



**MINUTES OF AN ORDINARY MEETING OF THE SWARTLAND MUNICIPAL COUNCIL HELD IN THE TOWN HALL, MALMESBURY, ON THURSDAY, 28 MARCH 2024 AT 10:00**

---

**PRESENT:**

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

**COUNCIL MEMBERS:**

Bess, D G (DA)	Pieters, C (ANC)
Jooste, R J (DA)	Pypers, D C (DA)
Le Minnie, I S (DA)	Smit, N (DA)
Nel, M (DA)	Soldaka, P E (ANC)
Ngozi, M (ANC)	Van Essen, T (DA)
O’Kennedy, E C (DA)	Vermeulen, G (VF+)
Papier, J R (Good)	Warnick, A K (DA)
Penxa, B J (ANC)	Williams, A M (DA)

Officials:

Municipal Manager, Mr J J Scholtz  
Director: Protective Services, Mr P A C Humphreys  
Director: Electrical Engineering Services, Mr T Möller  
Director: Civil Engineering Services, Mr L D Zikmann  
Director: Financial Services, Mr M A C Bolton  
Director: Corporate Services, Ms M S Terblanche  
Director: Development Services, Ms J S Krieger  
Administrator: Secretariat and Records, Ms N Brand

**1. OPENING**

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

Cllr A M Williams opened the meeting with scripture reading and prayer at the request of the Speaker.

The Speaker extended his congratulations to the councillors who recently celebrated their birthdays.

**2. LEAVE OF ABSENCE**

Leave of absence is granted to Cllrs C Fortuin and A M Booysen. Cllr M F Gaika is absent without leave.

**3. REPRESENTATIONS/DECLARATIONS AND COMMUNICATIONS/SUBMISSIONS**

None.

**4. MINUTES FOR RATIFICATION**

**4.1 MINUTES OF AN ORDINARY COUNCIL MEETING HELD 30 JANUARY 2024**

Resolution/...

4.1/...

**RESOLUTION**

(on proposal of Ald J H Cleophas, seconded by Cllr A K Warnick)

That the minutes of an Ordinary Council Meeting held on 30 January 2024 be approved and signed by the Speaker, subject to correction of linguistic errors.

**5. REPORTING WITH REGARD TO DELEGATED DECISION-MAKING BY THE EXECUTIVE MAYOR**

**RESOLUTION**

That note is taken of the decisions made by the Executive Mayor in accordance with his delegated power in the following minutes:

**5.1 MINUTES OF AN ORDINARY MEETING OF THE EXECUTIVE MAYORAL COMMITTEE HELD ON 13 DECEMBER 2023**

**5.2 MINUTES OF AN ORDINARY MEETING OF THE EXECUTIVE MAYORAL COMMITTEE HELD ON 24 JANUARY 2024**

**5.3 MINUTES OF AN ORDINARY MEETING OF THE EXECUTIVE MAYORAL COMMITTEE HELD ON 21 FEBRUARY 2024**  
read together with  
**MINUTES OF PORTFOLIO COMMITTEE MEETINGS ON 14 FEBRUARY 2024**

**6. REPORTING REGARDING DELEGATED DECISION-MAKING BY THE MUNICIPAL MANAGER**

**RESOLUTION**

That note is taken of the decisions made by the Municipal Manager in accordance with his delegated power in the following minutes:

**6.1 MINUTES OF A MEETING OF THE BID EVALUATION COMMITTEE HELD ON 1 FEBRUARY 2024**

**6.2 MINUTES OF A MEETING OF THE BID EVALUATION COMMITTEE HELD ON 22 FEBRUARY 2024**

**7. MATTERS ARISING FROM MINUTES**

None.

**8. MATTERS FOR DISCUSSION**

**8.1 ADOPTION OF OVERSIGHT REPORT ON 2022/2023 ANNUAL REPORT (7/1/1/1)**

The draft Annual Report for the financial year 2022/2023 was submitted to the Council on 30 January 2024 in terms of section 127 of the Municipal Finance Management Act, 2003, after which the annual report was made available for comment by the public and relevant government bodies.

The Municipal Public Accountability Committee, chaired by Cllr E C O'Kennedy, met on 5 March 2024 to consider the comments received on the draft Annual Report for the preparation of the 2022/2023 Oversight report.

The 2022/2023 Oversight report, in acceptance of the final 2022/2023 Annual Report, is brought to vote by the Speaker and it is decided (in the absence of three councillors) with 13 councillors in favour and six councillors abstaining.

8.1/...

### **RESOLUTION**

(proposed by Cllr E C O'Kennedy, seconded by Cllr D C Pypers)

- (a) That Council, having considered the 2022/2023 Annual Report of Swartland Municipality, adopts the Oversight Report in terms of section 129 of the Municipal Finance Management Act;
- (b) That the 2022/2023 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 report, in terms of section 129(2) of the MFMA;
- (d) That the 2022/2023 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 2024 INTEGRATED DEVELOPMENT PLAN (2/1/4/4/1)**

The Integrated Development Plan (IDP) is the Municipality's main strategic plan that 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 Speaker brought the matter to a vote and it is decided (in the absence of three councillors) with 13 councillors in favour of the 2024 GOP draft for purposes of public participation and six councillors abstaining.

### **RESOLUTION**

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

- (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 2024/2025 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; and
- (d) That a further consultation and refinement process be followed during April 2024.

### **8.3 TABLING OF THE DRAFT MULTI-YEAR CAPITAL AND OPERATING BUDGETS, AMENDED BUDGET AND RELATED POLICIES, PROPERTY TAXES, TARIFFS AND OTHER CHARGES FOR 2024/2025, 2025/2026 AND 2026/2027 FOR SPECIFIC PURPOSES OF GIVING EFFECT TO PUBLIC PARTICIPATION (5/1/1/1, 5/1/1/2, 5/1/4)**

The Executive Mayor mentioned that Swartland Municipality has recently been recognised as the best municipality in South Africa and thanked all councillors, officials and the community for the good work and cooperation that exists to achieve this coveted achievement.

The Executive Mayor confirmed that much has already been achieved during the term, and the following matters are highlighted:

- Construction of the new swimming pool at the Alfa Street Sports Grounds, the groundwork for which has already begun;
- Construction of roads for which R80 million has been allocated in the multi-year budget;
- Multipurpose centre in Kalbaskraal budgeted at R7 million;
- Sports facilities in Koringberg to be provided in year 2.

The Municipality is committed to providing high-quality services to the community, among other things, the Fire Brigade Service and associated staff will be expanded to a full service. It will also be announced at the Council Meeting in May 2024 when customers will be able to purchase electricity online.

For the first time in the history of the Municipality, a capital budget of R379,877 million is presented that is largely in favour of the poor, with about 3 000 housing opportunities to be established over the next three years. The Municipality further attempts to keep the rate adjustments as low as possible in these unfavourable economic conditions.

The Speaker encourages councillors to pass on their comments/inputs during the public participation process but still allows for input.

Cllr P E Soldaka expressed his concern that the tariff increases become unaffordable for persons who do not qualify for an equitable share subsidy. Cllr Soldaka requested that provision be made for a multi-purpose centre in Moorreesburg.

Cllr B J Penxa supported the establishment of a multi-purpose centre in Moorreesburg, as well as the implementation of a system to purchase electricity online. Cllr Penxa congratulated the Mayor on the highlights achieved.

However, Cllr Penxa expressed his concern that Eskom's increase in electricity tariffs of 12.7% is unaffordable and requested that an investigation be conducted to assist people who do not qualify for an equitable share subsidy, as we pay for households who get everything for free.

The Director: Financial Services stated that, unfortunately, the equitable share subsidy cannot be extended and is available only to those who qualify.

The Director: Financial Services confirmed that the proposed electricity tariffs have been provided to NERSA, and although the budget documents are being made available for public participation, approval from NERSA is pending. The proposed increase for the purchase of electricity is 12.7%, while the increase for its sale is between 10.79%–12.81%. However, the result of the Cost of Supply study, as required by NERSA, shows that an increase of 12.8% can be expected.

The Executive Mayor tabled the draft Capital and Operational Budgets for the financial years 2024/2025, 2025/2026 and 2026/2027 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 20 March 2024.

The Speaker brought the matter to a vote and it is decided (in the absence of three councillors) with 13 councillors in favour of the draft budget for the purpose of public participation and six councillors abstaining.

## **RESOLUTION**

(proposed by Ald J H Cleophas, seconded by Cllr N Smit)

- (a) That Council take cognisance that the budget steering committee has, after considering the comprehensive analysis by the Director: Financial Services, which included detailing the risks associated with the Provincial Gazette of Friday, 8 March 2024 and revenue modelling covering the new MTREF, RESOLVED:

8.3(a)/...

- (i) That the administration revisits the outer years, i.e. year 2 and year 3 in the context of the provincial allocations, **GIVEN THE INDICATIVE** nature of Government allocations, which might be reduced again, given the fiscal challenges experienced by the national government;
- (ii) That further formal engagement takes place with the Department of Infrastructure in the Province, in order to clarify and obtain reasonable assurance as to the outer year's allocations to be included in the multi-year budget, with a view of having a final position during approval of the final MREF budget in May;
- (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: 2024/2025 – 2026/2027 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: 2024/2025 – 2026/2027 Capital Projects ito Sec 19)**, first consider the projected operational 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 the future capital budgets from year 3 be limited to 17% of the operating budget (based on NT's norm for *Capital Expenditure to Total Expenditure* that is between 10% to 20%) because of the upward pressure it has on the operating budget and the affordability of tariffs;
- (f) 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 2024/2025	Draft Budget 2025/2026	Draft Budget 2026/2027
Capital Replacement Reserve (CRR)	R 95 897 241	R 113 426 861	R 114 641 897
External Loans	R 36 950 588	R 3 000 000	R -
Municipal Infrastructure Grant (MIG)	R 29 332 000	R 25 343 000	R 27 225 000
Integrated National Electrification Programme (INEP)	R 22 818 000	R 23 100 000	R 20 868 000
WCED (Private Funding)	R 20 000 000	R -	R -
Dept. of Infrastructure	R 174 289 166	R 49 520 000	R 33 000 000
Dept. Cultural Affairs and Sport	R 550 000	R -	R -
Community Safety Grant	R 40 000	R -	R -
<b>GRAND TOTAL</b>	<b>R 379 876 995</b>	<b>R 214 389 861</b>	<b>R 195 734 897</b>

- (g) That council approves the capital projects as part of its consolidated capital program as per **(Annexure A: 2024/2025 – 2026/2027 Draft Budget and Tariff File)**;
- (h) That council in-principle approves the raising of an external loan to the amount of R40 million for the new 2024/25 MTREF for the partial financing of the following capital projects: 132/11kV Eskom Schoonspruit Substation (R29

8.3(h)/...

million) and the Development of Highlands New Landfill site Cell (R10 million), by means of testing the market as envisaged by MFMA section 46, requesting tenders from the financial institutions;

- (i) That the draft high-level multi-year Capital and Operating budgets in respect of the **2024/2025 – 2026/2027** financial years, be approved as draft, in accordance with sections 16, 17 and 19 of the MFMA, to allow for public participation;

	<b>Original Budget 2023/24</b>	<b>Adjustments Budget 2023/24</b>	<b>Draft Budget 2024/25</b>	<b>Draft Budget 2025/26</b>	<b>Draft Budget 2026/27</b>
Capital budget	209 052 395	248 689 919	379 876 995	214 389 861	195 734 897
Operating Expenditure	1 071 330 062	1 071 352 206	1 186 394 106	1 433 685 093	1 583 680 923
Operating Revenue	1 192 485 181	1 252 422 713	1 433 295 918	1 534 741 556	1 665 346 695
<b>Budgeted (Surplus)/ Deficit</b>	<b>(121 155 119)</b>	<b>(181 070 507)</b>	<b>(246 901 812)</b>	<b>(101 056 464)</b>	<b>(81 665 772)</b>
Less: Capital Grants & Contributions	107 386 943	119 908 999	227 029 166	97 963 000	81 093 000
<b>(Surplus)/ Deficit</b>	<b>(13 768 176)</b>	<b>(61 161 508)</b>	<b>(19 872 646)</b>	<b>(3 093 464)</b>	<b>(572 772)</b>

- (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 2024/25 financial year with effect from 1 July 2024, for purposes of allowing for public participation;

<b>Category of property</b>	<b>Rate ratio</b>	<b>(c/R) rate determined for the relevant property category</b>
Residential properties	1: 1	0,5624
Business and Commercial properties	1: 1,5592	0,8769
Industrial properties	1: 1,5592	0,8769
Agricultural properties	1: 0,25	0,1406
Mining properties	1: 1,5592	0,8769
Public Service Infrastructure	1: 0,25	0,1406
Properties owned by an organ of state and used for public service purposes	1: 1,5592	0,8769
Public Benefit Organizations	1: 0	0,0000
Vacant properties	1: 1,4264	0,8022
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.

8.3(j)/...

**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: 2024/2025 – 2026/2027 Draft Budget and Tariff File)** for purposes of allowing for public participation;
- (l) That council approve the electricity tariffs as draft for the 2024/2025 financial year, **bearing in mind that it is still subject to NERSA's final approval;**
- (m) 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 2024/2025 – 2026/2027);**
- (n) That the **amendments** to the budget and related policies as set out in **(Annexure D: Draft Amendments to Budget & Related Policies 2024/2025)** hereto, be approved for purposes of soliciting the views and comment from the public;
- (o) That the amendments to Council's Supply Chain Management Policy and the, Cash Management and Investment policy be approved with immediate effect;
- (p) That Council takes note that the municipality's DORA allocations was reduced by R39.267 million over the new MTREF;
- (q) That the expansion of the fleet by means of adding a new 11 Seater Bus for the Reaction/LEAP unit, be restricted for usage only within the Swartland municipal boundary (WC015) due to council already financing R14 million of the operating cost over and above the grant allocation from 2022/2023;
- (r) That the training budget limited to **0,50%** of the salary budget for the 2024/2025 financial year be approved as draft;
- (s) 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 **5.2%** for 2024/2025; **5%** for 2025/2026 and **5%** for the 2026/2027 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).
- (t) 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 **10.7%** from the current to the new financial year and the revenue streams with growth in revenue of **14.4% (6.5% excluding capital**

8.3(t)/...

**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 **5.9 months** for 2024/25, **5 months** for 2025/26 and **8.2 months** for the 2026/27 financial year (this can materially be impacted but not possible to determine scientifically at this stage);
  - over the next three financial years the planning is such that net operating surpluses are envisaged for 2024/25 to an amount of **R 19 872 646**, for 2025/26 an amount of **R 3 093 464** and for 2026/27 an amount of **R 572 772 (excluding capital grant income)**, which is well below the NT guideline of at least a surplus of 7.5%.
- (u) 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;
- (v) That Council also notes the content of the Provincial and National Treasury Budget Circulars as enclosed in **“Annexure E: 2024/25 NT and PT Budget Circulars”**;
- (w) That Council take note that the budget was prepared in the new mSCOA Version 6.8 as required by National Treasury but that the mSCOA data strings could not be uploaded for verification purposes to ensure perfect alignment at the time of finalising the budget, due to NT’s System being down from 20-25 March 2024, to test the live chart;
- (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 2024**.

[Note: For completeness and implementation, the English version of the resolution will be relied upon.]

#### **8.4 DRAFT 2024/2025 SERVICE DELIVERY AND BUDGET IMPLEMENTATION PLAN (SDBIP) (2/4/2)**

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 the implementation of the municipality's service delivery and its annual budget.

The purpose of the SDBIP is to support municipal governance in achieving service delivery targets, as well as spending the capital budget within given time frames.

#### **RESOLUTION**

(proposed by Ald J H Cleophas, seconded by Cllr I S le Minnie)

- (a) That the Council take cognisance of the draft 2024/2025 Service Delivery and Budget Implementation Plan (SDBIP) tabled in terms of regulation 14 of the Municipal Budget and Reporting Regulations; and
- (b) That the SDBIP be submitted to National Treasury and Provincial Treasury in terms of regulation 15 of the Municipal Budget and Reporting Regulations.



**8.5 TABLING OF DRAFT CREDIT CONTROL AND DEBT COLLECTION BY-LAW (1/1; 1/1/3/1/6)**

The purpose of the submission is to separate the by-law and policy in order to establish a clear legal framework for credit control and debt collection practices and processes.

The policy will provide for the implementation of enforcement measures and procedures within the legislative framework.

The Speaker brought the matter to a vote, and it is decided (in the absence of three councillors) by 14 votes in favour of making the draft Regulation on Credit Control and Debt Collection available for public participation, with five councillors abstaining.

**RESOLUTION**

(proposed by Ald M Nel, seconded by Cllr E C O'Kennedy)

- (a) That the adoption of the following draft by-law be approved in principle for implementation with effect from 1 July 2024:
  - Swartland Municipality: Credit Control and Debt Collection 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.

**8.6 ADOPTION OF AMENDED BY-LAW: SWARTLAND MUNICIPALITY: MUNICIPAL LAND USE PLANNING BY-LAW (1/1; 1/1/3/14)**

The amendment of the Swartland Municipality: Municipal Land Use Planning By-law is approved in principal by the Council on 30 January 2024 for purposes of public participation.

The Municipal Manager confirmed that no input/comment was received from either a councillor or a member of the public during the public participation process.

The amendments deal with certain penalty provisions and determining trading hours for home shops. The Municipal Manager confirmed that the hours are determined keeping the safety of the community in mind.

The Speaker puts the matter to a vote and it is decided (in the absence of three councillors) by 14 votes in favour of acceptance of the amended By-Law: Swartland Municipality: Municipal Land Use Planning By-Law with five councillors abstaining.

**RESOLUTION**

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

- (a) That the amendments and additions to the Swartland Municipality: Municipal Land Use Planning By-law be adopted by Council, to take effect on date of promulgation in the Provincial Gazette;
- (b) That fines for offences of the by-law be determined by the Department of Justice.

**8.7 RECOMMENDATION FOR APPROVAL OF THE ORGANISATIONAL STRUCTURE TAKING INTO ACCOUNT AMENDMENTS TO DIRECTORATE: FINANCIAL SERVICES, DIRECTORATE: PROTECTION SERVICES, OFFICE OF THE MUNICIPAL MANAGER, OFFICE OF THE PUBLIC OFFICERS, DIRECTORATE: ELECTRICAL ENGINEERING SERVICES AND DIRECTORATE: INFRASTRUCTURE AND CIVIL ENGINEERING 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 report to the agenda contains the proposed amendments and justifications for the creation of the respective positions on the organisational structure for adoption by the Council.

## RESOLUTION

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

- (a) That Council takes note that the amendments as indicated in 1.3, 1.4, 1.5, and 1.6.1 were recommended at the meeting of the Local Labour Forum held on 23 November 2023;
- (b) That the amendments to the organisational structure as indicated in 1.3, 1.4, 1.5, and 1.6.1 for backdated implementation with effect from 1 November 2023 (1.3, 1.4, 1.5) be condoned, and with effect from 1 April 2024 (1.6.1) be approved by the Council;
- (c) That Council takes note that the amendments as indicated in 1.6.2, 1.7, 1.8, 1.9 and 1.10 were recommended at the meeting of the Local Labour Forum held on 22 February 2024;
- (d) That Council approves the amendments to the organisational structure for the Office of the Municipal Manager (1.6.2) and Office of the Public Office Bearers (1.7) for approval by Council for implementation with effect from 1 June 2024;
- (e) That Council approves the amendments to the organisational structure for the directorates Electrical Engineering Services (1.8) and Infrastructure and Civil Engineering Services (1.9 and 1.10) for approval by Council for implementation with effect from 1 July 2024;
- (f) That, on recommendation by the Mayoral Committee arising from a meeting held 20 March 2024, Council approves the further amendment of the organisational structure by the addition of the following posts, subject to the availability of funding with effect from 1 July 2024:
  - (i) Directorate: Protection Services, Department Disaster Management, Fire and Emergency Services: 2 x firefighters (T8) – region to be determined;
  - (ii) Directorate: Financial Services, Division Revenue Management: 1 x accountant (T12, subject to evaluation)
- (g) That cognisance be taken of the motivation for the creation of the above-mentioned posts:

Directorate: Protection Services, 2 x firefighters: To help achieve the delivery of a full-fledged fire service, since the indication is that the service will not be deployed to the West Coast District Municipality;

Directorate: Financial Services, accountant: To manage the online sales of electricity, which will be implemented from 1 July 2024, and as such to give effect to the Smart City concept of service delivery.

### 8.8 (1) REPLACEMENT OF CLLR C DANIELS AS REPRESENTATIVE OF THE SWARTLAND MUNICIPALITY TO THE WEST COAST DISTRICT MUNICIPALITY/ (2) FILLING OF VACANCIES ON MPAC (3/3/1/1; 3/2/2)

The following vacancies were created by the passing of Cllr C Daniels:

- (1) Representative of the Swartland Municipality to the West Coast District Municipality;
- (2) Ward councillor for Ward 11 (to be filled by way of a by-election);
- (3) Member of the Public Accountability Committee (MPAC).

The necessary processes were followed in terms of the Local Government: Municipal Structure Act, Act 117 of 1998, to notify the West Coast District Municipality and the Independent Electoral Commission (IEC) of the vacancies.

The IEC notified the West Coast District Municipality on 12 March 2024 that Cllr E C O’Kennedy has been appointed as the representative of the Swartland Municipality to the West Coast District Municipality.

Resolution/...

## RESOLUTION

(proposed by Cllr A K Warnick, seconded by Cllr D C Pypers)

A: in respect of vacancy on the West Coast District Council:

- (a) That the vacancy on the West Coast District Council caused by the passing of Cllr C Daniels be noted;
- (b) That cognisance be taken that the West Coast District Municipality informed the CEO of the vacancy on 9 February 2024;
- (c) That cognisance further be taken of the appointment of Cllr E C O'Kennedy to the West Coast District Municipality as representative of Swartland Municipality as declared by the CEO on 12 March 2024;

B: in respect of vacancy on the MPAC:

- (a) That Cllr A M Williams be appointed by the Council to serve on the MPAC with immediate effect.

### 8.9 PROPOSED OUT-OF-HAND ALIENATION OF A PORTION OF ERF 543, KORINGBERG (12/2/5/2-7/1) (WARD 1)

A request was received from the owners of Erf 43, Koringberg, to acquire a portion of Erf 543, Koringberg (size ±415 m<sup>2</sup>), adjacent to their property.

Erf 543, Koringberg, is a public open space between Hoopvol- and Sterling Streets and is used by heavy vehicles to move between the two streets. Especially in winter, the open space is very muddy with deep tracks caused by the heavy vehicles. This creates an unsightly situation at the entrance to the village.

## RESOLUTION

(proposed by Ald M Nel, seconded by Cllr D C Pypers)

- (a) 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 a portion of Erf 543, Koringberg (± 415 m<sup>2</sup> in extent) to be alienated and transferred out-of-hand to GH & V Bouwer at R19/m<sup>2</sup> excluding VAT, for consolidation with Erf 43, Koringberg;
- (b) That cognisance be taken that the property is not required for the provision of a minimum or any other level of basic municipal services;
- (c) That the following reasons be recorded for the out-of-hand alienation of the portion of land concerned, and for not undergoing a competitive process:
  - (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 for Transport zone 2, 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) In this instance the proposed land disposal and consolidation with Erf 43 will aesthetically contribute to an upgrade of the area, establishing a neater entrance to the town;
- (d) That the following conditions of sale shall apply to the transaction:
  - (i) The portion of Erf 543, Koringberg be closed and application be made for exemption of subdivision and consolidation in terms of Section 34 of the Land-Use Planning By-law;
  - (ii) The zoning of the portion of Erf 543 shall vest as Residential zone 5, in terms of Section 9(h) of the Land-Use Planning By-law;
  - (iii) The purchaser, in addition to the purchase price, shall be responsible for all costs ancillary and incidental to this transaction, including but not limited

to advertisement costs, survey costs, the costs of street closure, rezoning, subdivision and consolidation and related advertisement costs, as well as transfer costs;

- (e) That the proposed transaction be advertised in the media for comments and/or potential objections, and that the Executive Mayor be authorized to deal with any forthcoming objections in consultation with his committee;
- (f) That before the intention is advertised, written confirmation first be obtained from GH & V Bouwer that they agree to the conditions as provided for in this report;
- (g) That the Director: Corporate Services be authorized to finalise and sign the deed of sale.

#### **8.10 PROPOSED ALIENATION OF BUSINESS SITE (ERF 4205) AT DARLING (12/2/5/2-3/3) (WARD 6)**

The proposed alienation of Erf 4205, Darling, stems from recent interest by members of the Darling community to acquire the business site.

Erf 4025, Darling, is zoned as Business Zone 1: General Business, , which zone aims to provide for mixed use development, general business activities and intensive business opportunity with relatively few restrictions in order to promote urban viability and economic growth.

#### **RESOLUTION**

(proposed by Cllr A K Warnick, seconded by Cllr R J Jooste)

- (a) That in-principle approval be granted by Council in terms of Section 14 of the Municipal Finance Management Act, 2003 and the By-law and Policy relating to the Transfer of Municipal Assets for financial offers to be called by means of public tenders for the disposal of the following vacant immovable property in Darling, zoned Business Zone 1: General Business:
  - Erf 4205, Bloekom Street, Darling (424 m<sup>2</sup> in extent)
- (b) That cognizance be taken that the property to be sold has at no stage been earmarked for the provision of a minimum or any other level of basic municipal services;
- (c) That the reserve price (VAT exclusive) for the property be determined as follows, which reserve price is considered by Council to fairly represent the market value of same:
  - Erf 4205 R70 000,00
- (d) That the purchaser, in addition to the purchase price, shall be responsible for all costs ancillary and incidental to this transaction;
- (e) That the proposed transaction be advertised in the media for public comments and/or potential objections;
- (f) That authorization be given as follows:
  - (i) to the Executive Mayoral Committee to
    - to deal with any comments and/or objections received in respect of the proposed transaction and
    - to finalise a decision regarding the transfer of the asset after all applicable Supply Chain and other legal prescripts have been complied with;
  - (ii) to the Director: Corporate Services to finalise the conditions of sale for tender purposes with all the relevant internal role-players;
- (g) 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 serve' 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 alienation

takes place), and provided further that the same suspensive conditions to be included in the deed of sale, shall apply to such transaction.

#### **8.11 PROPOSED ALIENATION OF IMMOVABLE MUNICIPAL PROPERTY (CHURCH SITE) AT RIEBEEK-KASTEEL (12/2/5/2-11/1) (WARD 12)**

It is intended to make Erf 2652, Riebeek-Kasteel available for disposal for community purposes by means of a tender process. Erf 2652, Riebeek-Kasteel, is zoned as Community Zone 2 with a place of worship as a primary use.

It is proposed that a two-stage bid process be followed to obtain the financial offer as well as the development proposal from the prospective tenderers for consideration and award.

#### **RESOLUTION**

(proposed by Cllr D G Bess, seconded by Cllr N Smit)

- (a) That in-principle approval be granted by Council in terms of Section 14 of the Municipal Finance Management Act, 2003 and the By-law and Policy relating to the Transfer of Municipal Assets for a competitive two phase bid process to be followed for the disposal of the following vacant immovable property:
  - Erf 2652, 12 Rondeberg Crescent, Riebeek Kasteel ( $\pm 557\text{m}^2$  in extent)
- (b) That cognizance be taken that the property to be sold has been identified from the outset for alienation for community purposes (place of worship) in terms of its zoning and at no stage have been earmarked for the provision of a minimum or any other level of basic municipal services;
- (c) That the subsidized price below be determined as reserve price (VAT exclusive) for the property in terms of the competence thus granted by paragraph 15.2.2 of the Municipal Asset Transfer Policy:
  - Erf 2652, Riebeek Kasteel R33 000,00 (20% x R165 000,00)
- (d) That authorization be given as follows:
  - (i) to the Executive Mayoral Committee to
    - to deal with any comments and/or objections received in respect of the proposed transaction; and
    - to finalise a decision regarding the transfer of the asset after all applicable Supply Chain and other legal prescripts have been complied with;
  - (ii) to the Director: Corporate Services to finalise the evaluation criteria and conditions of sale for tender purposes, with due consideration of the applicable conditions in the Municipal Asset Transfer Policy, such as the inclusion of a suitable reversionary clause.

**SIGNED:  
SPEAKER**