



Surveying PNG

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● surveyors ● engineers ● planners

November 17, 2015

The Managing Director

[REDACTED]

P.O. Box [REDACTED], PORT MORESBY

National Capital District

Attn: [REDACTED]

Sir,

SUB: SURVEY OF CUSTOMARY LAND – TUNA BAY MANGROVES & SURROUNDS

I write regarding our ([REDACTED]/Aporo) meeting of 16th November 2015 regarding the above mentioned subject. Below is a brief on the requirements to acquire customary land with reference to customary land sale at Taurama Beach and Tuna Bay area on which your interest in the property lies.

BACKGROUND

Firstly, no landowner will do an outright sale on his customary land and livelihood and secondly, the current laws on customary land is to only – foster lease leaseback arrangements and land cannot be sold outright.

In the event of any arrangements with the landowners to acquire customary land for development, the Land Investigation Report (LIR) has to be carried out prior or concurrently with the survey – this will be of benefit to the developer (in this case, [REDACTED]) to facilitate Land Title on customary land.

On the contrary, if [REDACTED] wants land on a vacant government/state land – the process is firstly to do up a Physical Planning Submission to the NCDC Physical Planning Board (NCD) or other area in Papua New Guinea (through the Physical Planning Board of the Department of Lands & Physical Planning (DLPP)) and on APPROVAL of the Physical Planning Board submission(s) then the SURVEY can take place.

This will assist the Developer to apply for Land title with the Registrar of Titles.

THE CURRENT TREND

The Developer with the RUSH to acquire land to start his business on either Customary or State land tends to seek the services of the Surveyor first – the Surveyor knowing very well the process of acquiring Customary Land and with the greed for money tend to do the physical survey first, then get the survey plan registered with the office of Surveyor General and leave the Developer with the HEADACHE to obtain the Title from the Register of Titles.

This trend is continuing today and has caused inconvenience to the Developer.

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On the path to title registration – The Registrar of Titles will ask the Developer to get the Registered Survey Plan and seek the services of the Lands Officers to carry out the LIR (Land Investigation Report) and attached the report with the file and re-logged it with the Registrar of Titles to obtain Title.

SURVEYORS PERSPECTIVE

(This is our opinion and does not in any way reflect those of other Surveyors – our perspective from a layman’s view.)

We have, from experience, come across surveyors doing surveys without land investigation report (LIR) being carried out (on customary land) thus prompting the client (Developer) to go back to facilitate LIR prior to applying for the Title.

The similar act is also carried out on State land (UDL) where the survey is done without the Physical Planning approval

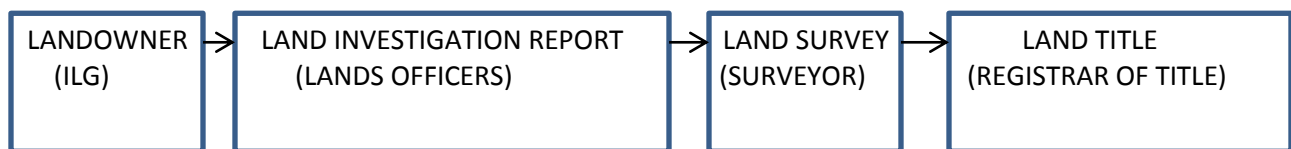
We relate the above case to the trade of the Mechanic – where he/she (Mechanic) finds the fault of the vehicle at the first glance on the engine but instead, fiddles around with the engine’s wiring or mechanical parts and after an hour (or when he/she is tired) comes around to the faulty part and reveals it to the car owner. The same does applies to surveying professionals.

Honestly advising the client (Developer) on the process on obtaining the Land Title is paramount to the Developer than the Surveyors ‘bread & butter’ in physical surveying.

The Surveyor tends to protect his/her ‘bread & butter’ by ill-advising the Developer – in short, the surveyor will do the physical survey, get the plan registered, get his money for the surveying services rendered and leave the Developer to revert to LIR (customary land) or the Submission to the Physical Planning Board (state land) requirements

Thus, below diagram briefly outlines the process for the State & Customary land acquisition

CUSTOMARY LAND SURVEY PROCESS

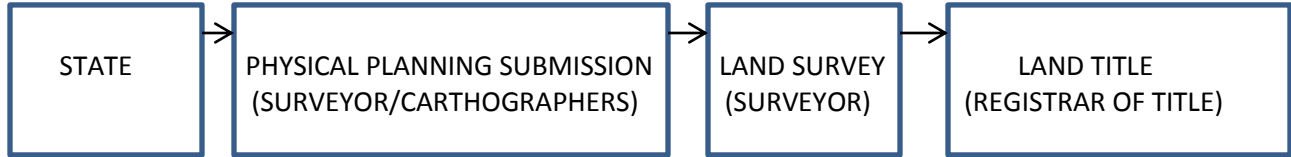


IF THE LANDOWNER DOES NOT PROVIDE THE LAND INVESTIGATION REPORT, THEN THE QUESTION OF ‘OWNERSHIP’ IS CHALLENGED – THAT IS AS IF; YOU ARE DEALING WITH THE GENUINE OWNERS OR A CONMAN. THE LAND INVESTIGATION REPORT & LAND SURVEY PLAN TOGETHER WILL FACILITATE TITLE FROM THE REGISTRAR OF TITLE.

Though a Landowning group may have complied with the requirements of ILG Registration to own a registered ILG certificate – each and every area of land (site) to be developed must be subject to **Land Investigation** prior to **surveying** of the site – these will effectively control the illegal land grabbing and above all facilitate the process to acquire land titles.

These required the coordinated efforts from the appropriate authorities and the City Council of the Town.

STATE LAND SURVEY PROCESS



IF THE CLIENT PROVIDES THE APPROVAL CERTIFICATE OF THE PHYSICAL PLANNING SUBMISSION, THEN THE SURVEYOR CAN CARRY OUT THE SURVEY – IF NOT THEN THE PHYSICAL PLANNING SUBMISSION SHALL BE DONE BY THE SURVEYOR. THE PHYSICAL PLANNING BOARD APPROVAL & THE LAND SURVEY PLAN TOGETHER WILL FACILITATE TITLE FROM THE REGISTRAR OF TITLE.

RECOMMENDATION

We advised that, on accepting customary land for development, the following shall be in order, prior to settling in to any agreement;

1. Current ILG Certificate, registered or re-registered after 2012 and have an ILG Sketch Map
2. The current site for development shall have the current Land Investigation Report (LIR) prior to engaging the services of a Surveyor or advise the landowner to have the LIR carried out concurrently with the survey
3. Per clause # 1 & #2 above – please note that the ILG Registration Certificate is not the Land TITLE

CONCLUSION

We hope the above assist you in seeking other land for development and will welcome the opportunity to provide the consultancy services on engineering surveying, civil engineering and electrical engineering when details of your engineering requirements become available.

Sincerely,

The image shows a handwritten signature in blue ink over a horizontal line. To the right of the signature is a circular official seal in pink. The seal contains the text 'SURVEYING PNG' at the top, 'The Common Seal of' in the center, and 'of' at the bottom.

Authorised Signatory

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