CITY OF CAPE TOWN
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ECONOMIC GROWTH DIRECTORATE
PROPERTY DEVELOPMENT DEPARTMENT

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12 June 2026

REDACTED [redacted]

RE: RESPONSE TO REQUEST FOR EXTENSION OF THE MATR PUBLIC COMMENT PERIOD — KING DAVID MOWBRAY GOLF COURSE PRECINCT — REQUEST REFUSED

Dear [redacted]

1. Acknowledgement

The City of Cape Town ("the City") acknowledges receipt of your correspondence dated 3 June 2026, requesting an extension of the Municipal Asset Transfer Regulations (GN R878 of 22 August 2008) ("MATR") public comment period for the proposed disposal of the King David Mowbray Golf Course precinct, currently scheduled to close on 6 July 2026. The legal arguments advanced for your request are based on section 21A of the Local Government: Municipal Systems Act 32 of 2000 ("MSA"), sections 3, 4, and 5 of the Promotion of Administrative Justice Act 3 of 2000 ("PAJA"), and the provisions of the MATR .

The City has considered your request carefully and, for the reasons set out below, is unable to grant the requested extension.

2. What the MATR Process Requires

It is helpful to set out, at the outset, what the MATR public participation process is designed to achieve and what it requires — as this directly informs the City's response to each of the grounds you advance.

2.1 Statutory purpose

The MATR, promulgated under section 168 of the Local Government: Municipal Finance Management Act 56 of 2003 ("MFMA"), governs, among other things, the disposal of, and the granting of rights to use, control or manage, non-exempt municipal capital assets. The public participation process prescribed in Regulation 5 of the MATR serves to enable Council to make two specific determinations required in terms of section 14(2) of the MFMA:

- Section 14(2)(a): whether the asset is needed to provide the minimum level of basic municipal services; and

- Section 14(2)(b): a consideration of the fair market value of the asset and the economic and community value to be received in exchange.

Regulation 6 of the MATR determines that, in accordance with section 21A of the Municipal Systems Act, the Accounting Officer must make public the proposal to transfer or dispose of the capital asset, together with the information statement referred to in regulation 5(3)(b) of the MATR.

2.2 Compliance with Regulation 5 of the MATR

The City has complied with each requirement of Regulation 5:

- **Regulation 5(3)(a):** Council Resolution C39/05/26, adopted on 27 May 2026 (recommended by the Mayoral Committee via item MC 77/05/26 on 19 May 2026), authorised the commencement of the public participation process.
- **Regulation 5(3)(b):** The Information Statement placed before Council — and available to the public — addresses all five prescribed elements, including a desktop market valuation by the City's Professional Valuers (valuation date 31 March 2026) arriving at an estimated fair market value of approximately R395 000 000 (excluding VAT).
- **Regulation 5(4):** The public participation notice affords a 40-day comment period (minimum required is 30 days), closing 6 July 2026, which constitutes a reasonable opportunity to make representations for the purposes of the MATR process.

Regulations 5 and 6 of the MATR do not require the completion, finalisation, or disclosure of an Environmental Impact Assessment (EIA), Heritage Impact Assessment (HIA), Traffic Impact Assessment (TIA), Water Use Licence Application, bulk engineering services assessment, rezoning approval, or any other specialist technical study as a prerequisite for the commencement or conduct of the MATR public participation process.

2.3 Distinction between the property transaction process (MATR) and other statutory approvals required

The public participation process conducted in terms of the MATR is distinguishable from the statutory land use management, environmental authorisation, and infrastructure approval processes. Each is governed by its own enabling legislation, with its own information disclosure requirements and public participation obligations. The legislation does not prescribe a fixed sequence as between these processes.

In this case, the MATR process precedes the land use and environmental authorisation processes, and that sequencing is both lawful and prudent. The applicable statutory planning and environmental processes, including public participation will follow.

3. The City's Response (Ground 1, 2, 3 & 4)

Your request relies on section 21A and sections 4 and 5 of the Municipal Systems Act, and on the adequacy of the Information Statement under Regulation 5(3)(b) of the MATR.

As set out in section 2 above, the City has discharged its disclosure obligations for this stage of the process. The specialist studies you refer to – the EIA, HIA, TIA and related assessments

– are not required by law at the MATR stage; they will be prepared, disclosed and subjected to their own public participation as part of the subsequent environmental and land use authorisation processes. Similarly, a finalised post-EIA, post-rezoning valuation will only be prepared once those processes are complete and the asset is offered for disposal through a competitive process; the desktop market valuation referred to in the Information Statement (valuation date 31 March 2026, approximately R395 000 000 excluding VAT) is appropriate for the purposes of Regulation 5(3)(b) at this stage.

Your rights under sections 4 and 5 of the MSA to contribute to this decision, and to access the documentation relevant to it, remain fully available to you for the duration of the current comment period, which closes on 6 July 2026. We encourage you to place your concerns regarding the transport evidence base, infrastructure capacity, and the valuation on record during this period, so that they are before Council when it considers the matter.

4. The City's Decision

For these reasons, the City is unable to extend the MATR public comment period, which will close as advertised on 6 July 2026. The City is satisfied that:

- the MATR public participation process has been conducted in compliance with Regulations 5 and 6 of the MATR;
- all documentation required to be made public at this stage of the process is available to the public; and
- the 40-day comment period – ten days longer than the regulatory minimum – constitutes a reasonable opportunity to make representations for the purposes of the MATR process.

We note, finally, that the MATR public participation process does not itself constitute the final disposal decision. It informs the determinations Council must make under section 14(2) of the MFMA; the final decision on disposal, and its terms, will be taken by Council at a later stage, following this process and any further approvals required by law.

5. Continued Participation

You are also warmly invited to attend the Public Open House on Saturday, 20 June 2026, between 10:00 and 14:00, at the King David Mowbray Golf Club, Raapenberg Road, Cape Town. The project team will be present to discuss the draft development concept and to respond to questions.

The City reiterates that your right to engage fully with all specialists technical studies — including the finalised Traffic Impact Assessment, Environmental Impact Assessment, Heritage Impact Assessment, and infrastructure assessments — will be preserved in the statutory land use and environmental authorisation processes that follow. Public disclosure of and participation on that technical documentation is a legal requirement in those processes.

Yours faithfully,

Snhiwatiwa

Shelton Nhiwatiwa

PROPERTY DEVELOPMENT MANAGER