**National Assembly**

**Question No: 135**

**Ms B van Minnen (DA) to ask the Minister of Transport:**

(1) In view of the recent oversight visit by the Standing Committee on Public Accounts to various Passenger Rail Agency of South Africa (Prasa) stations and locations in Gauteng, including the train station in Mabopane north of Pretoria which is the subject of ownership contestation (PRASA could not obtain an occupation certificate from the City of Tshwane. Part of the property belongs to Tutuni Investments 31 PTY LTD), what is the (a) current situation regarding the land ownership and (b) reason that a Prasa station is located on private land;

(2) (a) how was planning permission granted to construct the station, (b) who granted the permission and (c) on what date was such permission granted;

(3) what is the current situation with regard to the security contract;

(4) whether any permanent security is in place to prevent ongoing damage and vandalism; if not, why not; if so, what are the relevant details? NW139E

**REPLY**

1. (a) The Mabopane train station has been built prior to 1980, with the ownership falling under the South African Railway and Harbours Administration (SAR&H). During all the changes in administration, the land ownership has changed as set below.

The station comprises of two interlinked terminals: the railway terminal and the bus terminal. The railway terminal is located on land owned by PRASA and the bus terminal, at the time of construction, was locate on three land parcels:

(1) Portion 3 of Farm Rietgat No 611–JR

(2) Remainder of Farm Boekenhoutfontein No 236–JR

(3) Portion 266 of Farm Rietgat No 611–JR

Land parcel (1), was owned by the State and fell under the jurisdiction of Department of Land Affairs. The Department of Land Affairs agreed to donate this property to the South Africa Rail Commuter Corporation (SARCC, currently PRASA). A recommendation to dispose the property was done in 2006 and was approved by the Minister of Land Affairs. National Treasury also granted approval to donate the land parcel to PRASA on 16 May 2007. The State Attorney was appointed to effect the transfer. To date, the transfer has not taken place, however, the State Attorney’s office is reopening the case and will complete the transaction.

In April 2000, Land parcel (2) and (3) were consolidated into a single property known as Farm Mabopane No 702–JR and registered via title deed T73872/2012 in favour of City of Tshwane Metropolitan Municipality (City of Tshwane). According to the Department of Land Affairs, the City of Tshwane had agreed in principle to transfer the portion of land, on which the bus station is located, to PRASA.

In 2008, City of Tshwane transferred the remainder of Farm Mabopane No 702–JR, to Tutuni Investments 31 PTY LTD, No 2008/002145/07.

In 2012, Farm Mabopane No 702–JR, was subdivided to create portions 44 – 58. These newly created portions were registered in favour of various owners. On 28 September 2012, the remainder of the Farm reverted to the City of Tshwane via Title Deed T73872/2012.

Portion 52, which included the portion on which the bus terminal is constructed on, was surveyed via SG Diagram No 2683/2012 by Mr G Pettit (Professional Land Surveyor, PLS0913) and registered in favour of Tutuni Investments 31 PTY LTD, No 2008/002145/07 on 22 August 2012. Less than a month later, on 10 September 2012, the property was endorsed in favour of Permacorp Investments PTY LTD, No 2011/118721/07.

It needs to be noted that:

* The survey created a property cutting through a building, and
* Both transactions, registration of the remainder of Farm Mabopane No 702–JR and the portion 52 were handled by the same attorneys Maponya Incorporated.

(b) Portion 3 of Farm Rietgat No 611–JR (donation to PRASA) is with the State Attorney who was appointed to effect the transfer.

The ownership of a portion of Portion 52, on which the station is situated, is still in private ownership after having been transferred by the City of Tshwane in 2008, as stated above. The City of Tshwane committed that they would assist with resolving the issue around the land they sold but has not yet done so. The land must be urgently acquired, either through negotiations or expropriation.

1. (a), (b) and (c)

Project planning for the improvement and upgrade of Mabopane Station commenced during 2013/14. The zoning and land ownership issues was known by PRASA and the City of Tshwane. As the building was in existence and only to be upgraded, the construction team, relied on the provision of subsection 4 of the National Building Regulations and Building Standard Act 103 of 1997 which prescribes that:

*“…in respect of any building to be erected by or on behalf of the State, such plans, specifications and certificate as may be prescribed by national building regulation, shall before the commencement of such erection be lodged with the local authority in question* ***for its information and comment***”.

Construction work therefore commenced on the basis of subsection 4 as set out above and no building plans were lodged for approval.

However, in 2018, PRASA lodged building plans for the Mabopane Concourse with the City of Tshwane to be considered and/or approved. Following submission of the plans, several meetings were held with the City of Tshwane’s Planning Department and the latter eventually communicated on 27 September 2019 that:

* the plans submitted to City of Tshwane’s Planning Department by PRASA cannot be supported,
* the Occupation Certificate cannot be issued due to the Station Precinct, stretching over a number of erven (Erf 611/43, Rietgat and the remaining extend of portion 3 and 52 of Rietgat) and
* the land parcels and rights is not supporting the current use.

1. There is currently a security contracts in place on the Mabopane – Pretoria corridor. Personnel has been deployed compromising of both PRASA internal security and those sourced through private security companies. To date, there has been no vandalism or crime incidents reported since the deployments.
2. PRASA has deployed 160 permanently employed security officers on the corridor. The private security contract expires in September 2022.