

IN THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION, PRETORIA

Pretoria 3 August 2026
Before Ms Justice Neukircher AJOSB
In the matter between: by agreement

Case Number: 126223/2025

City of Tshwane Metropolitan Municipality

Applicant

and

Kleinfontein Aandeleblok (Pty) Ltd

Respondent

AND

In the matter between:

Case Number: 54083/2026

Kleinfontein Aandeleblok (Pty) Ltd

Applicant

and

City of Tshwane Metropolitan Municipality

Respondent

CONSENT ORDER

After having read the papers and by agreement between the parties, the following order is made in full and final settlement of the above two matters:

Case Number: 126223/2025

- The Respondent ("Kleinfontein") shall, on or before 31 August 2026, lodge an amplified and complete land development application, that complies with section 16(4) of the City of Tshwane Metropolitan Municipality: Land Use Management By-Law (2016) (as amended in 2024) ("the By-Law") for the establishment of the proposed township of Kleinfontein Extension 1 with the City of Tshwane

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JUDGE'S SECRETARY

GRIFFIER VAN DIE HOE HOF VAN
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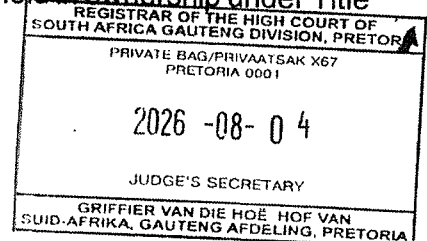
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Metropolitan Municipality ("*the Municipality*") on those parts or portions of the following properties which currently accommodate the existing building, engineering services, infrastructure and improvements, namely:

- 1.1 Portion 38 of the Farm Kleinfontein 368 JR, held in ownership under Title Deed T3296/2001 and measuring 215,3170 ha in extent;
- 1.2 the Remaining Extent of the Farm Kleinfontein 368 JR, held in ownership under Title Deed T38786/1990 and measuring 386,4704 ha in extent;
- 1.3 Portion 67 of the Farm Donkerhoek 365 JR, held in ownership under Title Deed T57746/1992 and measuring 8,5653 ha in extent;
- 1.4 Portion 68 of the Farm Donkerhoek 365 JR, held in ownership under Title Deed T57746/1992 and measuring 8,5653 ha in extent;
- 1.5 the Remaining Extent of Portion 14 of the Farm Donkerhoek 365 JR, held in ownership under Title Deed T57746/1992 and measuring 17,1308 ha in extent;
- 1.6 Portion 90 of the Farm Kleinfontein 368 JR, held in ownership under Title Deed T6652/2008 and measuring 17,886 ha in extent;
- 1.7 Portion 63 of the Farm Donkerhoek 365 JR, held in ownership under Title



Deed T69905/2006 and measuring 8,5653 ha in extent;

1.8 Portion 175 of the Farm Donkerhoek 365 JR, held in ownership under Title Deed T81152/2019 and measuring 17,6 ha in extent; and

1.9 Portion 96 of the Farm Kleinfontein 368 JR, held in ownership under Title Deed T96645/2008 and measuring 59,0226 ha in extent:

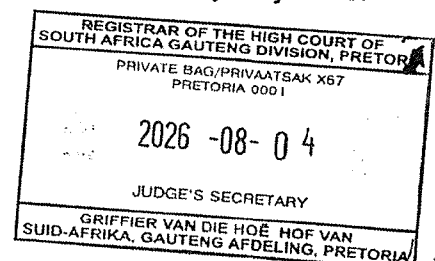
Provided that if Kleinfontein in future intends to change the land use of any portion of land in respect of the said properties, it will do so in accordance with the By-law (or the legislation then applicable).

2. The township establishment application for the Kleinfontein Settlement shall be accompanied by such additional land development applications in terms of section 16(4) of the By-Law as may be necessary and required, including but not limited to an application in terms of section 16(2) of the By-Law for the removal, amendment or suspension of restrictive conditions registered against the Title Deeds of any of the said properties.

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3. The land development applications by Kleinfontein shall be treated as new applications by the Municipality and shall follow the applicable procedures and processes as prescribed by the Spatial Planning and Land Use Management Act 16 of 2013 ("the SPLUMA"), the SPLUMA Regulations and the By-Law as well as those applicable procedures and processes as prescribed by any other



legislation or subordinate legislation that may be applicable to such land development applications.

4. For the sake of clarity, it is recorded that the applicable procedures and processes referred to in paragraph 3 above shall include a full public participation process as contemplated in the By-Law.
5. In considering the land development applications, the Municipality shall have due regard to the existing buildings, engineering services, infrastructure and improvements of the Kleinfontein Settlement using its best endeavours to accommodate such within the scope and ambit of the relevant legislative requirements and the specific requirements set by the Municipality where this is reasonably possible or feasible to do: Provided that where such existing buildings, engineering services, infrastructure and any other improvements cannot reasonably be so accommodated, the Municipality shall have the power to impose a condition in any approval of such land development applications that such specific improvements be demolished, relocated, upgraded or adapted as the case may be: Provided further that nothing in this paragraph shall detract from the general authority of the Municipality to impose conditions related to the approval of any of the land development applications by Kleinfontein: Provided further that the Municipality shall at all relevant times exercise its powers or perform its functions in the public interest.
6. For the sake of clarity relating to the Regionalized Spatial Development

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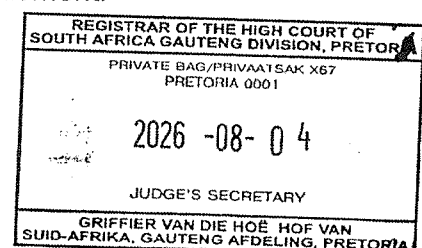
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Framework ("the RSDF"), it is recorded that:

- 6.1 the Kleinfontein Settlement is located in an area outside the urban edge of the Municipality as determined in its RSDF and therefore in an area where the civil engineering services of the Municipality are currently not readily available and where development is in principle not supported;
- 6.2 Kleinfontein shall demonstrate in its land development applications that provision is made, to the satisfaction of the Municipality, for the necessary private engineering services (as defined in and contemplated by the By-Law) to be installed and operated by a private person or body; and
- 6.3 it is understood and acknowledged by Kleinfontein that, if after consideration, an application is capable of being approved, the process as outlined in terms of the section 7 of the By-Law read with section 22(2) of SPLUMA, relating to a departure from the applicable RSDF for Region 5, shall be followed as a pre-requisite to accommodate such approval; and
- 6.4 Kleinfontein will not be released, insofar it is applicable, necessary or reasonable and considering the necessary context, from any development charge or contribution (as defined in and contemplated by the By-Law) by virtue hereof that private engineering services are to be installed and operated in the Kleinfontein Settlement.

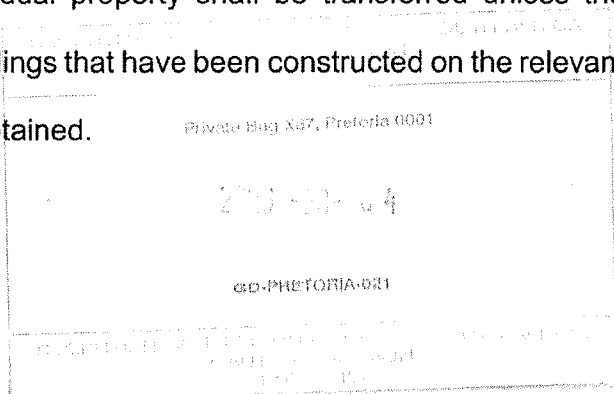
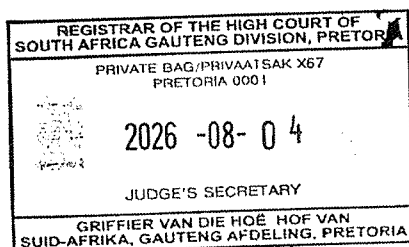


7. Pending the outcome of such land development applications:

7.1 Kleinfontein shall not commence with or continue with or allow the commencement or continuation of any construction of or the development of any further buildings, dwelling houses, structures, services or improvements in the Kleinfontein Settlement save for the structures or construction of the infrastructure required to comply with conditions of township establishment set by the Municipality; and

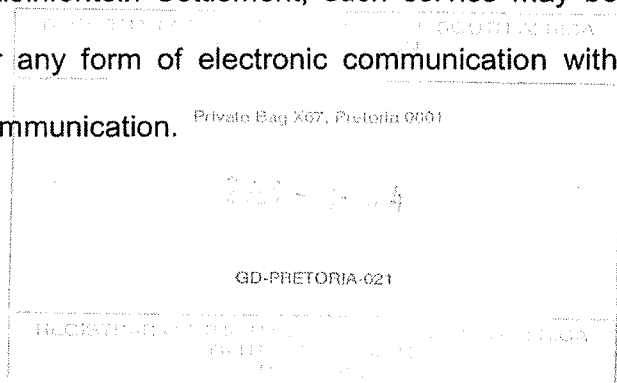
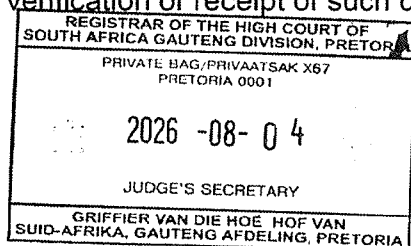
7.2 Kleinfontein shall not issue any new share blocks.

8. As soon as the zoning of the properties, through the township establishment process, have been finalized (that is, by the issuance of the section 16(10) certificate in terms of the By-Law), Kleinfontein or its authorised agents/persons shall ensure that the necessary applications shall be submitted in terms of the National Building Regulations and Standards Act 103 of 1977 to obtain the necessary approvals for all the buildings that have been constructed on the individual properties: Provided that these applications shall be submitted to the Municipality within 6 months from the date of the issuing of the said certificate: Provided further that no individual property shall be transferred unless the necessary approval for the buildings that have been constructed on the relevant individual property has been obtained.



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9. The Municipality shall consider such land development applications in good faith, and with due regard to the Municipality's commitment to fair and just administrative action as well as its commitment to regularise non-compliant township developments within its area of jurisdiction, but subject thereto that this order does not oblige the Municipality to approve non-compliant or meritless development applications.
10. In the event of any failure whatsoever on the part of Kleinfontein to comply with this order, the Municipality will have the right, and is given leave to approach the Court with supplemented papers, to seek an order for appropriate relief: Provided that proper notice hereof must first be given to all the shareholders of Kleinfontein and every such shareholder must be given an opportunity to seek leave to intervene in the application.
11. Kleinfontein shall serve a copy of this order on each shareblock holder by way of a personal delivery of such copy on behalf of Kleinfontein and verified under oath by the person who effected the delivery together with sufficient detail of such delivery as to time, date and place of delivery as well as the identity of the person to whom such copy was delivered: Provided that where a shareblock holder is not resident in the Kleinfontein Settlement, such service may be effected by registered letter or any form of electronic communication with verification of receipt of such communication.

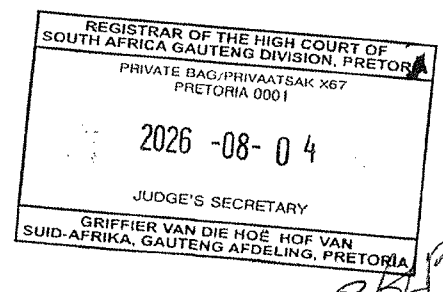


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12. Kleinfontein shall further serve a copy of this order on the occupants of any residence in the Kleinfontein Settlement by delivering a notice (to which such copy is attached) by hand to each dwelling in the Kleinfontein Settlement, which service shall be verified under oath by the person who effected the delivery together with sufficient detail of such delivery as to time, date, place and manner of delivery.

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13. The decision of the Municipality, to impose rate tariffs for non-permitted use upon the properties forming part of the Kleinfontein Settlement with effect from 1 September 2024, is reviewed and set aside.
14. The municipal rates and taxes accounts in respect of the following four municipal accounts, rendered to Kleinfontein in respect of the Kleinfontein Settlement on a monthly basis since September 2024, imposing rate tariffs for non-permitted use, are set aside, namely:
- 14.1 Account 8001372641;
- 14.2 Account 8001373053;
- 14.3 Account 8001373062; and



14.4 Account 8001374318.

15. The municipal rates and taxes accounts for Kleinfontein, in respect of the Kleinfontein Settlement, must be adjusted with effect from 1 September 2024 to reflect the current use of the relevant properties, namely:

15.1 a residential use tariff for rates in respect of the Remaining Extent of Portion 14 of the Farm Donkerhoek 365 JR;

15.2 an apportionment of tariffs based on a residential use tariff for rates in respect of 90% of the use of the Remaining Extent of the Farm Kleinfontein 368 JR and an agricultural use tariff for rates in respect of 10% of the use thereof;

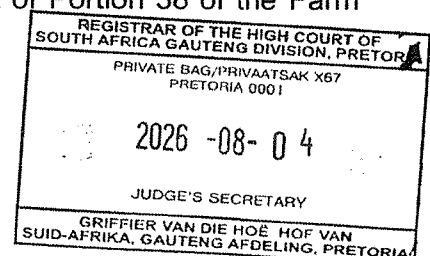
15.3 a business and commercial use tariff for rates in respect of Portion 67 of the Farm Donkerhoek 365 JR;

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15.4 an apportionment of tariffs based a business and commercial use tariff for rates in respect of 20% of the use of Portion 68 of the Farm Donkerhoek 365 JR and an agricultural use tariff for rates in respect of 80% of the use thereof;

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15.5 an agricultural use tariff for rates in respect of Portion 38 of the Farm



Kleinfontein 368 JR;

15.6 an agricultural use tariff for rates in respect of Portion 90 of the Farm
Kleinfontein 368 JR;

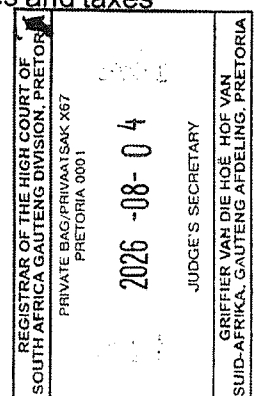
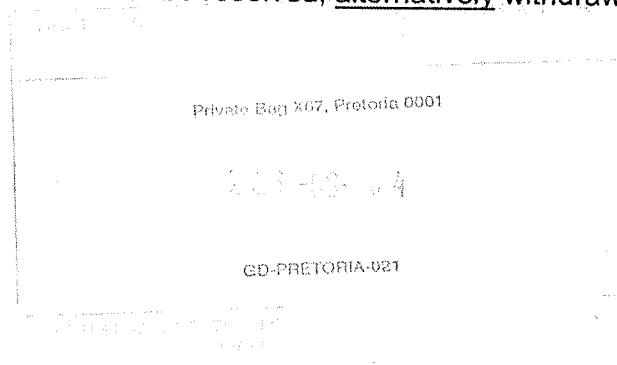
15.7 an agricultural use tariff for rates in respect of Portion 63 of the Farm
Donkerhoek 365 JR;

15.8 an agricultural use tariff for rates in respect of Portion 175 of the Farm
Donkerhoek 365 JR; and

15.9 an agricultural use tariff for rates in respect of Portion 96 of the Farm
Kleinfontein 368 JR.

16. The said adjustment will be done on the basis of the applicable valuation roll and
after such adjustment Kleinfontein will settle any outstanding amount for rates
and taxes within 60 (sixty) days from the date of this order.

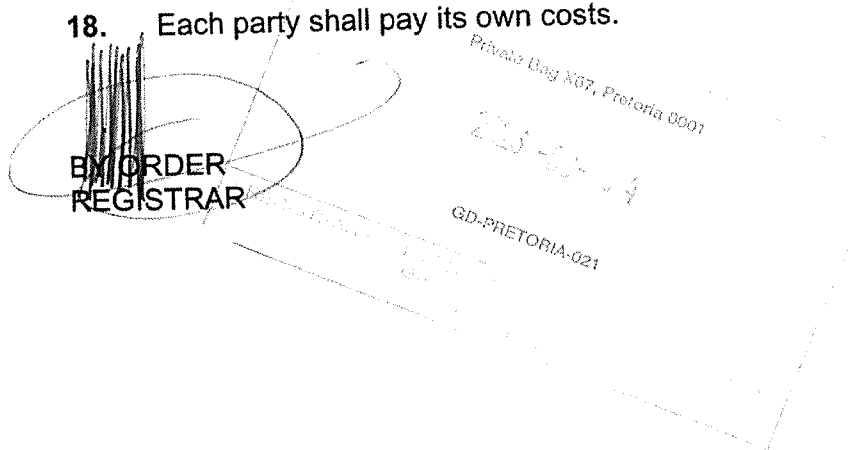
17. Any accounts-dispute lodged by Kleinfontein with the Municipality since
1 September 2024 in terms of section 95(f) of the Local Government: Municipal
Systems Act 32 of 2000 with regard to its municipal accounts for rates and taxes
are hereby deemed to be resolved, alternatively withdrawn.



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General

18. Each party shall pay its own costs.



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