

**Local Municipality of Madibeng
Clr (GJ) Erna Rossouw
Ward 30 – Hartbeespoort**

P O Box 1895
Hartbeespoort
0216



Rossville Park
Hertzogstr. 9
Schoemansville
Hartbeespoort, 0216
Tel. 012 253 2143
Sell 072 2934 448

Email: execu1@mweb.co.za

BY HAND

22 April 2024

The Mayor of Local Municipality of Madibeng
Mr Douglas Maimane
Brits
0250

The Acting Muncpal Manager
Mrs Morufa Moloto
Brits
0250

Dear Sir/Madam

Madibeng signs lease agreements on agricultural grounds without proper rezoning investigation in Hartbeespoort

In a recent development, close to Hartmark one of the biggest Art Attractions in Hartbeespoort, Madibeng Municipality has entered into lease agreements for Plant Hiring/building trailers/scrap metal yard on agricultural land without conducting thorough investigations into rezoning requirements. This oversight has raised significant concerns and implications for the community. After investigation of the DA Clr Erna Rossouw neither the Lessee (Mr Jmes Mashaba) or Madibeng is very clear on the lease agreement.

The Municipality signed lease agreements for agricultural land in Hartbeespoort without adequately assessing the need for rezoning. This oversight has serious consequences for land use and future development.

The leased property lacks essential infrastructure such as water and electricity connections. This oversight could hinder any potential development or utilization of the land.

The property in question serves as one of the main entrances to Hartbeespoort. Its strategic location makes it crucial for proper planning and development.

Despite its significance, the lessee has decided to make this entrance from the R511 the busiest access point to Hartbeespoort. This decision could impact traffic flow and safety in the area specially over weekends.

It's important to note that the South African National Roads Agency Limited (Sanral) did not grant permission for any entrances to this specific property. The lack of coordination with Sanral raises further questions about the municipality's decision-making process.

Legal Implications:

The Subdivision of Agricultural Land Act 70 of 1970 stipulates that no lease shall be entered into for a portion of agricultural land unless the Minister of Agriculture provides written consent. This consent is required for leases lasting 10 years or longer, those tied to the natural life of the lessee, or those renewable indefinitely. [Failure to obtain such consent renders the lease agreement void.](#)

Madibeng Municipality must promptly investigate the rezoning requirements for the leased agricultural land. Compliance with legal provisions is essential to avoid invalid lease agreements.

We urge the municipality to seek legal advice to rectify this situation. Consulting with experts will help address any potential risks associated with invalid leases.

The community of Hartbeespoort deserves transparency regarding land use decisions. Madibeng Municipality should communicate openly about its actions and engage with stakeholders.

Madibeng Municipality must take immediate corrective measures to ensure that lease agreements align with legal requirements. The oversight regarding rezoning and infrastructure must be addressed promptly to safeguard the interests of both the lessee and the community of Hartbeespoort.

Your urgent investigation and feedback will be appreciated.

Yours faithfully

Clr Erna Rossouw
(signed electronically)