

South Africa

SCA dismisses Tshwane's appeal against Copperleaf judgment

Reviews and sets aside two valuation rolls and orders the metro to repay Copperleaf some of the rates it paid.

By Roy Cokayne 7 May 2024 ⌚ 04:04



Recategorisation of two sections of land on the Copperleaf estate resulted in the developers paying higher rates. Image: Copperleaf website

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The Supreme Court of Appeal (SCA) has dismissed with costs a Tshwane Metropolitan Municipality application to review and set aside a 2020 high court judgment that declared its recategorisation of certain properties at Copperleaf Golf and Country Estate in Centurion unlawful, and set aside some aspects of its valuation roll.

In a judgment handed down on Friday, acting SCA Judge Raylene Keightley, with SCA judges Trevor Gorven, Wendy Hughes and Daisy Molefe and acting SCA Judge Nobulawo Mbhele concurring, confirmed the order of the High Court in Pretoria that the Tshwane metro must

concerning, confirmed the order of the High Court in Pretoria that the Tshwane metro must adjust the valuation rolls to reflect that the properties in question be categorised as “business/commercial” and not as “vacant land”.

The SCA also upheld a cross-appeal by Copperleaf and granted an order varying the high court’s order.

The SCA order:

- › Reviewed and set aside the 2010-2011 supplementary valuation roll and the 2013-2017 general valuation roll to the extent that they categorised the Peach Tree 2 properties in Copperleaf as vacant land;
- › Substituted the Tshwane metro’s decision with a decision to categorise the properties as business/commercial and directed the council to adjust the valuation rolls accordingly; and
- › Directed the metro to repay Copperleaf the difference between the rates it had paid based on the categorisation of the properties as “vacant land” and the rates that ought to have been charged on the properties when rated “business/commercial”.

Tshwane metro spokesperson Selby Bokaba said on Monday that the council is studying the SCA’s judgment and will make an announcement soon regarding how the judgment will be handled.

Attempts to obtain comment from Copperleaf were unsuccessful.

Core dispute around rates policies

Judge Keightley said in the SCA judgment that the core dispute revolves around the Tshwane metro’s rates policies

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