



MINUTES OF AN ORDINARY MEETING OF THE SWARTLAND MUNICIPAL COUNCIL HELD IN THE COUNCIL CHAMBER, MALMESBURY ON MONDAY, 31 MARCH 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:

Bess, D G (DA)	Penxa, B J (ANC)
Booyesen, A M (VF+)	Pieters, C (ANC)
Fortuin, C (ANC)	Pypers, D C (DA)
Gaika, M F (EFF)	Smit, N (DA)
Jooste, R J (DA)	Soldaka, P E (ANC)
Le Minnie I S (DA)	Van Essen, T (DA)
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)	

Officials:

Municipal Manager, mr J J Scholtz
Director: Protection Services, mr P A C Humphreys
Director: Financial Services, mr M A C Bolton
Director: Electrical Engineering Services, mr T J Möller
Director: Corporate Services, ms M S Terblanche
Director: Development Services, ms J S Krieger
Senior Manager: Public Services and Project Management, mr J Spies
Manager: Secretariat and Records, ms N Brand

1. OPENING

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

Cllr A K Warnick opened the meeting with prayer at the invitation of the Speaker.

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

2. LEAVE OF ABSENCE

Leave of absence is granted to cllr G E White.

3. DEPUTATIONS / DECLARATIONS / STATEMENTS / SUBMISSIONS / COMMUNICATIONS

None.

4. MINUTES FOR RATIFICATION

4.1/...

4.1 MINUTES OF AN ORDINARY COUNCIL MEETING HELD ON 30 JANUARY 2025

RESOLUTION

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

That the minutes of an Ordinary Council meeting held on 30 January 2025 be approved and signed by the Speaker.

4.2 MINUTES OF A SPECIAL COUNCIL MEETING HELD ON 19 FEBRUARY 2025

RESOLUTION

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

That the minutes of a Special Council meeting held on 19 February 2025 be approved and signed by the Speaker.

5. REPORTING ON DELEGATED DECISION-MAKING BY THE EXECUTIVE MAYOR

RESOLUTION

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

5.1 MINUTES OF AN ORDINARY MEETING OF THE EXECUTIVE MAYORAL COMMITTEE HELD ON 11 DECEMBER 2024

5.2 MINUTES OF AN ORDINARY MEETING OF THE EXECUTIVE MAYORAL COMMITTEE HELD ON 22 JANUARY 2025

5.3 MINUTES OF AN ORDINARY MEETING OF THE EXECUTIVE MAYORAL COMMITTEE HELD ON 19 FEBRUARY 2025

read with

MINUTES OF PORTFOLIO COMMITTEE MEETINGS HELD ON 12 FEBRUARY 2025

6. REPORTING ON DELEGATED DECISION-MAKING BY THE MUNICIPAL MANAGER

RESOLUTION

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

6.1 MINUTES OF A MEETING OF THE BID EVALUATIONS COMMITTEE HELD ON 13 JANUARY 2025

6.2 MINUTES OF A MEETING OF THE BID EVALUATIONS COMMITTEE HELD ON 29 JANUARY 2025

6.3 MINUTES OF A MEETING OF THE BID EVALUATIONS COMMITTEE HELD ON 18 FEBRUARY 2025

6.4 MINUTES OF A MEETING OF THE BID EVALUATIONS COMMITTEE HELD ON 26 FEBRUARY 2025

7. MATTERS ARISING FROM THE MINUTES

None.

8. MATTERS FOR DISCUSSION

8.1 ADOPTION OF OVERSIGHT REPORT ON 2023/2024 ANNUAL REPORT (7/1/1/1)

The draft Annual Report for the 2023/2024 financial year was submitted to Council on 30 January 2025 in terms of Section 127 of the Municipal Finance Management Act, 2003,

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and thereafter the annual report was made available for perusal by the public and relevant state organs.

The Municipal Public Accountability Committee, chaired by cllr E C O'Kennedy, met on 6 March 2025 to consider the comments received on the draft annual report for the preparation of the 2023/2024 Review Report.

The 2023/2024 Review Report was put to a vote by the Speaker for the acceptance of the final annual report and the decision was UNANIMOUS (in the absence of one councillor).

RESOLUTION

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

- (a) That Council, having considered the 2023/2024 Annual Report of Swartland Municipality, adopts the Oversight Report in terms of section 129 of the Municipal Finance Management Act;
- (b) That the 2023/2024 Annual Report of Swartland Municipality be approved without reservations, in terms of section 129 of the MFMA;
- (c) That the minutes of the meetings where the Annual Report was discussed, in the presence of the accounting officer (Municipal Manager) be submitted to the Auditor-General, the Provincial Treasury and the Western Cape Department for Local Government as attached to the Oversight Report, in terms of section 129(2) of the MFMA;
- (d) That the 2023/2024 Oversight Report of Swartland Municipality be made public in terms of Section 129(3) of the MFMA and be submitted to the Western Cape Legislature in terms of Section 132(2) of the MFMA;
- (e) That, in acceptance of the Oversight Report, the payment of performance bonuses to the Municipal Manager and Directors be approved by Council as per paragraph 3.1.2 of the Oversight Report.

8.2 APPROVAL OF THE 2024/2025 SPECIAL ADJUSTMENT CAPITAL AND OPERATING BUDGET (5/1/1/1, 5/1/1/2 – 2024.25)

Section 28 of the Local Government: Municipal Finance Management, Act 56 of 2003 (MFMA) determines the circumstances for the consideration of an adjustment budget.

The special adjustment of the 2024/2025 budgets was mainly brought about by the grant amounting to R9 241 000 received from the Department of Cooperative Governance for the damage to infrastructure in Riverlands and Chatsworth caused by the flood disaster.

The Speaker brought the matter to a vote and the approval of the Special Adjustment Operating Budget was decided (in the absence of one councillor) with 16 councillors in favour of it and the rest of the councillors abstaining.

RESOLUTION

(proposed by cllr A K Warnick, seconded by cllr D G Bess)

- (a) That it be noted that the Budget Steering Committee convened to consider the explanations and motivations provided by the financial and engineering staff in a bid to advise the Executive Mayor on way forward;
- (b) That the following total expenditure by vote (per directorate) be approved, which includes both operating and capital expenditure per directorate, in order that departments pro-actively prevent unauthorised expenditure;

Budget Year 2024/25	Capital Expenditure by Vote				Operating Expenditure by Vote				Total Expenditure by Vote			
	Original Budget	Prior Adj Budget	Total Adjusts.	Adjusted Budget	Original Budget	Prior Adj Budget	Total Adjusts.	Adjusted Budget	Original Budget	Prior Adj Budget	Total Adjusts.	Adjusted Budget
R thousands												
Vote 1 - Corporate Services	778	478	-	478	46 746	47 664	-	47 664	47 524	48 142	-	48 142
Vote 2 - Civil Services	127 036	94 369	17 779	112 148	393 895	417 444	702	418 145	520 930	511 813	18 481	530 294
Vote 3 - Council	1 278	1 287	-	1 287	26 049	25 374	-	25 374	27 327	26 660	-	26 660
Vote 4 - Electricity Services	68 971	41 961	-	41 961	458 585	475 934	(52)	475 882	527 556	517 895	(52)	517 843
Vote 5 - Financial Services	698	568	-	568	81 680	79 301	(969)	78 332	82 378	79 869	(969)	78 900
Vote 6 - Development Services	174 824	166 212	-	166 212	51 379	41 940	-	41 940	226 203	208 152	-	208 152
Vote 7 - Municipal Manager	12	100	-	100	10 030	9 985	41	10 025	10 042	10 085	41	10 125
Vote 8 - Protection Services	2 882	3 055	-	3 055	120 682	113 330	278	113 608	123 564	116 385	278	116 663
Grand Total	376 478	308 030	17 779	325 809	1 189 046	1 210 971	-	1 210 971	1 565 523	1 519 000	17 779	1 536 780

- (c) That approval be granted to amend the 2024/2025 capital projects as part of its consolidated capital program as per (**Annexure A-1: Adjusted 2024/25 Capital Budget**), with no amendments to the outer years;
- (d) That council considers the amended funding sources linked to council's capital program and take note that these funding sources are available and have not been committed for other purposes;

FINANCING SOURCES	Original Budget 2024/25	Mid-Year Adj Budget 2024/25	Special Adj Budget 2024/25	Increase / (Decrease)
Capital Replacement Reserve (CRR)	93 535 241	71 023 189	79 561 559	8 538 370
External Loan	36 950 588	-	-	-
Municipal Infrastructure Grant (MIG)	29 332 000	29 302 000	29 302 000	-
Dept. Human Settlements (DHS)	174 289 166	165 670 203	165 670 203	-
Integrated National Electrification Programme (INEP)	22 818 000	22 401 642	22 401 642	-
Western Cape Education Department (PRIVATE FUNDING)	19 033 109	19 033 109	19 033 109	-
Municipal Disaster Response Grant (MDRG)	-	-	9 241 000	9 241 000
Dept. Cultural Affairs and Sport	484 783	484 783	484 783	-
Community Safety Grant	34 783	34 783	34 783	-
Donations	-	80 000	80 000	-
GRAND TOTAL	376 477 670	308 029 709	325 809 079	17 779 370

- (e) That approval be granted to amend the high-level capital and operating budget for 2024/2025 as per (**Annexure A**), with no amendments to the outer years, as follows:

	Original Budget 2024/25	Mid-Year Adj Budget 2024/25	Special Adj Budget 2024/25	Adjustments	Original Budget 2025/26	Original Budget 2026/27
Capital budget	376 477 670	308 029 709	325 809 079	17 779 370	216 639 861	197 984 897
Operating Expenditure	1 189 045 717	1 210 970 777	1 210 970 777	-	1 434 463 775	1 584 420 812
Operating Revenue	1 458 996 894	1 475 819 204	1 485 060 204	9 241 000	1 535 862 828	1 666 597 277
Budgeted (Surplus)/ Deficit	(269 951 177)	(264 848 427)	(274 089 427)	(9 241 000)	(101 399 053)	(82 176 465)
Less: Capital Grants and Donations	246 062 275	238 036 010	247 277 010	9 241 000	97 963 000	81 093 000
(Surplus)/ Deficit	(23 888 902)	(26 812 417)	(26 812 417)	-	(3 436 053)	(1 083 465)

8.2/...

- (f) That it be noted that the changes to the operating budget will have no impact on tariffs in respect of the 2024/2025 financial year or beyond and the budgeted net surplus of R26 812 417 will remain unchanged;
- (g) That it be noted that the standard rate of VAT will increase by a 0.5 percentage point from 1 May 2025 as per the Minister's Budget speech on 12 March 2025 and NT Circular No.130;
- (h) That the adjusted budget schedules (B1 to B10) as required by the Budget and Reporting Regulations be approved as set out in **(Annexure C: Budget Report and B-Schedules 2024/25 – 2026/27)**;
- (i) That the Director: Financial Services adhere to the requirements of the Budget Circulars and Budget Reforms in the context of the reporting requirements to Provincial and National Treasury;
- (j) That the Service Delivery Budget Implementation Plan (SDBIP) where appropriate be amended accordingly.

8.3 2025 INTEGRATED DEVELOPMENT PLAN (IDP) (2/1/4/4/1)

[Documents were circulated separately]

The Integrated Development Plan (IDP) is the Municipality's main strategic plan which deals with the most critical development needs of the municipal area (external focus) as well as the most critical management needs of the organisation (internal focus).

The report to the agenda includes the legislative requirements for amending the IDP, amongst others, that the tabling of the annual budget must be accompanied by, inter alia, any proposed amendments to the IDP after its annual review in terms of Section 34 of the Municipal Systems Act.

The Speaker brought the matter to a vote and was decided (in the absence of one councillor) with 16 councillors in favour of the draft 2025 IDP for purposes of public participation and the rest of the councillors abstaining.

RESOLUTION

(proposed by cllr D G Bess, seconded by cllr A K Warnick)

- (a) That the Council take cognisance of the amendment of the Integrated Development Plan (IDP) as well as the revision of the area plans tabled in terms of section 17(3) of the MFMA;
- (b) That, although the Council has not adopted MFMA Circular 88, Swartland Municipality will take part in the 2025/2026 DCoG pilot project in respect of the indicators that form part of the pilot project;
- (c) That the DCoG indicators not be incorporated in the existing performance indicator tables in the IDP, but included as an annexure to the IDP;
- (d) That a further consultation and refinement process be followed during April 2025.

8.4 TABLING OF THE DRAFT MULTI YEAR CAPITAL AND OPERATING BUDGETS, AMENDED BUDGETS AND RELATED POLICIES, PROPERTY RATES, TARIFFS AND OTHER CHARGES FOR 2025/2026, 2026/2027 AND 2027/2028 FOR SPECIFIC PURPOSES OF GIVING EFFECT TO PUBLIC PARTICIPATION (5/1/1/1, 5/1/1/2 – 2025.26, 5/1/4)

[Documents were circulated separately]

The Executive Mayor tabled the draft Capital and Operating Budgets for the 2025/2026, 2026/2027 and 2027/2028 financial years in terms of Section 16(2) of the Local Government: Municipal Finance Management Act (Act 56 of 2003) (MFMA), as considered at the meeting of the Executive Mayoral Committee held on 25 March 2025.

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The Speaker brought the matter to a vote and was decided (in the absence of one councillor) with 15 councillors in favour of the draft budget for purposes of public participation and the rest of the councillors abstaining.

RESOLUTION [Note: for completeness and implementation, the English version of the recommendations will be relied upon.]

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

- (a) That council takes note that due to the late tabling of the Provincial budget and the late communication of the Provincial Gazette, the 2025/26 MTREF allocations will only be incorporated in the final budget in May – allocations are indicative at this stage;
- (b) That council takes note that the costs as envisaged by Section 19 (2)(a)(b) were derived after consultation with the respective director(s) who has confirmed the costs as per **(Annexure A: 2025/2026 – 2027/2028 Draft Budget and Tariff File)** and consider same;
- (c) That council prior to approving the capital projects above R50 million as listed in **(Annexure B: 2025/2026 – 2027/2028 Capital Projects ito Sec 19)**, first consider the projected cost covering all financial years until the project is operational and the future operational costs and revenue on the project, including municipal tax and tariff implications;
- (d) That council deemed it appropriate to consider the entire capital program excluding the 4 contractually combined projects above R50 million as the aforementioned capital program's operational cost, inclusive of future costs will be covered by the rates regime and the normal cost centres found in the operational budget;
- (e) That council considers the funding sources linked to council's capital program and take note that these funding sources are available and have not been committed for other purposes;

FINANCING SOURCES	DRAFT BUDGET 2025/26	DRAFT BUDGET 2026/27	DRAFT BUDGET 2027/28
Capital Replacement Reserve (CRR)	R 128 411 923	R 138 083 611	R 156 818 041
External Loans	R 40 000 000	R -	R -
Municipal Infrastructure Grant (MIG)	R 25 405 000	R 27 293 000	R 28 388 000
Dept. of Infrastructure	R 50 294 362	R 33 735 985	R 52 476 713
Integrated National Electrification Programme (INEP)	R 17 821 124	R 20 868 000	R 21 811 000
Water Services Infrastructure Grant	R 17 044 000	R -	R -
Dept. Cultural Affairs and Sport	R 43 478	R 43 478	R -
GRAND TOTAL	R 279 019 887	R 220 024 074	R 259 493 754

- (f) That council approves the capital projects as part of its consolidated capital program as per **(Annexure A: 2025/2026 – 2027/2028 Draft Budget and Tariff File)**;
- (g) That council approves the raising of an external loan to the amount of ±R30.7 million for the new 2025/26 MTREF for the partial financing of the 132/11kV Eskom Schoonspruit Substation (R30.7 million) by means of testing the market as envisaged by MFMA section 46, requesting tenders from the financial institutions and that finance source for the Development of Highlands New Landfill site Cell (R9.3 million) be amended to CRR;

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- (h) That the following total expenditure by vote (per directorate) be approved, which includes both operating and capital expenditure per directorate, in order that departments pro-actively prevent unauthorised expenditure;

Budget Year 2024/25 R thousands	Capital Expenditure by Vote			Operating Expenditure by Vote			Total Expenditure by Vote		
	2025/26	2026/27	2027/28	2025/26	2026/27	2027/28	2025/26	2026/27	2027/28
Vote 1 - Corporate Services	573	575	534	49 311	52 396	55 729	49 885	52 971	56 263
Vote 2 - Civil Services	137 586	116 213	145 139	417 140	448 726	476 306	554 727	564 939	621 445
Vote 3 - Council	12	12	12	25 476	26 510	27 573	25 488	26 522	27 585
Vote 4 - Electricity Services	88 166	62 174	59 942	558 289	595 017	637 151	646 455	657 191	697 093
Vote 5 - Financial Services	168	76	672	84 757	91 101	97 495	84 925	91 177	98 166
Vote 6 - Development Services	51 180	39 826	52 571	176 471	209 586	49 871	227 651	249 412	102 442
Vote 7 - Municipal Manager	12	12	12	11 289	11 911	12 679	11 301	11 923	12 691
Vote 8 - Protection Services	1 322	1 136	612	124 242	130 961	138 152	125 564	132 097	138 764
Grand Total	279 020	220 024	259 494	1 446 976	1 566 208	1 494 955	1 725 996	1 786 232	1 754 448

- (i) That the draft high-level multi-year Capital and Operating budgets in respect of the **2025/2026 – 2027/2028** financial years, be approved as draft, in accordance with sections 16, 17 and 19 of the MFMA, to allow for public participation;

	Original Budget 2024/25	Adjustments Budget 2024/25	Draft Budget 2025/26	Draft Budget 2026/27	Draft Budget 2027/28
Capital budget	376 477 670	308 029 709	279 019 887	220 024 074	259 493 754
Operating Expenditure	1 189 045 717	1 210 970 777	1 446 976 385	1 566 208 166	1 494 954 545
Operating Revenue	1 458 996 894	1 475 819 204	1 586 838 910	1 664 780 877	1 598 962 787
Budgeted (Surplus)/ Deficit	(269 951 177)	(264 848 427)	(139 862 525)	(98 572 711)	(104 008 243)
Less: Capital Grants & Contributions	246 062 275	238 036 010	110 607 964	81 940 463	102 675 713
(Surplus)/ Deficit	(23 888 902)	(26 812 417)	(29 254 561)	(16 632 248)	(1 332 530)

- (j) That council approves the notice given in terms of section 14(1) and (2) of the Local Government: Municipal Property Rates Act, 2004, to levy the draft property tax rates, exemptions and rebates on property reflected in the schedule below and in the property rates policy for the 2025/26 financial year with effect from 1 July 2025, for purposes of allowing for public participation;

Category of property	Rate ratio	(c/R) rate determined for the relevant property category
Residential properties	1: 1	0,5623
Business and Commercial properties	1: 1,6672	0,9374
Industrial properties	1: 1,6672	0,9374
Agricultural properties	1: 0,25	0,1406
Mining properties	1: 1,6672	0,9374
Public Service Infrastructure	1: 0,25	0,1406
Properties owned by an organ of state and used for public service purposes	1: 1,6672	0,9374
Public Benefit Organizations	1: 0	0,0000
Vacant properties	1: 1,4966	0,8415
Municipal properties	1: 0	0,0000

Conservation Areas	1: 0	0,0000
Protected Areas	1: 0	0,0000
National Monuments	1: 0	0,0000
Informal Settlements	1: 0	0,0000

Exemptions and Reductions

- **Residential Properties:** For all residential properties, the municipality will not levy a rate on the first R15 000 of the property's market value. The R15 000 is the statutory impermissible rate as per section 17(1)(h) of the Municipal Property Rates Act.

Rebates in respect of a category of owners of property are as follows:

- **Indigent owners:** 100 per cent rebate will be granted to registered indigents in terms of the Indigent Policy to a maximum valuation of R105 000;
- **Qualifying senior citizens and disabled persons:** A rebate to an amount equal to the rates payable on the first amount of the valuation of such property to a limit of R300 000.

NB: Please refer to the municipality's property rates policy in respect of all rebates offered.

- (k) That council approve the draft tariff structures and charges for water, refuse removal, sewerage and other sundry charges as set out in **(Annexure A: 2025/2026 – 2027/2028 Draft Budget and Tariff File)** for purposes of allowing for public participation;
- (l) That council approve the electricity tariffs as draft for the 2025/2026 financial year, **bearing in mind that it is still subject to NERSA's final approval;**
- (m) That the phasing in of the restructured electricity tariffs, per the cost of supply study, are planned for implementation in 2026/27;
- (n) That the annual budget tables as required by the Budget and Reporting Regulations be approved as set out in **(Annexure C: Budget Report and A-Schedules 2025/2026 – 2027/2028)**;
- (o) That the **amendments** to the budget and related policies as set out in **(Annexure D: Draft Amendments to Budget & Related Policies 2025/2026)** hereto, be approved for purposes of soliciting the views and comment from the public;
- (p) That the amendments to Council's Supply Chain Management Policy, the Preferential Procurement Policy and Funding and Reserves policy be approved with effect from 1 April 2025;
- (q) That the training budget of R1 782 533 for the 2025/2026 financial year be approved as draft;
- (r) That Council takes note of the increases of the Directors that are contractually linked to the other personnel, which is negotiated and determined at a national level:
 - In respect of all personnel, an increase of **5.75%** for 2025/2026; **5.25%** for 2026/2027 and **5.75%** for the 2027/2028 financial years, excluding the increase in other benefits that are applicable and the annual 2.415% notch increase where applicable;
 - All salary adjustments are adequately budgeted for;
 - Provision has been made for a **3%** increase for political office bearers which is within the mid band of the inflation targets set by the South African Reserve Bank (SARB).

- (s) That Council takes note of the budgeted operating surpluses and that the budget is “cash-funded” as a result of cash reserves in table A8, the total expenditure growth of **19.5%** from the current to the new financial year and the revenue streams with growth in revenue of **7.5% (19.3% excluding capital grant income)** for the MTREF period as well as the cash flow statement as per **(A-schedule A7)** for the next three financial years;
- the budgeted risk factor for cash coverage for operating expenses are **9.6 months** for 2025/26, **9.2 months** for 2026/27 and **10.1 months** for 2027/28;
 - over the next three financial years the planning is such that net operating surpluses are envisaged for 2025/26 to an amount of **R 29 254 561**, for 2026/27 an amount of **R 16 632 248** and for 2027/28 an amount of **R 1 332 530 (excluding capital grant income)**, which is well **below the NT guideline of at least a surplus of 7.5%**.
- (t) That the Director: Financial Services adhere to the requirements of the Budget Circulars and Budget Reforms in the context of the reporting requirements to Provincial and National Treasury and that **MFMA Circular No.130 will be fully incorporated with the Final budget in May 2025 as it was only published on 20 March 2025**;
- (u) That Council specifically adhere to the requirements of the Provincial and National Treasury Budget Circulars as enclosed in **“Annexure E: Budget Circulars”**;
- (v) That Council take note that the budget was prepared in the new mSCOA Version 6.9 as required by National Treasury;
- (w) That council takes note that the extensive revenue modelling exercise, includes a proportion for growth, given the trend of increased household consumption and services connection growth;
- (x) That the process of soliciting public input, views or comments into the draft budget, revised budget and related policies and budget documents, inclusive of the property taxes and tariffs to close at 12 midday on **30 April 2025**.

8.5 DRAFT 2025/2026 SERVICE DELIVERY AND BUDGET IMPLEMENTATION PLAN (2/4/2)

[Documents were circulated separately]

The Local Government: Municipal Finance Management Act, Act 56 of 2003 (MFMA) defines the Service Delivery and Budget Implementation Plan (SDBIP) as a detailed plan approved by the Mayor of a municipality in terms of Section 53(1)(c)(ii) of the MFMA for implementation of the municipality’s service delivery and of its annual budget.

The aim of the SDBIP is to support the municipal management to achieve service delivery targets, as well as the spending of the capital budget within given timeframes.

The draft 2025/2026 Service Delivery and Budget Implementation Plan was considered by the Executive Mayoral Committee on 25 March 2025 for recommendation to Council.

The Speaker brought the matter to a vote and was decided (in the absence of one councillor) with 14 councillors in favour of it and the rest of the councillors abstaining.

RESOLUTION

(proposed by ald J H Cleophas, seconded by cllr A K Warnick)

- (a) That the Council take cognisance of the draft 2025/2026 Service Delivery and Budget Implementation Plan (SDBIP) tabled in terms of regulation 14 of the Municipal Budget and Reporting Regulations;

- (b) That the SDBIP be submitted to National Treasury and Provincial Treasury in terms of regulation 15 of the Municipal Budget and Reporting Regulations.

8.6 TABLING OF DRAFT TARIFF BY-LAW (1/1)

The draft Tariff By-law is intended to replace the existing by-law as promulgated in the Extraordinary Provincial Gazette (PK 7402 dated 12 June 2015).

The Executive Mayoral Committee considered the draft Tariff By-law on 25 March 2025 for recommendation to Council.

The Speaker brought the matter to a vote and was decided (in the absence of one councillor) with 14 councillors in favour of it and the rest of the councillors abstaining.

RESOLUTION

(proposed by cllr N Smit, seconded by cllr A K Warnick)

- (a) That the adoption of the following draft by-law be approved in principle for implementation with effect from 1 July 2025:
- Swartland Municipality: Tariff By-Law
- (b) That the draft by-law be published for public comment in terms of section 12(3)(b) of the Systems Act, 2000 in both the local media and on the municipal website.

8.7 DETERMINATION OF DEVELOPMENT CHARGES FOR 2025/2026 (15/1/B)

The development contributions are reviewed annually and aim to determine as accurately as possible the pro rata portion of the actual capital cost of bulk infrastructure required to provide services for a particular development.

An annual discount on the development contributions is considered to serve as an incentive for developers to invest in the Swartland municipal area. The Executive Mayoral Committee considered the proposed contributions on 25 March 2025 and proposed that the 55% discount for the 2025/2026 financial year would remain unchanged.

The Speaker brought the matter to a vote and was decided (in the absence of one councillor) UNANIMOUSLY.

RESOLUTION

(proposed by ald T van Essen, seconded by cllr D G Bess)

- (a) That the attached categories of Development Charges for the 2025/2026 financial year be approved:
- "Greenfields" Development Charges for bulk electricity (Annexure "A").
 - "Brownfields" Development Charges for electricity – Swartland Municipal Area (Annexure "B").
 - Development Charges for water (Annexure "C").
 - Development Charges for sewerage (Annexure "D").
 - Development Charges for roads (Annexure "E").
- (b) That a rebate of 55% be considered regarding development charges in respect of the 2025/2026 financial year as an incentive to promote development and attract investors;
- (c) That developers have to enter into an agreement with the Municipality regarding the payment of charges in terms of the existing policies;
- (d) That the actual Cost of Development Charges will apply to all developments, as determined and calculated by the Directors of Civil Engineering Services and Electrical Engineering Services.

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

[Documents were circulated separately]

The report to the agenda contains the historical background to the designation of the B-municipalities as Water Service Authorities and Suppliers which gave rise to an agreement with the West Coast District Municipality to provide bulk water services to the B-municipality concerned. The service delivery agreement expires on 30 June 2025.

The participating municipalities intend to enter into a long-term contract for the Delivery of a Water Concession Function with the West Coast District Municipality and it is necessary to go through the Section 33 process in terms of the Local Government: Municipal Finance Management Act, Act 56 of 2003 (MFMA).

RESOLUTION

(proposed by cllr R Jooste, seconded by ald T van Essen)

- (a) That the proposed long-term contract for the period 1 July 2025 until 30 June 2035 be approved in principle;
- (b) That the views and recommendations of the Provincial Treasury, National Treasury and the National Department of Local Government be solicited in terms of Section 33(1)(b)(iv) of the Municipal Finance Management Act;
- (c) That comments or representations from the community and other interested parties in respect of the proposed long-term contract be solicited in terms of Section 33(1)(b)(iii) of the Municipal Finance Management Act;
- (d) That information and received submissions be tabled in the Council in terms of Section 33(a)(1).

8.9 APPROVAL OF THE ORGANISATIONAL STRUCTURE TAKING INTO ACCOUNT AMENDMENTS TO CORPORATE SERVICES AND PROTECTION SERVICES (4/1/1/2/1)

Section 66 of the Municipal Systems Amendment Act, 2011 determines that the organisational structure must be approved by the Municipal Manager.

The proposed amendments to the structure of the Corporate Services Directorate and Protection Services Directorate, as fully detailed in the report, were considered and approved by the unions on 20 February 2025. The Executive Mayoral Committee considered the proposed amendments on 25 March 2025 for recommendation to Council.

RESOLUTION

(proposed by cllr N Smit, seconded by cllr A K Warnick)

- (a) That the Council takes note that the amendments were recommended at the meeting of the Local Labour Forum held on 20 February 2025;
- (b) That the Council approves the amendments to the organisational structure for the directorate Corporate Services with effect from 1 July 2025;
- (c) That the Council approves the amendments to the organisational structure for the directorate Protection Services for implementation with effect from 1 April 2025.

8.10 PROPOSED OUT-OF-HAND ALIENATION OF MUNICIPAL IMMOVABLE PROPERTIES: ERVEN 2730 AND 2731, MALMESBURY (12/2/5/2-8/5)

An application has been received from *The Haven Night Shelter Utility Company* for the purchase of two municipal properties in Varing Street, Malmesbury.

8.10/...

The applicant is keen to acquire the two properties to ensure and expand the long-term sustainability and further development of the night shelter and services to the vulnerable members of the community.

RESOLUTION

(proposed by ald J M de Beer, seconded by cllr E C O'Kennedy)

- (a) That, in terms of Section 14 of the Municipal Finance Management Act (Act No. 56 of 2003) Council confirms and resolves that:
 - (i) The subject properties are not needed for the provision of a minimum level of basic municipal services; and
 - (ii) The fair market value of the assets and the economic and community value to be received for the assets have been considered;
- (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 following properties to The Haven Night Shelter (PBO 130002172 / NPO 002-831), at the amounts as indicated:
 - (i) Erf 2730, Malmesbury (4645 m² in extent): R255 000.00 (excluding VAT)
 - (ii) Erf 2731, Malmesbury (4601 m² in extent): R253 000.00 (excluding VAT)
- (c) That the proposed transactions 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 Director: Corporate Services be authorized to finalise the terms and conditions of sale, including but not limited to the following:
 - (i) That the subject properties may only be used for purposes of a night shelter and related activities, within the parameters of Community Zone 3;
 - (ii) That the purchaser shall be responsible for all costs related or incidental to this transaction, including advertisement costs and transfer fees;
 - (iii) That the process for obtaining the required land use/development rights be undertaken by and at the cost of the purchaser in respect of Erf 2731;
 - (iv) That the purchaser shall also see to the consolidation of the two subject properties, at its own cost;
 - (v) That a reversionary clause be registered against the title of the consolidated property, for the property to revert to the Municipality without cost and free of any claims, should the purchaser intend to sell same, or fail to use the property or a portion thereof for purposes of a night shelter and related activities, or fail to develop the properties within a reasonable timeframe;
- (e) 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 paragraphs 13.1.1 and 13.1.3 of the Municipal Asset Transfer Policy:
 - (i) The Haven Night Shelter as non-profitable institution – through its successful operation since 2005 of a shelter for the homeless on Erf 1730 Malmesbury, as well as at various other centres elsewhere in the Western Cape – has historically and adequately proven that the institution has the ability and financial capacity to successfully develop and sustainably operate a facility of this nature;
 - (ii) A priority need in the community will be satisfied by making land available in this manner, and the Council as such gives effect to its constitutional objective to promote social development and social wellbeing.

8.11 PROPOSED ALIENATION OF MUNICIPAL IMMOVABLE PROPERTY, ERF 11350 (PORTION OF ERF 2395), SITUATED AT IRIS STREET, MALMESBURY FOR RESIDENTIAL PURPOSES (12/2/5/2-8/5)

8.11/...

The Council have municipal property, Erf 11350 (size 299 m²), situated at Iris Street, Malmesbury for alienation after the property was given to the Council on the expiry of the notarial agreement.

It is proposed to make the property available as is, to first homeowners, limited to natural persons by way of a public competitive process.

RESOLUTION

(proposed by ald J M de Beer, seconded by ald T van Essen)

- (a) That, in terms of Section 14 of the Municipal Finance Management Act (Act No. 56 of 2003) the Council confirms and resolves:
- (i) That the subject property has been identified from the outset for residential purposes in terms of its zoning, and 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;
- (b) That in-principle 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 financial offers to be invited by means of public tender for the disposal of Erf 11350 (portion of Erf 2395), measuring approximately 299m² in extent, situated in Iris Street, Malmesbury subject to the standard conditions of sale and the following further conditions:
- (i) That the amount of R309 000,00 (VAT excluded) be determined as reserve price, it being considered to fairly represent the market value of same;
 - (ii) That the property be made available voetstoots for disposal to first homeowners, limited to natural persons;
 - (iii) That Council's intention to offer the property for sale by means of a public competitive process be published for comment and/or objections;
 - (iv) That authorization be given as follows:
 - (aa) to the Executive Mayoral Committee to:
 - deal with any comments and/or objections received in respect of the proposed transactions; and to
 - finalise a decision regarding the transfer of the asset after all applicable Supply Chain and other legal prescripts have been complied with;
 - (bb) to the Director: Corporate Services to:
 - finalise the conditions of sale for tender purposes with all the relevant internal role-players;
- (c) That approval be granted that should the property remain unsold after the competitive process, it be sold out-of-hand on a 'first come first served' basis at the reserve price or higher, provided that the reserve price corresponds with fair market value (based on the municipal valuation of the property when disposal takes place), and provided further that the Municipality shall make known its intention to sell the property out-of-hand from a given date.

8.12 PROPOSED OUT-OF-HAND ALIENATION OF A PORTION OF ERF 1821, MALMESBURY (RAILWAY RESERVE) TO THE ADJACENT LANDOWNER OF ERF 12423 (12/2/5/2-3/2)

An application was received from the adjacent landowner, JEF Plant & Hire CC, to acquire a portion of Erf 1821, Malmesbury for purposes of parking heavy vehicles. The latter are leased to companies in the civil industry and there is no more capacity on the existing property for expansion.

8.12/...

The relevant portion of Erf 1821 (size 789.98 m²) cannot be developed as a separate unit due to its location and access and it is considered sensible to make it available to the owner of Erf 12423.

RESOLUTION

(proposed by ald J M de Beer, seconded by cllr D G Bess)

- (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;
- (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 a portion of Erf 1821 Malmesbury, measuring approximately 789.98m² in extent, situated in Schoonspruit Road, to the adjacent landowner of Erf 12423, Malmesbury at a selling price of R1000,00 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, subdivision and consolidation) be undertaken by and at the cost of the purchaser, noting that all other costs related to the transfer of the property will be for the account of the purchaser;
 - (ii) 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 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 maintenance obligation, as well as limits the risks of potential land invasion or misuse (e.g. illegal dumping).

8.13 PROPOSED OUT-OF-HAND ALIENATION OF UNREGISTERED ERF 1400 (PORTION OF REMAINDER OF ERF 551) TO THE DARLING TRUST FOR THE DEVELOPMENT OF AN EARLY CHILD DEVELOPMENT CENTRE (12/2/5/2-3/2)

An application was received from the Darling Trust for the acquisition of unregistered Erf 1400 (size 2520 m²), situated in Fabriek Street, Darling. The erf in question is situated adjacent to the Darling Swimming Pool and Evita's Early Child Development Centre which was developed by the Darling Trust on Erf 1399, Darling during 2009/2010.

The Early Child Development Centre is funded by the Darling Trust, Swartland Solar Community Trust and the Department of Education and consists of two classrooms which accommodate 64 learners. There is a great need to expand the centre due to the high demand from parents to enroll their children at the centre.

Resolution/...

RESOLUTION

(proposed by cllr A K Warnick, seconded by cllr D G Bess)

- (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;
- (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 Unregistered Erf 1400 Darling (portion of Remainder Erf 551 Darling), measuring approximately 2520m² in extent, situated in Fabriek Street, to the Darling Trust (registration no. IT2598/2003) at the amount of R37 800,000 [calculated at R378 000,00 (market value) X 10% (subsidized rate)] excluding VAT, subject to the standard conditions of sale and the following further conditions:
 - (i) That the property be utilised for educational purposes and for no other purpose;
 - (ii) That a 2metre wide services servitude in respect of a 110mmØ main sewer pipeline traversing Erf 1400, Darling be registered against the title of the property;
 - (iii) That no construction will be permitted in the servitude area and 24-hour access is required by the Municipality for maintenance and/or upgrading works;
 - (iv) That the process for obtaining the required land use/development rights be undertaken by and at the cost of the purchaser, noting that all other costs related to the transfer of the property will be for the account of the purchaser;
 - (v) That the road reserve that will be used by the purchaser as an access road from and to the property be constructed into a gravel road by and at the cost of the purchaser, and also be maintained by the purchaser;
 - (vi) That electrical services will be available from the nearest distribution kiosk to Erf 1400; and
 - (vii) 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 paragraphs 13.1.1 and 13.1.3 of the Municipal Asset Transfer Policy:
 - (i) The Darling Trust as non-profitable institution – through its successful operation since 2010 of the childcare facilities on erf 1399 Darling – has historically and adequately proven that the institution has the ability and capacity to successfully develop and sustainably operate a childcare facility;
 - (ii) A priority need (for childcare and education) in the community will be satisfied by making available land in this manner, and Council as such gives effect to its constitutional object to promote social development and social wellbeing;
- (d)/...

8.13/...

- (d) That a reversionary clause be registered against the title of the property, for the property to revert to the Municipality without cost and free of any claims, should the purchaser intend to sell same, or fail to use the property or a portion thereof for purposes of an ECD and related activities, or fail to develop the property within a reasonable timeframe.

**SIGNED:
SPEAKER**