



THE SUPREME COURT OF APPEAL OF SOUTH AFRICA
MEDIA SUMMARY OF JUDGMENT DELIVERED IN THE SUPREME COURT OF
APPEAL

From: The Registrar, Supreme Court of Appeal

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Tridevco (Pty) Ltd and Another v Minister of Agriculture, Land Reform & Rural Development and Others
(62/2024) [2025] ZASCA 110 (22 July 2025)

Today the Supreme Court of Appeal (SCA) handed down a judgment in which it upheld the appellants' appeal against the judgment and order of the Gauteng Division of the High Court, Pretoria (the high court).

The dispute centred on whether a property owned by Tridevco (Pty) Ltd and Witfontein X16 Boerdery CC (collectively referred to as Tridevco) constituted 'agricultural land' under the Subdivision of Agricultural Land Act 70 of 1970 (SALA), which would require the consent of the Minister of Agriculture, Land Reform & Rural Development (the Minister) for subdivision. Tridevco sought to develop the property for mixed-use purposes, but the Minister refused their application for the subdivision of the property, arguing that the land was high-potential agricultural land essential for food security of the country.

Tridevco approached the high court seeking declaratory relief. The high court dismissed Tridevco's application for a declarator that the property was not agricultural land, agreeing with the Minister that the property did not meet SALA's exclusion criteria. The high court found that for land to be excluded from SALA's definition of agricultural land, it must fall under the jurisdiction of a health board and a Local Area Committee (LAC). Since Tridevco could not prove that the property fell under a LAC's jurisdiction, the high court found that it remained agricultural land. The high court also upheld the Minister's refusal to approve the subdivision, finding that her decision was rational and lawful.

The issues for determination before the SCA were whether the property fell outside the definition of 'agricultural land' under SALA due to its inclusion in the Peri-Urban Areas Town Planning Scheme (Peri-Urban Scheme); and whether the Minister's refusal to approve the subdivision was lawful and rational.

The majority judgment, penned by Vally AJA, found that that the property did not qualify for exclusion from SALA's definition of agricultural land. It confirmed the high court's finding that for land to be excluded, it must fall under the jurisdiction of a health board which had established a LAC. The property, only fell under the jurisdiction of a health board, hence it was not excluded from the definition of agricultural land.

Furthermore, the majority judgment found that the Minister's decision to refuse the application for subdivision was reviewable due to her failure to consult the Ekurhuleni Municipality (as required by s 41(1)(h)(iii) of the

Constitution) and to consider the Ekurhuleni Municipality's Integrated Development Plan, which was consistent with the how Tridevco proposed to develop the property.

As a result, the SCA made an order upholding the appeal in part, with costs of fifty percent including the costs of two counsel where so employed, to be borne by the Municipality. Furthermore, the SCA referred Tridevco's application for subdivision of the property back to the Minister for reconsideration.

In a separate judgment, penned by Unterhalter JA, the learned judge agreed with the conclusion reached by the majority judgment in respect of finding the Minister's decision reviewable, but disagreed with its interpretation of SALA. The separate judgment found that the property should have been excluded from SALA's definition of agricultural land. The separate judgment reasoned that the definition of agricultural land in terms of SALA does not require the land to fall under the jurisdiction of a health board that had established a LAC. The separate judgment would have granted the declaratory relief sought by Tridevco.

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