



**MINUTES OF AN ORDINARY COUNCIL MEETING OF THE SWARTLAND MUNICIPAL COUNCIL
HELD AT THE TOWN HALL, MALMESBURY ON THURSDAY, 31 JULY 2025 AT 10:00**

PRESENT:

Speaker, ald M A Rangasamy
Executive Mayor, ald J H Cleophas
Executive Deputy Mayor, ald J M de Beer

COUNCILLORS:

Booyesen, A M (VF+)	Penxa, B J (ANC)
Fortuin, C (ANC)	Pieters, C (ANC)
Gaika, M F (EFF)	Pypers, D C (DA)
Jooste, R J (DA)	Smit, N (DA)
Le Minnie I S (DA)	Soldaka, P E (ANC)
Nel, M (DA)	Vermeulen, G (VF+)
Ngozi, M (ANC)	Warnick, A K (DA)
O'Kennedy, E C (DA)	Williams, A M (DA)
Papier, J R (GOOD)	White, G E (PA)

Officers:

Municipal Manager, mr J J Scholtz
Director: Financial Services, mr M A C Bolton
Director: Civil Engineering Services, mr L D Zikmann
Director: Electrical Engineering Services, mr T Möller
Director: Corporate Services, ms M S Terblanche
Director: Development Services, ms J S Krieger
Senior Manager: Traffic and Law Enforcement Services, mr R Steyn
Manager: Secretariat and Records, ms N Brand

1. OPENING

The Speaker welcomed the Executive Mayor, lady councillors, aldermen, councillors, officials and members of the public.

Pastor Johnny Philander opened the meeting with scripture reading and prayer at the invitation of the Speaker.

The Speaker conveyed his congratulations to councillors who have recently celebrated birthdays.

2. LEAVE OF ABSENCE

Leave of absence is granted to cllr D G Bess and ald T van Essen.

3. DEPUTATIONS / STATEMENTS AND COMMUNICATIONS / PRESENTATIONS

None.

4. MINUTES FOR CONFIRMATION

4.1 MINUTES OF AN ORDINARY COUNCIL MEETING HELD ON 29 MAY 2025

Resolution/...

4.1/...

RESOLUTION

(proposed by cllr A K Warnick, seconded by cllr E C O'Kennedy)

That the minutes of an Ordinary Council meeting held on 29 May 2025 be approved and signed by the Speaker.

4.2 MINUTES OF A SPECIAL COUNCIL MEETING HELD ON 25 JUNE 2025

RESOLUTION

(proposed by cllr A K Warnick, seconded by cllr E C O'Kennedy)

That the minutes of a Special Council meeting held on 25 June 2025 be approved and signed by the Speaker.

5. FEEDBACK ON RESOLUTIONS TAKEN BY THE EXECUTIVE MAYOR IN TERMS OF DELEGATED AUTHORITY

RESOLUTION

That notice be taken of the Executive Mayor's resolutions in terms of delegated power, as contained in the minutes below:

5.1 MINUTES OF AN ORDINARY MEETING OF THE EXECUTIVE MAYORAL COMMITTEE HELD ON 21 MAY 2025

read with

MINUTES OF PORTFOLIO COMMITTEE MEETING HELD ON 14 MAY 2025

5.2 MINUTES OF AN ORDINARY MEETING OF THE EXECUTIVE MAYORAL COMMITTEE HELD ON 18 JUNE 2025

read with

MINUTES OF PORTFOLIO COMMITTEE MEETING HELD ON 11 JUNE 2025

6. FEEDBACK ON RESOLUTIONS TAKEN BY THE MUNICIPAL MANAGER IN TERMS OF DELEGATED AUTHORITY

RESOLUTION

That notice be taken of the Municipal Manager's resolutions in terms of delegated power, as contained in the minutes below:

6.1 MINUTES OF A BID ADJUDICATION COMMITTEE MEETING HELD ON 19 MAY 2025

6.2 MINUTES OF A BID ADJUDICATION COMMITTEE MEETING HELD ON 29 MAY 2025

6.3 MINUTES OF A BID ADJUDICATION COMMITTEE MEETING HELD ON 6 JUNE 2025

6.4 MINUTES OF A BID ADJUDICATION COMMITTEE MEETING HELD ON 13 JUNE 2025

6.5 MINUTES OF A BID ADJUDICATION COMMITTEE MEETING HELD ON 23 JUNE 2025

7. MATTERS ARISING FROM THE MINUTES

None.

8. MATTERS FOR CONSIDERATION

8.1 SUBMISSION OF 2025/2026 PERFORMANCE AGREEMENTS AND PLANS (2/4/2)

The performance agreements and plans for the 2025/2026 financial year have been prepared in accordance with Section 57 of the Local Government: Municipal Systems

Act, Act 32 of 2000 and serve as a substitute addendum to the appointment contracts of the Municipal Manager and directors.

RESOLUTION

(proposed by cllr N Smit, seconded by cllr A M Williams)

That the performance agreements and plans of the Municipal Manager and directors for the 2025/2026 financial year be noted.

8.2. CONTRACTS HAVING FUTURE BUDGETARY IMPLICATIONS: ENTERING INTO AN AGREEMENT WEST COAST DISTRICT MUNICIPALITY/SWARTLAND MUNICIPALITY AND OTHERS: RENDERING OF WATER CONCESSION FUNCTION (2/1/1/1/1; 16/1/1/B)

The intention to enter into a long-term contract for the Delivery of a Water Concession Function with the West Coast District Municipality was submitted to Council on 31 March 2025.

The Municipal Manager mentioned that the aforementioned stems from a decision by the Water Monitoring Committee to go through a Section 33 process in terms of the Local Government: Municipal Financial Management Act, Act 56 of 2003 (MFMA). The Water Monitoring Committee comprises the participating municipalities, viz. Swartland, Berg River, Saldanha Bay and the West Coast District Municipality.

Contrary to the decision of the Water Monitoring Committee, the Saldanha Bay Municipality has not yet gone through a Section 33 process and the Water Monitoring Committee has decided to give the former the opportunity to complete this process. Therefore, it is recommended that Addendum Six to the existing agreement be approved by the respective parties.

The Municipal Manager referred to the comments received from the National Treasury (NT), which have been updated in the agreement to comply with the proposed requirements. The comments from NT were also provided to the respective parties.

The Speaker brings the matter to a vote and the –

UNANIMOUS RESOLUTION

(proposed by ald J H Cleophas, seconded by ald J M de Beer)

- (a) That cognisance be taken that the Section 33-process was successfully concluded by Swartland Municipality and Bergrivier Municipality, but the Saldanha Bay Municipality must yet commence with the process;
- (b) That, due to the aforementioned delay on the part of Saldanha Bay Municipality, the 9 year and 11 month agreement cannot be concluded and that for the bridging period (to provide Saldanha with an opportunity) an Addendum SIX to the existing agreement be concluded for the period from 1 July 2025 to 30 June 2026;
- (c) That, in principle approval, be granted for the 9 year and 11 months agreement, subject to the Section 33-process be successfully concluded by Saldanha Bay Municipality;
- (d) That cognisance be taken that no comments or representations were received from either the public or the Provincial Treasury regarding the proposed conclusion of the Water Concession Contract;
- (e) That cognisance be taken that consideration was given to the comments submitted by the National Treasury on 11 June 2025;
- (f) That, by entering into the agreement, Council will secure a significant financial benefit from the contract as the joint operation and management of the Swartland Bulk Water Scheme and the West Coast Bulk Water Supply Scheme by the West Coast District Municipality brings to bear the benefit of scale and the economic, efficient and effective utilization of resources;

8.2/...

- (g) That approval be granted for the Water Concession Contract to be entered into with the West Coast District Municipality for the period 1 July 2026 until 30 June 2036 as per Annexure D to the report;
- (h) That, should any semantic amendments be made to the agreement or addendums, the Executive Mayoral Committee be authorized to deal with it, since the Section 33-process has been successfully completed with regard to compliance and submission to the Council;
- (i) That the Municipal Manager be authorized to sign the contract on behalf of the Municipality.

8.3 REPORTING IN TERMS OF SECTION 15(3) OF THE MUNICIPAL PROPERTY TAX LEGISLATION ON PROPERTY TAX EXEMPTIONS, REBATES AND REDUCTIONS AND "REVENUE FORGONE" FOR THE FINANCIAL YEAR 2024/2025 (5/3/1/3)

The Local Government Act: Municipal Property Rates Act, Act 6 of 2004 determines that in terms of Section 15(3) the Municipal Manager must report annually to Council in respect of all tax exemptions, discounts and rebates granted in the previous financial year.

The report for the period 1 July 2024 to 30 June 2025 was circulated with the Agenda.

Upon enquiry of cllr P E Soldaka or charitable/non-governmental organisations, with reference to Early Childhood Development Facilities, automatically qualify for the tax exemption, the Director: Financial Services, confirmed that these types of organisations must officially apply for tax exemption.

RESOLUTION

(proposed by cllr S Smit, seconded by ald J H Cleophas)

That cognisance be taken of the municipal property tax rates exemptions to public benefit organisations/non-governmental organisations, discounts, rebates granted, and revenue forgone as per the information substantiated above for the financial year ended 30 June 2025.

8.4 PROPOSED OUT-OF-HAND ALIENATION OF UNMADE STREET TO OWNER OF ADJOINING ERF 1995, RIEBEEK WEST (12/2/5/2-12/1)

An application was received from the owner of Erf 1995 in Langstraat, Riebeek West to acquire a portion of an unmade street adjacent to the erf in question.

The street portion was created to give access to Erf 1995 and Erf 7, Riebeek West. The Western Cape Government is the owner of Erf 7 and already has access from Long Street and has further indicated that they are not interested in this relevant street section.

The proposal is to alienate the section of unmade street (size $\pm 2855 \text{ m}^2$) out of hand to the owner of Erf 1995, Riebeek West.

RESOLUTION

(proposed by cllr N Smit, seconded by cllr J M de Beer)

- (a) That, in terms of Section 14 of the Municipal Finance Management Act (Act No. 56 of 2003) Council resolves that:
 - (i) The subject property is not needed for the provision of a minimum level of basic municipal services; and
 - (ii) That the fair market value of the asset and the economic and community value to be received for the asset has been considered;

5.2/...

- (b) That approval be granted by Council in terms of the applicable By-law as well as Section 14 of the Municipal Finance Management Act, 2003 for the out-of-hand alienation of the unmade street, measuring $\pm 2855 \text{ m}^2$, between Erf 7 and Erf 1995, Riebeek West, to the owner of adjoining Erf 1995 at a selling price of R62 525.00 excluding VAT, subject to the standard conditions of sale and the following further conditions:
 - (i) That the process for obtaining the required land use/development rights (including rezoning and consolidation) be undertaken by and at the cost of the purchaser;
 - (ii) The purchaser, in addition to the purchase price, shall be responsible for all costs ancillary and incidental to this transaction, including advertisement and transfer costs;
 - (iii) That the proposed transaction be advertised in the media for public comments and/or potential objections, and the Executive Mayor (in consultation with his committee) be authorized to deal with any objections that may be forthcoming;
- (c) That the following reasons be recorded for the out-of-hand alienation of the subject property, and for not undergoing a competitive process, with reference to paragraph 12.1.1 of the Municipal Asset Transfer Policy:
 - (i) The subject property qualifies as 'non-viable asset' in that due to physical constraints it cannot be developed sensibly as a separate entity within the development parameters of the existing zoning, and therefore only becomes functional if alienated to an adjoining owner for usage in conjunction with his or her property, as proposed;
 - (ii) Transfer of the property to an individual or entity releases the Municipality from its construction and maintenance obligation, as well as limits the risks of potential land invasion or misuse (e.g. illegal dumping).

8.5 PROPOSED OUT-OF-HAND ALIENATION OF UNREGISTERED ERF 1428 (PORTION OF ERF 14) AND PORTIONS OF ERF 13, RIEBEEK KASTEEL TO ADJOINING LANDOWNERS (12/5/2-11/4)

An application was received from the owner of Erf 15, Riebeek Kasteel (known as Kloovenburg Farm) for the purchase of unregistered Erf 1428, a portion of Erf 14, $\pm 6.5 \text{ ha}$ for consolidation in order to expand the agricultural potential of the land.

Because Erf 1428 also borders Remhoogte Farm, discussions were held with Mr Vlok. Mr Vlok indicated that he was not interested in acquiring the portion adjacent to his property, but rather a portion of Erf 13 – size $\pm 6.88 \text{ ha}$ for consolidation with Erf 2248. There is also a portion of Erf 13 adjacent to Erf 15 and Mr Du Toit indicated his interest in acquiring this portion – size $\pm 4.02 \text{ ha}$.

On enquiry from cllr A M Booyesen, the Municipal Manager confirmed that the reduced market value in respect of the portions being made available to Mr Du Toit is attributable to the fact that these are mainly mountainous soil and covered with Eucalyptus (invasive trees). The Municipal Manager further mentioned that an important consideration for alienation is that the Eucalyptus trees create a great fire danger and threaten valuable agricultural land that poses a risk to the Municipality.

RESOLUTION

(proposed by cllr I S le Minnie, seconded by cllr D C Pypers)

- (a) That, in terms of Section 14 of the Municipal Finance Management Act (Act No. 56 of 2003) Council resolves that:
 - (i) The subject properties are not needed for the provision of a minimum level of basic municipal services; and
 - (ii) That the fair market value of the assets and the economic and community value to be received for the assets have been considered;

8.5/...

- (b) That in terms of the applicable by-law as well as Section 14 of the Municipal Finance Management Act, approval be granted by Council for the out-of-hand disposal of the following subject properties:
- A portion of Erf 13, measuring ± 6.88 hectares in extent, to Mr Driaan Vlok, for consolidation with Erf 2248 Riebeek Kasteel, at a selling price of R550 400.00, excluding VAT; and
 - A portion of Erf 13, measuring ± 4.02 hectares in extent, along with Unregistered Erf 1428 (portion Erf 14), ± 6.55 hectares in extent, to Mr Pieter du Toit, for consolidation with Erf 15, Riebeek Kasteel, at a selling price of R422 800.00, excluding VAT
- (c) That the properties be sold subject to the standard conditions of sale and the following further conditions:
- (i) That the process for obtaining the required land use/development rights (including subdivision and consolidation) be undertaken by and at the cost of the purchaser;
 - (ii) The purchaser, in addition to the purchase price, shall be responsible for all costs ancillary and incidental to this transaction, including advertisement and transfer costs;
 - (iii) That the proposed transaction be advertised in the media for public comments and/or potential objections, and the Executive Mayor (in consultation with his committee) be authorized to deal with any objections that may be forthcoming;
- (d) That the following reasons be recorded for the out-of-hand alienation of the subject properties, and for not undergoing a competitive process, with reference to paragraph 12.1.1 of the Municipal Asset Transfer Policy:
- (i) The subject properties qualify as 'non-viable assets' in that due to physical constraints it cannot be developed sensibly as separate entities within the development parameters of the existing agricultural zoning, and therefore only becomes functional if alienated to an adjoining owner for usage in conjunction with his or her property, as proposed;
 - (ii) Transfer of the property to an individual or entity releases the Municipality from its maintenance obligation, as well as limits the risks of potential land invasion or misuse (e.g. illegal dumping);
 - (iii) The sale of the land to the adjacent owners presents a strategic opportunity to convert an unproductive, fire-prone area into a thriving agricultural asset, and by the removal of eucalyptus trees and the establishment of agricultural activities on the land in question, safety will be enhanced, water use optimized, crop protection improved, and a contribution be made to the local economy.

8.6 ANNUAL REPORT REGARDING THE IMPLEMENTATION OF THE SUPPLY CHAIN MANAGEMENT POLICY FOR THE FINANCIAL YEAR ENDING 30 JUNE 2025 (8/1/B/2)

Regulation 6(2)(a)(i) of the *Municipal Supply Chain Management Regulations* stipulates that an annual report must be submitted to Council regarding the implementation of the Supply Chain Management Policy.

With reference to cllr P E Soldaka's enquiry regarding the wage rates for the housing projects, the Municipal Manager mentioned that different rules are applied for a building contract and that ASLA will be held responsible for the quality of work when sub-contractors are used.

The Speaker called on councillors not to liaise directly with the contractor when problems are observed with the housing projects, but rather with the relevant director.

The annual report for the period 1 July 2024 to 30 June 2025 was circulated with the Agenda.

RESOLUTION

- (a) That cognisance is taken of the Annual Report regarding the implementation of the Supply Chain Management Policy in accordance with section 6(2)(a)(i) of the Regulations, as well as reports on the Formal Tenders (Annexure A), Informal Tenders (Annexure B), and the Deviation Report (Annexure C & C.1);
- (b) That cognisance is taken of the services rendered for the period 1 April 2025 to 30 June 2025 with reference to the exceptions where it is impractical to test the market and therefore justified a deviation from the procurement processes in terms of paragraph 2(6) of the Supply Chain Management Policy (Annexure D). It must be noted that payments must still be finalised for the 2024/2025 financial year. To comply with legislation in terms of quarter 4, any differences will be highlighted in the following SCM quarterly report, subject to figures/transactions that would have an impact on the completeness of the financial statements.

8.7 QUARTERLY REPORT (SECTION 52 OF MFMA): APRIL TO JUNE 2025 (7/1/2/2-2) [Annexure circulated separately]

The submission of the quarterly report to Council is prescribed by Section 52(d) of the Local Government: Municipal Financial Management Act, 2003 (Act 56 of 2003).

The Section 52 MFMA Quarterly Report also contains non-financial information in the form of the performance measured against the targets in the Top-Level Service Delivery and Budget Implementation Plan.

In response to enquiries from cllr A M Booysen regarding the non-achievement of certain targets, the Director: Financial Services stated that the closure of the financial year has not yet been finalised and accounting transactions may have an impact on final figures. It is further important to consider the non-financial information to understand the reasons for not meeting targets.

The aforementioned report was considered by the Municipal Public Accountability Committee (MPAC) on 22 April 2025 for recommendation to Council.

RESOLUTION

(proposed by cllr E C O'Kennedy, seconded by ald M Nel)

- (a) That cognisance be taken that the quarterly report was tabled at the MPAC on 29 July 2025 "and that the MPAC, by way of reporting to the Council, recommends that the Council takes note of the quarterly report as required by Section 52 of the Municipal Finance Management Act, Act 56 of 2003 in respect of the implementation of the budget as well as the performance against the Top Layer Service Delivery and Budget Implementation Plan of the municipality for the period 1 April to 30 June 2025";
- (b) That, taking into account the largest capital budget yet of Swartland Municipality of almost R326 million, the achievement of the target of 90% in respect of capital expenditure is noted with gratitude and appreciation;
- (c) That the aforementioned achievement, given the negative impact that the Riverlands disaster has had on various departments month after month, deserves the necessary recognition.

**SIGNED:
SPEAKER**