



## **rural development & land reform**

Department:  
Rural Development & Land Reform  
**REPUBLIC OF SOUTH AFRICA**

### **CHIEF SURVEYOR-GENERAL**

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## **REPORT ON THE SURVEY OF STATE LAND AND COMPLETENESS OF THE COMPREHENSIVE STATE LAND REGISTER**

**REF NO: CSI/7/1**

### **1. PURPOSE OF SURVEYING AND THE LAND REGISTER**

The State requires, in terms of various land administration legislation and the PFMA, updated property registers of all state land that should be recorded in their respective property portfolios. All unsurveyed, unregistered state land must be surveyed in order to be registered by issuing title deeds and conducting proper land administration with regard to transfers, leases, subdivisions, levying of property rates and facilitation of economic development. In order to ensure security of tenure for all, it is necessary that these building blocks be created for the foreseeable registration and future subdivisions of land, particularly in the vastly populated and under-developed communal areas located on State Land. The Land Register will then reflect all relevant property attributes, such as ownership details, Diagram Number, description, extent, State Entity custodianship, transactions, etc. However, it is desirable that information on registered usage, existing usage, building details, vesting status, etc. are included for completeness of a comprehensive land register.

### **2. BACKGROUND**

#### **a) Historical Legacy**

A legacy inherited by the State is that the Apartheid system of government had complicated the management of government immovable assets, as no less than eleven forms of government co-existed, with the effect that unrelated asset management systems formed an integral part of government. This anomaly, coupled with the fact that fundamental documentation had gone astray during transition to the New Dispensation, compounded the problem in terms of addressing and resolving the status of immovable assets that vested in such governments. Furthermore, the vast majority of Unsurveyed State Land (communal settlement areas, large tracts of vacant land and non-vested immovable state assets), happened to be located in these areas.

## **REPORT ON THE SURVEY OF STATE LAND IN RSA AND COMPLETENESS OF THE COMPREHENSIVE STATE LAND REGISTER**

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### **b) Legislative Imperatives**

The legislative mechanism to ensure certainty regarding the allocation and 'ownership' of state immovable assets is provided for in Section 239 of the Constitution. The Constitution also provides for the Registrar of Deeds to make entries or endorsements on any relevant register, title deed or other document register immovable property in the name of the State in accordance with a Section 28(1) certificate produced by the Minister.

The Chief Surveyor-General's role in contributing to the achievement of this exercise is to facilitate Cadastral Survey of State Land and approval of Diagrams and Records thereof, in terms of the provisions of the Land Survey Act 8 of 1997. In this regard, the Branch : National Geomatics Management Service of the Department of Rural Development & Land Reform embarked on a programme to complete the surveying of all Unsurveyed State Land and State Domestic Facilities (SDFs) to enable completion of the Vesting process in terms of Section 4 of The Government Immovable Asset Management Act 19 of 2007, which is not implementable if a State Immovable Asset or SDF (e.g. Hospitals, Clinics, Schools, Post Offices, Police Stations, etc) is not Surveyed and defined by an approved Cadastral/Surveyor-General Diagram. In addition, the exercise would lead to the survey and subdivision of vacant and communal State Land for facilitation of security of tenure to millions of existing residents on State Land.

### **c) Definition and Identification of Unsurveyed State Land (USL)**

It must be borne in mind that the very nature of the land in question (unsurveyed), meant that no representative data (or direct measurement) of it existed. With the assistance of all the Surveyor-General Offices, all USL was identified in each province by technically interrogating and researching 'gaps' in the Cadastral Spatial Continuous Map. It was then necessary to survey all thus identified unsurveyed Administrative Areas.

The primary focus would be on vacant land suitable for housing and other prioritized developments, existing communal settlements and thirdly the creation of Cadastral Diagrams of State Domestic Facilities (SDF's). A fair portion of the USL constitutes 'slithers' of river banks, which was obviously secondary to the focus of the exercise. Due to lack of sufficient in-house professional capacity, the Surveys were tendered out to Professional Land Surveyors in private practice. The resultant surveys were then examined and approved in the relevant Surveyor-General Offices and the Diagrams relating thereto handed to the Chief Directorate: State Land Administration (Branch: Land Reform), for facilitation of the Registration and Vesting Process.

## **REPORT ON THE SURVEY OF STATE LAND IN RSA AND COMPLETENESS OF THE COMPREHENSIVE STATE LAND REGISTER**

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### **3. SURVEYING PROJECT PLAN**

The timeframe and cost of implementation of the Plan varied from province to province, these parameters being a function of the extent of State Land to be surveyed and particular circumstances pertinent to each province. The Plan focused mainly on the Surveying of Administrative Areas (Vacant State Land / Communal Settlements on State Land and the State Domestic Facilities located therein)

In the final analysis and after much research, it was concluded that the bulk of unsurveyed state land was primarily located in the Eastern Cape, while the Provinces of Mpumalanga and Limpopo also contained substantial amounts of USL.

In line with Strategic Imperatives, the plan was mapped for completion of the surveying of all Unsurveyed State Land by 2014. However, the programme is expected to be completed at the end of March 2013. The Project principle adhered to the following criteria:

- a. All State Domestic Facilities on Unsurveyed State Land were simultaneously surveyed with the outside figure (Administrative Area), with approved SG diagrams in both cases ;
- b. The survey and approval of diagrams for State Domestic Facilities's contained within previously surveyed state land is facilitated by a parallel exercise which is a long-term ongoing exercise, owing to vast number of unsurveyed SDFs.
- c. Approved diagrams are then handed over to the Branch: Land Reform, for registration and vesting.

### **4. PROGRESS REPORT ON SURVEYING OF UNSURVEYED STATE LAND:**

Since 2004, a total of **5.934 million Hectares** of Unsurveyed State Land and approximately 1160 State Domestic Facilities located therein have been completed for registration.

These surveys were conducted in the Provinces of Eastern Cape, Limpopo and Mpumalanga. The project comprised 2 parts, as outlined below:

- 4.1 The **First Part** of the Project was performed during the period 2004-2010, under administration of the Directorate: Public Land Support Services. All surveys in this phase were located in the former Transkei area of the **Eastern Cape** and a total of **2.761 million Hectares** of State Land was surveyed.

## **REPORT ON THE SURVEY OF STATE LAND IN RSA AND COMPLETENESS OF THE COMPREHENSIVE STATE LAND REGISTER**

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4.2 The **Second Part** was then mandated to the Chief Surveyor-General at the end of 2010, to complete the surveying of the remaining Unsurveyed State Land in the entire RSA. A target of approximately 3.5 million hectares was initially identified; this approximation was later marginally exceeded by areas such as the Kruger National Park and Quit Rent properties in the Eastern Cape. This Phase commenced in early 2011, comprising surveys located in Mpumalanga, Limpopo, the former Ciskei (EC) and the balance of the former Transkei (EC). To date, the surveys completed/captured in this phase total **3.174 million Hectares**, comprising the following :

- 4.2.1 172 106 Hectares in Mpumalanga
- 4.2.2 343 334 Hectares in Limpopo
- 4.2.3 557 838 Hectares in former Transkei, Eastern Cape
- 4.2.4 2 866 Hectares in former Ciskei, Eastern Cape
- 4.2.5 963 529 Hectares in the Kruger National Park (Limpopo section)
  
- 4.2.6 1.134 million Hectares of Quit Rent properties in the Eastern Cape have been captured into cadastral database.
  
- 4.2.7 Approximately 1500 State Domestic Facilities have been surveyed in Mpumalanga. Approximately 300 of these have been approved and the balance is currently under SG examination, final approvals expected by end of March 2013.
  
- 4.2.8 A tender for the survey of approximately 200 State Domestic Facilities in the Umzimkulu District of KZN is under finalization for procurement of Service Providers.
  
- 4.2.9 Tenders for 1400 State Domestic Facilities in North West Province and 4600 in Limpopo are being finalized, whilst similar tenders for other provinces are under research.

**REPORT ON THE SURVEY OF STATE LAND IN RSA AND COMPLETENESS OF THE COMPREHENSIVE STATE LAND REGISTER**

**SURVEYED ADMINISTRATIVE AREAS (SINCE 2004)**

Province	No. of Land Parcels	Extent (Ha)	SDFs	ADMIN DISTRICTS
<b>Eastern Cape</b>	101 666	4.455 mil	716	Kwa-Bhaca, Qumbu, Xhora, Bizana, Siphagani,  Lusikisiki, Maxesibeni, Cofimvaba, Umzimkulu,  Umzimvubu, Mt Fletcher, Tsolo, Herschel, Libode, Ngqeleni, Mqanduli, Maxesibeni, Tabankulu, Matatiele, Gatyana, Centani
<b>Limpopo</b>	15	1.307 mil	188	LT, H, MT, KT
<b>Mpumalanga</b>	242	0.172 mil	257	NSIKAZI, NKOMAZI,  BARBERTON

**5. THE COMPREHENSIVE STATE LAND REGISTER**

- 5.1 The compilation of a comprehensive, accurate, complete and reliable database of all land parcels registered in the name of Government of the Republic of South Africa would improve facilitate the update of asset registers of organs of state. A comprehensive land register would also serve as basis for land planning and administration, and other functions relating to property portfolio management and delivery of services.
- 5.2 In this regard, the Branch NGMS conducted an audit of registered state land that implicitly distinguished registered state land from land in private-ownership. This excludes all un-surveyed and un-registered sate land.
- 5.3 This task was executed by way of data processing and analysis based on the primary information extracted from the Surveyor-General and Deeds Registries databases. The analysis lead to identification of land parcels that were registered as owned by the State as well as those under private ownership by analysing

## **REPORT ON THE SURVEY OF STATE LAND IN RSA AND COMPLETENESS OF THE COMPREHENSIVE STATE LAND REGISTER**

cadastral information versus deeds registration information in order to determine how much land is owned by state and how much land by private.

5.4 The project was executed in two phases outlined as phases one and two.

### **Phase One – Desktop Analysis**

The initial phase involved sourcing of data from the respective custodian databases formulation of one comprehensive land register database and identification of state owned land parcels from the 8 million records contained in the land ownership register.

### **Phase Two - The field verification**

Field verification entailed physical navigation to each land parcel, capturing of attribute data, analysis and presentation of results. Data captured in the field was based on the following outline:

- Information confirming whether the land parcel is state land;
- Identity of land user/custodian;
- Land use (usage);
- Occupants' information and number of occupants;
- Occupation agreement information;
- Development on land
- Services available on the land

5.5 The project is about to be completed, due to the re-verification of 110 000 remaining land parcels. The remaining work is to be completed before the end of March 2013.

5.6 The two branches namely Deeds and NGMS have embarked on a project which is aimed at achieving the completeness of a Comprehensive Land Register. The project has been divided into multiple phases. The first phase is intended towards alignment of property details between Deeds and NGMS branch, in particular the Township names, Sectional Title names as well as Farms names. The project is on track and the first phase's completion date is the 31<sup>st</sup> of March 2013.



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