



## **ANNEXURE B: State Land Reversion Road Map**

### **1. Legislative Provision**

Proclamation 84 of 1996

### **2. Background**

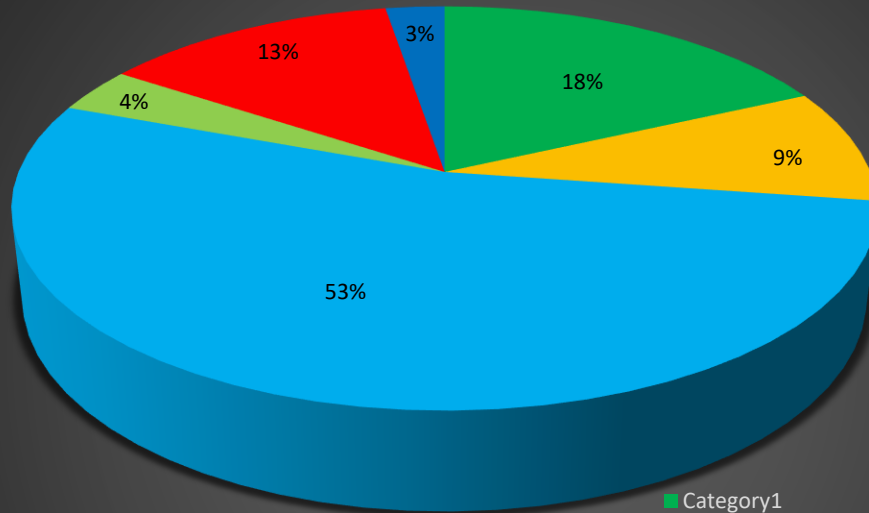
- 2.1. All state land, being the subject of a General Power of Attorney and which was issued by the then Minister of Land Affairs, was transferred simultaneously to the Msunduzi Municipality in 2006 and 2009 respectively;
- 2.2. In terms of the **PROCLAMATION**, any portion of land situated within an area referred to in paragraph 4(2) of the **PROCLAMATION** and utilized at the date of the **PROCLAMATION** by the National Government or the KwaZulu-Natal Provincial Government for purposes of any of its functions other than Local Government functions shall between the Government concerned and the Council concerned be identified and surveyed and shall revert back to such Government free of charge and in terms of an memorandum of agreement;
- 2.3. In order to give effect to the **PROCLAMATION**, the parties must conclude an memorandum of agreement which shall, *inter alia*, set out the terms and conditions applicable to such **"Reversion Transfers"**;
- 2.4. The Municipality and KZN Works concluded the said Agreement on 14<sup>th</sup> March 2012. This is known as the **"Reversion of State Land MOA"** ;
- 2.5. The **Reversion of State Land MOA** *inter alia* grouped the properties into four(4) categories namely:
  - 2.5.1. **Category 1 Properties** - *"Properties that exist on a General Plan and are fully improved by State usage where the whole of such properties shall be transferred to Public Works as set out in Annexure C"*
  - 2.5.2. **Category 2 Properties** – *"Properties that exist on a General Plan and are partially improved for State usage and where the Municipality have identified the remaining portion of such property for the Municipality's use and where such remaining portion shall be subdivided from the property and where only the portion used for State usage is to be transferred to Public Works as set out in Annexure C."*
  - 2.5.3. **Category 3 Properties** – *"Properties that exist on a General Plan and which are generally not improved with State assets but where such properties are zoned for State usage such as for example school/education etc. and/or where such properties have been improved by the Municipality and where such properties have been identified by the Municipality for municipal use and shall remain in the ownership of the Municipality as set out in Annexure C.";* and
  - 2.5.4. **Category 4 Properties** – *"Portions of land that do not exist on a General Plan but are improved for State usage and require to be subdivided from the property within which the said portion of land is situated and where such portion of land requires road access to be confirmed and where such portions of land will be surveyed and transferred to KZN Public Works as set out in Annexure C."*

## STATE LAND REVERSION TRANSFERS

### Department of Education Sites/ Properties

No.	Category	Number of Properties and Percentage	Work Mandate
1.	Category 1 Properties	10 (19%)	<ul style="list-style-type: none"> <li>❖ Undertake the transfer process (conveyancing) of these properties from Msunduzi Municipality to The Department of Public Works</li> <li>❖ Ensure that property in transferred to Public Works Asset Register</li> </ul>
2.	Category 2 Properties	5 (9%)	<ul style="list-style-type: none"> <li>❖ Produce subdivision plan for approval by the SG</li> <li>❖ Undertake Subdivision and rezoning (where necessary) application in terms of SPLUMA</li> <li>❖ Lodgement of application and approval</li> <li>❖ Comply with conditions of approval</li> <li>❖ Undertake transfer process (conveyancing) of portion required by the Department of Public Works and User Department</li> </ul>
3.	Category 3 Properties	29 (55%)	<ul style="list-style-type: none"> <li>❖ Liaise with the Department of Public Works and User Department on the sites to be retained by Msunduzi Municipality</li> <li>❖ Facilitate expedited responses from department through stakeholder consultations</li> <li>❖ Some properties may require rezoning application to be completed</li> </ul>
4.	Transfer from Province to Msunduzi Municipality	2 (4%)	<ul style="list-style-type: none"> <li>❖ Undertake the transfer process (conveyancing) of these properties from The Department of Public Works to Msunduzi Municipality</li> <li>❖ Ensure that property in transferred to Msunduzi Municipality Asset Register</li> </ul>
5.	Remove from MOA	7 (13%)	<ul style="list-style-type: none"> <li>❖ Produce addendum to the MOA recording the removal and other amendments to the MOA that will be signed by parties to the agreement agreeing to the amendments recorded</li> </ul>
6.	Not Contained in MOA	2 (3%)	<ul style="list-style-type: none"> <li>❖ These are specific land legal matters that will require specialised knowledge, inter alia:               <ul style="list-style-type: none"> <li>○ Writing settlement agreement</li> <li>○ Layout design</li> <li>○ Subdivision applications</li> <li>○ Compliance with NEMA and Development legislations</li> </ul> </li> </ul>

## STATE LAND REVERSION TRANSFER- DEPARTMENT OF EDUCATION SITES



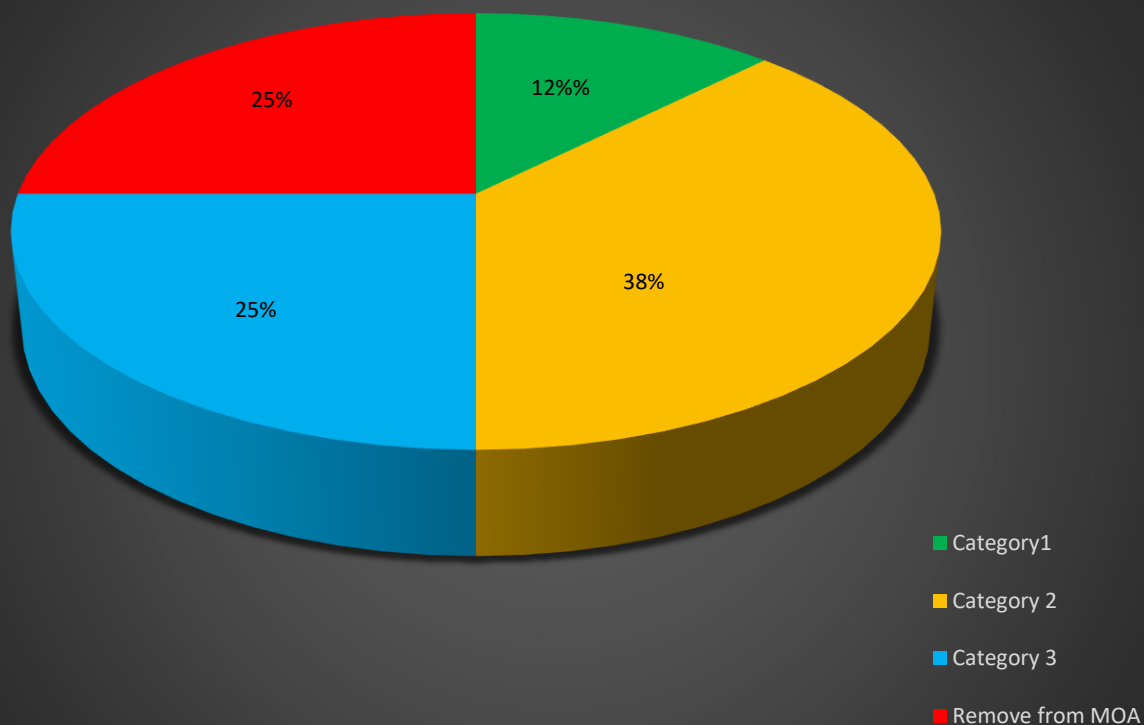
- Category1
- Category 2
- Category 3
- Transfer from province to Msunduzi Municipality
- Remove from MOA
- Not contained in MOA

### Department of Health Sites/ Properties

No.	Category	Number of Properties	Work Mandate
1.	Category 1 Properties	1(12%)	<ul style="list-style-type: none"> <li>❖ Undertake the transfer process (conveyancing) of these properties from Msunduzi Municipality to The Department of Public Works</li> <li>Ensure that property in transferred to Public Works Asset Register</li> </ul>
2.	Category 2 Properties	3 (38%)	<ul style="list-style-type: none"> <li>❖ Produce subdivision plan for approval by the SG</li> <li>❖ Undertake Subdivision and rezoning (where necessary) application in terms of SPLUMA</li> <li>❖ Lodgement of application and approval</li> <li>❖ Comply with conditions of approval</li> <li>❖ Undertake transfer process (conveyancing) of portion required by the Department of Public Works and User Department</li> </ul>
3.	Category 3 Properties	2 (25%)	<ul style="list-style-type: none"> <li>❖ Liaise with the Department of Public Works and User Department on the sites to be retained by Msunduzi Municipality</li> <li>❖ Facilitate expedited responses from department through stakeholder consultations</li> <li>❖ Some properties may require rezoning application to be completed</li> </ul>
4.	Remove from MOA	2 (25%)	<ul style="list-style-type: none"> <li>❖ Produce addendum to the MOA recording the removal and other amendments to the MOA that will</li> </ul>

be signed by parties to the agreement agreeing to the amendments recorded

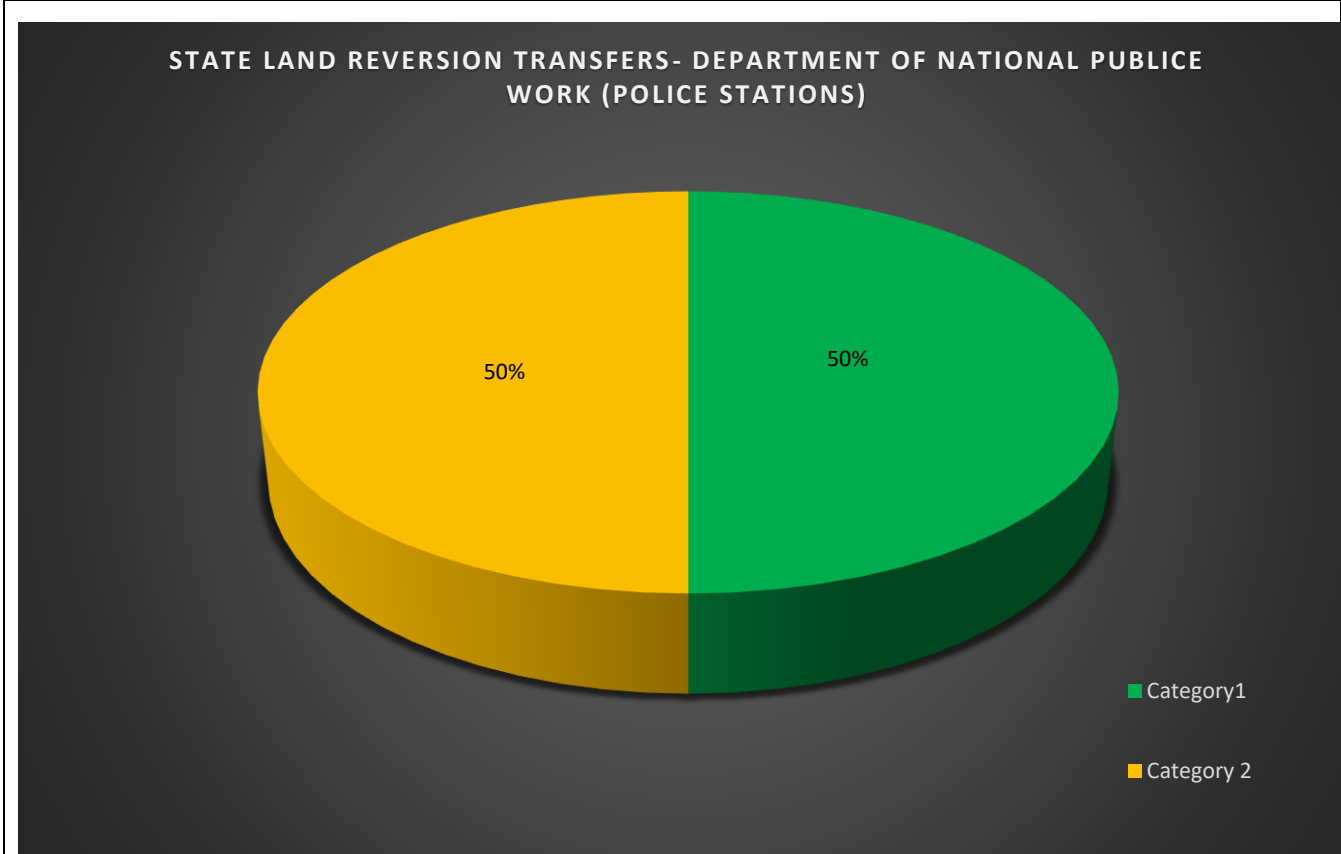
### STATE LAND TRANSFER- DEPARTMENT OF HEALTH SITES



#### Department of National public Works

No.	Category	Number of Properties	Work Mandate
1.	Category 1 Properties	1(50%)	<ul style="list-style-type: none"> <li>❖ Undertake the transfer process (conveyancing) of these properties from Msunduzi Municipality to The Department of National Public Works               <ul style="list-style-type: none"> <li>○ Liaise with National Department</li> <li>○ Draft an MOA between Msunduzi Municipality and National Public Works</li> <li>○ Ensure property in handed over to National Public Works</li> </ul> </li> </ul>
2.	Category 2 Properties	1(50%)	<ul style="list-style-type: none"> <li>❖ SPLUMA process already underway in terms of the Edendale Town Development application phase 2</li> <li>or</li> <li>❖ If Public Works requires an expedited process , the following will be required:               <ul style="list-style-type: none"> <li>○ Produce subdivision plan for approval by the SG</li> </ul> </li> </ul>

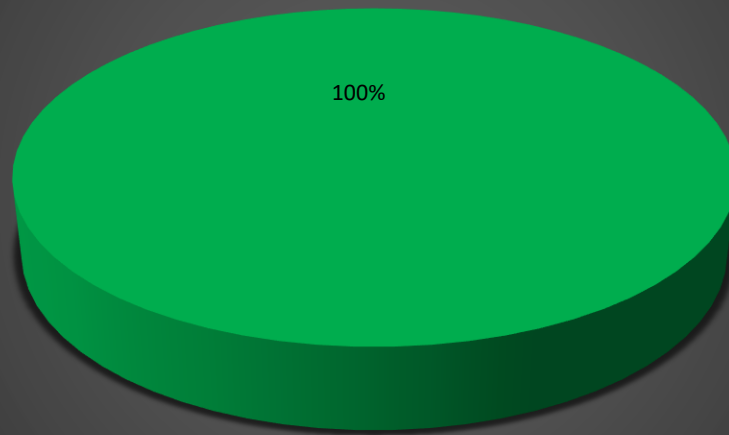
			<ul style="list-style-type: none"> <li>○ Undertake Subdivision and rezoning (where necessary) application in terms of SPLUMA</li> <li>○ Lodgement of application and approval</li> <li>○ Comply with conditions of approval</li> <li>○ Undertake transfer process (conveyancing) of portion required by the Department of Public Works and User Department</li> </ul>
--	--	--	---



**Higher Education Institutions**

No.	Category	Number of Properties	Work Mandate
1.	Category 1 Properties	2 (100%)	<ul style="list-style-type: none"> <li>❖ Liaise with Legal representatives of the Institutions and Msunduzi Municipality</li> <li>❖ Resolve outstanding rates issue/ occupational rent back dated to 3 years</li> <li>❖ Draft and conclude a Tripartite agreement in order to comply with Proclamation 84 of 1996</li> <li>❖ Undertake the transfer process from Msunduzi Municipality to the Higher Education Institution (Durban University of Technology or Plessis Laer FET college)</li> </ul>

## STATE LAND REVERSION TRANSFERS- Higher Education Institution



■ Category1