular and accessible places to gather mushrooms and other wild fruits and vegetables) are still used by local inhabitants today.

Subsequent more permanent agricultural settlement also responded logically to the landscape, leaving a rich heritage within the cultural landscape: gracious Cape Dutch homesteads; werfs defined by low walls; planted windbreaks; hedges; and agricultural outbuildings, almost all on the lower slopes.

However, all of these valleys are under attack from unregulated urbanisation. Some of the valleys, such as Constantia, have been almost entirely overrun by suburban development and their rural qualities almost entirely destroyed. All of the others are under increasing threat. Significantly, most of this pressure is not generated by local economic need: most demand is generated by the very amenity of these places: it is the desire to privatise amenity, as opposed to need, which generates demand and commuter patterns to and from Cape Town have increased significantly.

The Groot Drakenstein-Simondium Valley, of which Boschendal is an important component, is also one of the least developed of the valleys. These facts reinforce the need to adopt a custodial approach towards it: it is the responsibility of this generation to ensure that its unique characteristics and qualities are retained for future generations.

Figure 2 shows the primary pattern of regional settlements and infrastructure. The relatively evenly spaced small towns almost all originated as central places providing services for their agricultural hinterlands. The range of the towns was established primarily in terms of movement on horseback. Two points emerge strongly from this diagram. The first is the rapid encroachment of the metropolitan urban edge. The second is the background nature of the Boschendal site. It is remote from concentrations of regional infrastructure. Indeed this remoteness is an important part of its attraction.

3. THE SUB - REGIONAL SCALE

Figure 3 maps sub-regional constraints and informants. Shown here is landform, surface water, good and moderate soils, nature reserves, elements of the cultural landscape, both built and planted, publicly significant views, settlements, and elements of regional infrastructure, including the rail and road movement network and dams. Clearly revealed is the balance which exists between wilderness, rural and urban landscapes. A distinctive urban corridor, not necessarily continuous in nature, is taking root in association with the N1 between Cape Town and Paarl. Elsewhere, the settlement pattern is ordered around a system of narrower routes linking agricultural central places. The dominant pattern is one of 'beads on a string' allowing significantly-scaled continuous swathes of green. There is also a tendency for settlement to gravitate towards significant concentrations of regional infrastructure. Both of these patterns should be respected in the planning of any future development. It can be seen that locationally Boschendal lies at an important cross-road condition between Stellenbosch and Paarl: it serves as a forecourt space announcing entry into the Franschoek Valley.

4. LOCAL SCALE

Figure 4 shows a composite of the elements contributing to the character of the local area and important dimensions of the cultural landscape, both built and planted. A significant quality, which cannot be mapped but which is of great significance, is the authenticity of the agricultural experience. Boschendal is a working agricultural area and it has the sights (not always neat), noises and smells associated with this.

The figure also identifies some of the emerging threats to that quality:

- Increasing suburbanisation;
- Commercialisation (particularly in the form of bed and breakfast establishments);
- The replacement of authentic or working agricultural activity with artificial substitutes (where vineyards operate more as gardens than having an economic function);
- Incremental reductions in erf sizes.

5. SOME GUIDING PRINCIPLES OF DEVELOPMENT

From the information and issues presented, a number of principles relating to how new development proposals should be viewed can be distilled.

- No development in river floodplains;
- No development on good agricultural soils;
- No development on steeper slopes (as a guideline, McHarg's criterion of 9° is suggested);
- Make development as visually unobtrusive as possible (through planting, cutting, control of heights and so on);
- No development on ridgelines and hills;
- Make erven larger, and buildings footprints smaller, as slopes steepen;
- Retain all important elements of the existing cultural landscape;
- Do not block currently used and historical community access paths to wilderness areas;
- No blockages to important public viewing cones and vistas and their backdrops;
- Retain the feel of agricultural dominance: this requires that the 'beads on a string' pattern of settlement be continued, allowing large uninterrupted swathes of agricultural production;
- Preserve the feeling of a working agricultural landscape (as opposed to a passive green one);
- New development should be informed by existing infrastructure;
- Reinforce the emerging N1 corridor.











-  Good Soils including High and Moderate Potential for Perennial and Annual Crops
-  Nature Reserves
-  Storage dam
-  Clear water reservoir
-  Bulk water pipeline
-  Electricity power station
-  Electricity sub-station
-  Kv powerline
-  Railway
-  National road

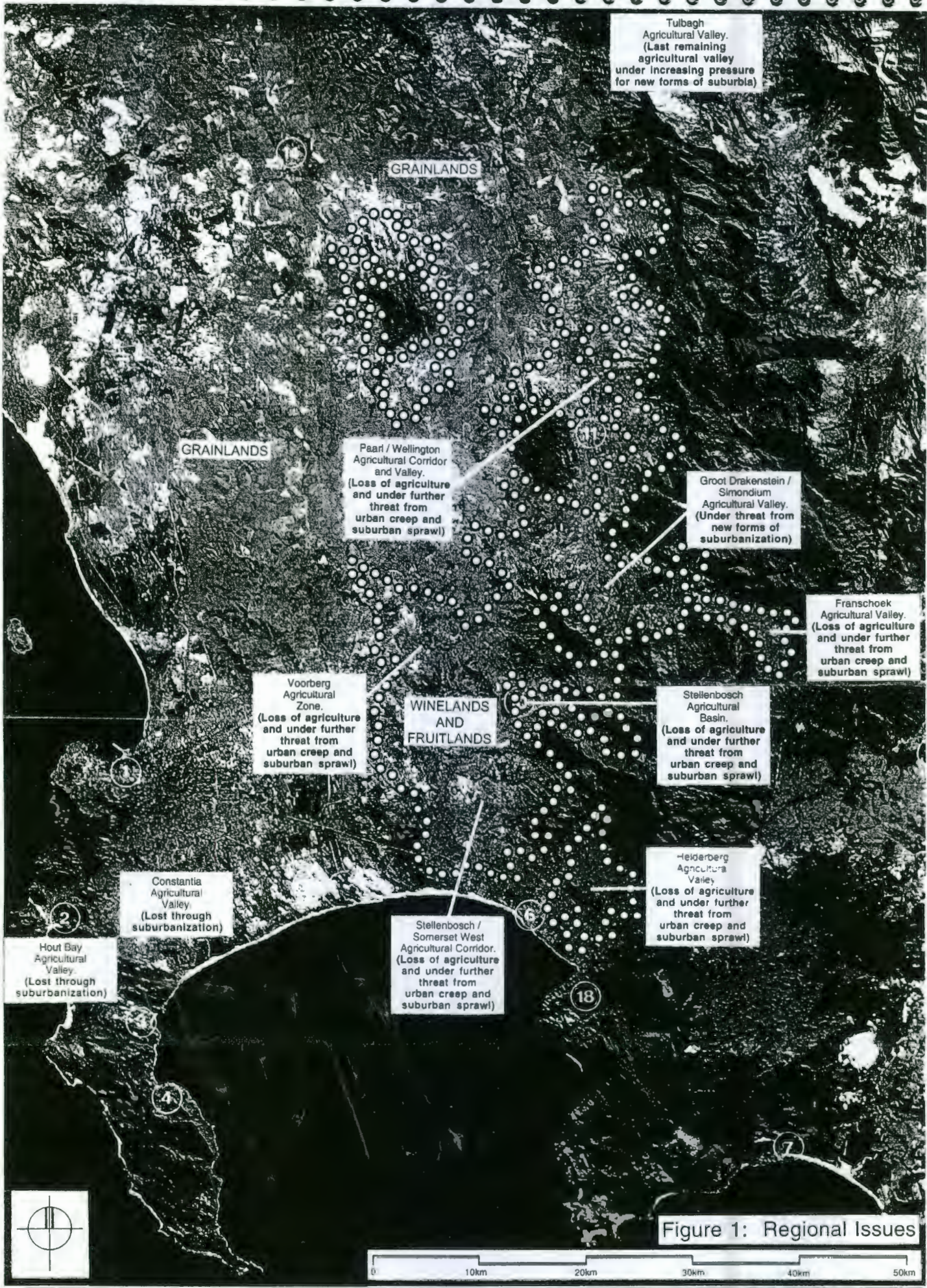


Figure 3: Sub-Regional Constraints and Informants





Figure 4: Local Area: Character Contributing Elements



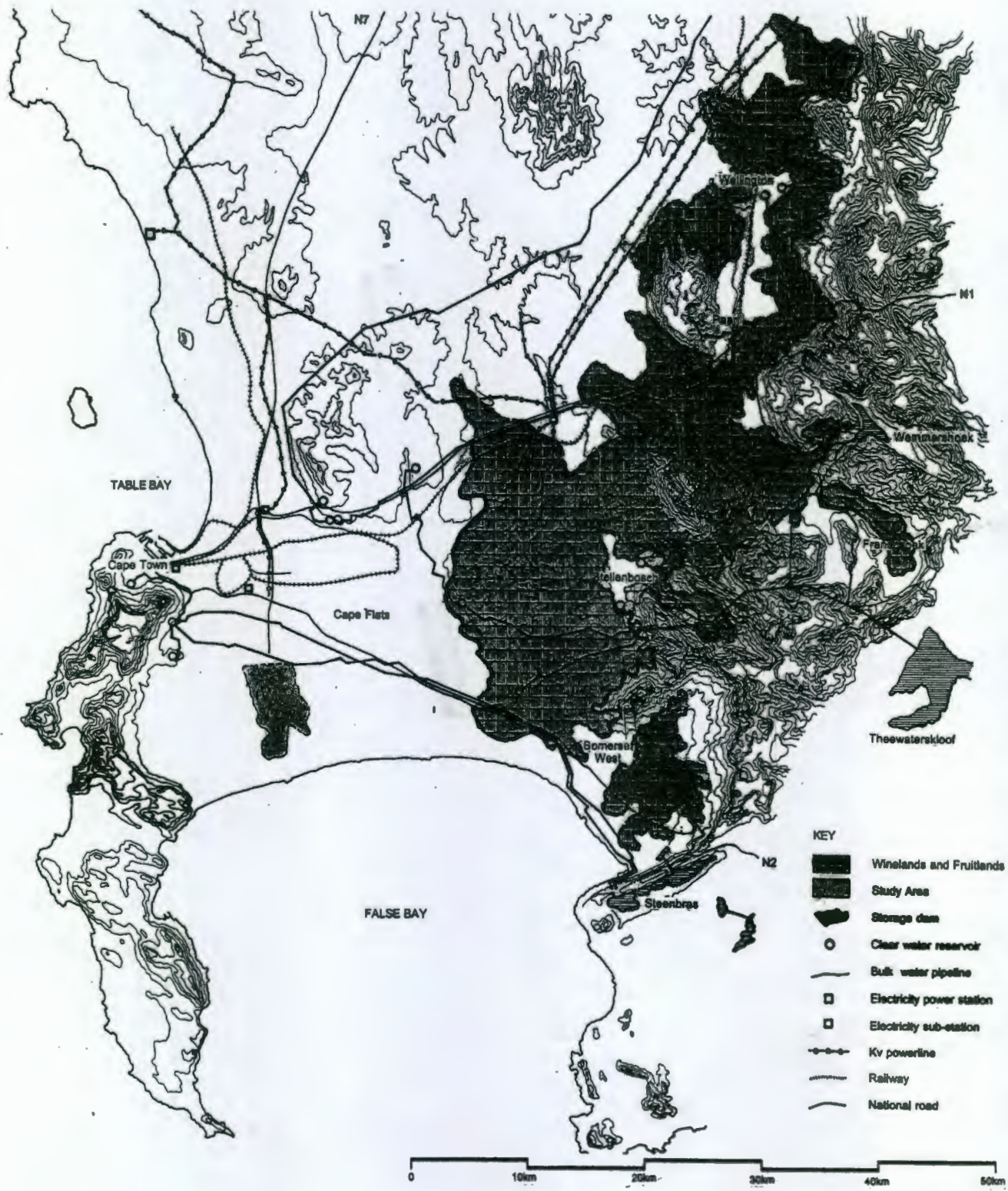


Figure 2: Regional Constraints and Informants