



MINUTES OF AN ORDINARY MEETING OF THE SWARTLAND MUNICIPAL COUNCIL HELD IN THE COUNCIL CHAMBER, MALMESBURY ON TUESDAY, 25 AUGUST 2026 AT 10:00

PRESENT:

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

COUNCILLORS:

Bess, D G (DA)	Pypers, D C (DA)
Booyesen, A M (VF+)	Papier, J R (GOOD)
Fortuin, C (ANC)	Penxa, B J (ANC)
Gaika, M F (EFF)	Pieters, C (ANC)
Le Minnie I S (DA)	Smit, N (DA)
Mains, R R (PA)	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)

Officials:

Municipal Manager, Mr J J Scholtz
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
Director: Protection Services, Mr H Witbooi
Manager: Secretariat and Records, Ms N Brand

1. OPENING

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

Cllr G Vermeulen 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. APOLOGIES

Leave of absence is granted to cllrs R Jooste, P E Soldaka and the Director: Financial Services.

3. DELEGATIONS/DECLARATIONS AND COMMUNICATIONS/SUBMISSIONS

3.1 THE EXECUTIVE MAYOR: DESIGNATION OF CLLR R R MAINS TO THE PORTFOLIO COMMITTEE: PROTECTION SERVICES

RESOLUTION (at the request of the Executive Mayor) that cllr R R Mains be appointed to the Portfolio Committee: Protection Services.

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3.2 MUNICIPAL MANAGER: NOTICE OF RESIGNATION OF THE DIRECTOR: ELECTRICAL ENGINEERING SERVICES, MR M J MÖLLER

The Municipal Manager stated that he regrets to inform the meeting that the Director: Electrical Engineering Services, Mr M J Möller, has brought forward his resignation date from 31 January 2027 to 31 October 2026.

The Municipal Manager indicated that, although this is not regarded as a farewell, the council meeting is considered an appropriate opportunity to honour Mr Möller for the impact he has made on Swartland Municipality. Among other achievement, Mr Möller succeeded on convincing Eskom to exempt critical water and wastewater treatment works from loadshedding. This is a testament to Mr Möller's expertise, initiative and value-added contribution from which Swartland Municipality has benefited.

The Municipal Manager stated that Mr Möller indicated that his early retirement can be attributed to personal reasons. However, it should be noted that the increasingly regulated working environment, red tape, regulations and prescribed SCM processes, have taken a significant toll.

The aforementioned should serve as a wakeup call, not only for Swartland Municipality, but for all local authorities to realise that excessive red-tape not only frustrates officials but also impacts effective and efficient service delivery.

The Municipal Manager expressed his hope that Mr Möller's expertise will not be lost to the public sector, and that Province, the Premier or Minister Bredell will take the opportunity to utilise his expertise at another level to the benefit of local authorities. Furthermore, Mr Möller was regarded as the ideal candidate, due to his expertise, leadership and institutional understanding, to act as Municipal Manager on a short-term basis with the retirement of Mr Scholtz.

The Municipal Manager confirmed that the early retirement of Mr Möller is a great loss for Swartland Municipality.

Ald T van Essen, on behalf of the Council, stated that Mr Möller had quickly developed an understanding of the Municipality's challenges and that his knowledge across various areas was impressive. Ald van Essen thanked Mr Möller, among others, for his valuable contribution to exempting the Sonkwasdrift Pumping Station from loadshedding.

FOR INFORMATION

4. MINUTES FOR RATIFICATION

4.1 MINUTES OF AN ORDINARY COUNCIL MEETING HELD ON 30 JULY 2026

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 July 2026 be approved and signed by the Speaker.

5. MATTERS ARISING FROM THE MINUTES

5.1 MINUTES OF AN ORDINARY COUNCIL MEETING HELD ON 30 JULY 2026

None.

6. MATTERS FOR DISCUSSION

6.1 APPROVAL OF THE IDP AND BUDGET TIME SCHEDULE (2/1/4/4/1)

The Executive Mayor must, in terms of Section 21(1)(b) of the Local Government: Municipal Finance Management Act, Act 56 of 2003 (MFMA), submit a time schedule to Council at least ten months before the start of the financial year with key deadlines regarding the revision of the Integrated Development Plan (IDP) and budget process.

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The dates in the time schedule are largely determined by the deadlines in terms of the MFMA and the Local Government: Municipal Systems Act, Act 32 of 2000.

The time schedule was circulated with the Agenda.

RESOLUTION

(proposed by cllr D G Bess, seconded by cllr A M Williams)

That the attached Time Schedule for the revision of the IDP and the compilation of the Annual Budget be approved in terms of section 21(1) of the Municipal Finance Management Act, Act 56 of 2003.

6.2 REPORTING IN TERMS OF SECTION 15(30) OF THE MUNICIPAL PROPERTY RATES ACT IN RESPECT OF TAX EXEMPTIONS, DISCOUNTS, REBATES AND REVENUE FORGONE FOR THE 2025/2026 FINANCIAL YEAR (5/3/1/3)

The Local Government: Municipal Property Rates Act, Act 6 of 2004 provides, in terms of Article 15(3), that 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 2025 to 30 June 2026 has been circulated with the Agenda.

RESOLUTION

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

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 2026.

6.3 ADMINISTRATIVE ADJUDICATION OF ROAD TRAFFIC OFFENCES (AARTO): AUTHORITY TO DECLARE INTERGOVERNMENTAL DISPUTE UNDER THE INTERGOVERNMENTAL RELATIONS FRAMEWORK ACT, ACT 13 OF 2005 (

In October 2025, Council decided to request a postponement of the implementation of AARTO and to support the City of Cape Town's action to potentially obtain an interdict against the implementation of AARTO.

Since 2025, the City of Cape Town has had several discussions with the Minister of Transport, the National Department of Transport and the Road Traffic Management Corporation (RTMC) regarding the outstanding issues to successfully implement AARTO. To date, the outstanding issues have not been addressed and the City of Cape Town has declared an inter-regulation dispute.

RESOLUTION

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

- (a) That Council takes cognisance of the previous resolutions and correspondence of Swartland Municipality regarding the implementation of the Administrative Adjudication of Road Traffic Offences Act 46 of 1998 and the Administrative Adjudication of Road Traffic Offences Amendment Act 4 of 2019;
- (b) That Council takes cognisance of the formal intergovernmental dispute declared by the City of Cape Town on 30 April 2026 in terms of Chapter 4 of the Intergovernmental Relations Framework Act 13 of 2005 and the substantial overlap between the issues forming the subject of that dispute and the concerns previously raised by Swartland Municipality;

(c)/...

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- (c) That Council confirms that the outstanding legal, financial, institutional and operational matters relating to the implementation of AARTO materially affect Swartland Municipality's ability to implement the system lawfully, effectively and in a financially sustainable manner;
- (d) **That the Executive Mayor be authorised, on behalf of Swartland Municipality, to declare an intergovernmental dispute in terms of section 41 and Chapter 4 of the Intergovernmental Relations Framework Act 13 of 2005 with the relevant organs of state, including, where appropriate, the President of the Republic of South Africa, the Minister of Transport, the National Department of Transport, the Road Traffic Infringement Agency and the Road Traffic Management Corporation, concerning the implementation of AARTO and the unresolved matters set out in this report;**
- (e) That the Executive Mayor be authorised, with the assistance of the Municipal Manager and such officials and legal or other professional advisers as may be required, to—
 - (i) issue and sign the formal notice declaring the intergovernmental dispute;
 - (ii) represent or nominate representatives of Swartland Municipality for purposes of any meeting or process contemplated in section 42 and Chapter 4 of the IGRFA;
 - (iii) engage with the relevant organs of state and other affected municipalities with a view to resolving the dispute without litigation;
 - (iv) agree to appropriate dispute-resolution mechanisms, including facilitation or mediation, subject thereto that any agreement having material financial or policy implications for the Municipality be referred to Council where required by law or the Municipality's system of delegations; and
 - (v) take all administrative and procedural steps reasonably necessary to give effect to this resolution;
- (f) That, as part of the dispute-resolution process, Swartland Municipality seek the resolution of, amongst others, the regulatory and officer-registration issues; Regulation 38; the financial and revenue implications of AARTO; the mandatory reliance upon SAPO; equipment and funding responsibilities; SOPs and training; NaTIS and system readiness; and all associated MFMA and unfunded-mandate concerns;
- (g) That Swartland Municipality request that AARTO not be implemented within its jurisdiction until the material legal, regulatory, financial and operational impediments affecting its lawful and effective implementation have been satisfactorily resolved through the intergovernmental-dispute process and the Municipality has been afforded a reasonable period thereafter to achieve operational readiness; and
- (h) That the Municipality reserves all its rights, including the right, subject to the applicable legal requirements and any further authority required, to approach a competent court for appropriate relief should the intergovernmental-dispute process fail to resolve the matter or should circumstances require urgent protection of the Municipality's interests.

6.4 PROPOSED DISPOSAL BY WAY OF SALE OF ERF 15701, MALMESBURY (30,9528 HECTARES), FOR THE KLIPKOPPIE SOLAR POWER PLANT (12/2B)

In May 2023, Council granted an in-principle approval for the establishment of a Solar Power Plant on a portion of Klipkoppie, Malmesbury (unregistered portion of Erf 327 of 30,9528 hectares). Council further approved entering a 20-year lease with the successful Independent Power Producer (IPP), subject to certain conditions, e.g. land use rights, public participation process, environmental authorisation, etc.

The Municipal Manager/...

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The Municipal Manager outlined the key points from the report and confirmed that the relevant portion of land has since been registered with the Deeds Office as Erf 15701, Malmesbury (comprising 30,9528 hectares). During discussions with the Western Cape Government regarding the project, preference was expressed for the sale of the portion of land, rather than leasing it. The Municipal Manager confirmed that a sale transaction will constitute a cleaner administrative process compared to the administrative burden that the management of a lease over a term of 20 years and more will entail, with associated risks and compliance requirements relating to supply chain management.

A sale transaction would reduce the risk associated with the early retirement of the Director: Corporate Services and the Director: Electrical Engineering Services as well as the loss of institutional knowledge to the Council that is necessary to successfully complete the project. The Municipal Manager nevertheless confirmed that there is both political and administrative commitment to ensure the successful implementation of the project.

RESOLUTION

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

- (a) That Council take note of the reports and resolutions of 25 May 2023 and February 2026 concerning the proposed long-term lease of the solar project portion of Erf 327, Malmesbury;
- (b) That Council take note that the project property has been registered in the Deeds Office as Erf 15701, Malmesbury, measuring 30.9528 hectares, and that the present decision expressly relates to the full registered extent and supersedes the earlier approximate maximum of 30 hectares for purposes of the land-tenure transaction;
- (c) That Council determine on reasonable grounds, in terms of section 14(2)(a) of the MFMA that Erf 15701 is not needed to provide the minimum level of basic municipal services and is not required for another reasonably foreseeable municipal purpose, provided that all necessary municipal access, service-corridor and servitude rights are retained or registered before transfer;
- (d) That, after consideration of the fair market value and the economic and community value to be received in exchange, Council grant in-principle approval in terms of section 14(2) of the MFMA and the MATR for Erf 15701 to be disposed of by sale through a competitive public tender for the establishment and operation of the Klipkoppie solar energy facility, at the following reserve price, being the rounded open market value confirmed by the independent valuer in its Market Value Addendum dated 17 August 2026: R6 965 000 plus VAT if applicable
- (e) That the previous Council decisions be amended or superseded only to the extent that they prescribe a long-term lease as the land-tenure mechanism;
- (f) That a new public participation process be undertaken in respect of the proposed permanent sale, notwithstanding the process previously completed for the lease, and that all comments and objections be considered by the competent authority in accordance with the applicable legislation and delegations;
- (g) That it be recorded that the detailed solar-project RFP, PPA and technical requirements will be dealt with separately, provided that the sale may not be implemented as a stand-alone land transaction and must be coordinated with the lawfully approved solar-project process;
- (h) That the Municipal Manager be authorized
 - (i) to finalise the deed of sale, title and related conditions related to the transaction, including but not limited to project-specific use, restrictions on alienation, subdivision and change of control, municipal access, servitudes and infrastructure rights, liability for rates and services, environmental compliance, rehabilitation and enforceable cancellation, retransfer,

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- repurchase, pre-emptive or comparable remedies if the project fails, is abandoned or permanently ceases;
- (ii) to determine the manner of disposal, which may include a two-envelope tender process.
- (i) That all conveyancing, transfer, registration and other costs attributable to the sale be for the purchaser's account, subject to legal and tax advice, and that the purchase price be paid before or simultaneously with transfer;
- (j) That the Municipal Manager be authorised to sign the deed of sale.

6.5 PROPOSED CLOSURE AND OUT-OF-HAND DISPOSAL OF A PORTION OF ERF 6, RIEBEEK WEST TO THE OWNER OF ADJACENT ERF 1090, RIEBEEK WEST (12/2/5/2-12/1)

An application was received from CK Rumboll and Partners, on behalf of the owner of Erf 1090, Riebeek West, to acquire a portion of Erf 6 (size, 3,760 m²) from the Municipality.

Erf 1090 is situated within the approved urban periphery of Riebeek West, but currently does not have direct access to a formalised municipal road reserve and access is envisaged via Erf 6, which is municipal land. The acquisition of the relevant portion of Erf 6 will establish access from Long Street to Erf 1090.

RESOLUTION

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

- (a) That, in terms of Section 14 of the Municipal Finance Management Act, Act 56 of 2003, Council resolves that:
 - (i) Portion A of Erf 6, Riebeek West, measuring approximately 3 760 m², subject to retention of the required municipal access rights by means of a registered servitude, is not needed for the provision of a minimum level of basic municipal services; and
 - (ii) the fair market value of the asset and the economic and community value to be received in exchange for the asset have been considered;
- (b) That Council approves the subdivision of Erf 6, Riebeek West, substantially in accordance with the amended Site Development Plan, into Portion A, measuring approximately 3 760 m²; and a Remainder, measuring approximately 2 723 m², subject to final survey and approval through the applicable statutory processes.
- (c) That the approximately 2 723 m² Remainder of Erf 6 remains vested in the Swartland Municipality;
- (d) That Council approves in principle the required closure of Portion A as a public road, insofar as legally and cadastrally required to give effect to the transaction, subject to compliance with all applicable statutory, public participation and Surveyor-General requirements;
- (e) That approval be granted, in terms of the applicable By-law, Council's Municipal Asset Transfer Policy and Section 14 of the Municipal Finance Management Act, 2003, for the out-of-hand alienation of Portion A of Erf 6, Riebeek West, measuring approximately 3 760 m², to the registered owner of adjoining Erf 1090, Riebeek West, at a selling price of R94 000.00 subject to the standard conditions of sale and the following further conditions:
 - (i) That Portion A be consolidated with Erf 1090, Riebeek West;
 - (ii) That a right-of-way servitude over the entire approximately 3 760 m² Portion A be registered in favour of Swartland Municipality, substantially in accordance with the amended Site Development Plan dated August 2026;
 - (iii) That the servitude be registered simultaneously with or prior to transfer and consolidation, as may be required by the conveyancers and relevant authorities;

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- (iv) That the terms, extent and conditions of the servitude be to the satisfaction of the Municipality and provide for access by authorised municipal personnel, fire and rescue services, emergency vehicles and such other municipal users as may reasonably be required;
 - (v) That the purchaser be responsible for obtaining, at its own cost, all required land use, subdivision, consolidation, road closure, cadastral and registration approvals;
 - (vi) That the purchaser be responsible for all costs ancillary and incidental to the transaction, including advertising, subdivision, surveying, road closure, consolidation, servitude registration, conveyancing and transfer costs;
 - (vii) That the proposed closure and alienation be advertised for public comments and/or objections in accordance with the applicable requirements, and that the Executive Mayor, in consultation with the Mayoral Committee, be authorised to deal with any objections received, provided that any material objection affecting the principle of the transaction be referred back to Council; and
 - (viii) That the Municipal Manager be authorised to finalise and sign the necessary Deed of Sale and associated documentation after all applicable conditions have been complied with;
- (f) That the following reasons be recorded for the out-of-hand alienation of Portion A without following a competitive process, with reference to the applicable provisions of Council's Municipal Asset Transfer Policy:
- (i) Portion A is a long, narrow portion of land which is primarily suited to serving an access function and has limited potential to function independently;
 - (ii) Portion A will become functionally integrated with adjoining Erf 1090 through consolidation;
 - (iii) The Engineering Services directorates have confirmed that no municipal services infrastructure will be adversely affected by the alienation;
 - (iv) The Municipality's continuing requirement for access can be protected through a registered right-of-way servitude over the entire Portion A;
 - (v) The approximately 2 723 m² Remainder of Erf 6 will remain in municipal ownership; and
 - (vi) The proposed transaction will formalise access to Erf 1090 and result in a more rational cadastral arrangement without placing a financial burden on the Municipality.

6.6 PROPOSED DISPOSAL OF BUSINESS PREMISES (ERVEN 386 AND 387) AT KALBASKRAAL (12/2/B)

The Council has two adjacent business premises located in the central business district of Kalbaskraal, namely:

- Plot 386, 1 Eucalyptus Street, 457 m² in size;
- Plot 387, 3 Eucalyptus Street, 630 m² in size.

A private party has expressed interest in acquiring both properties for the establishment of a meat processing, packaging and distribution business.

The report is submitted to obtain the Council's approval in principle to present Erven 386 and 387, Kalbaskraal, for disposal by way of public tender.

RESOLUTION

(proposed by cllr A M Williams, seconded by cllr D C Pypers)

- (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 Capital Assets for financial offers to be called by means of public tender for the disposal of the following adjacent vacant immovable properties in Kalbaskraal, zoned Business Zone 1: General Business:
 - Erf 386, 1 Bloekom Street, Kalbaskraal (457 m² in extent)
 - Erf 387, 3 Bloekom Street, Kalbaskraal (630 m² in extent)

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- (b) That cognisance be taken that the properties to be sold have at no stage been earmarked for the provision of a minimum or any other level of basic municipal services and are not required for municipal purposes;
- (c) That the reserve prices (VAT exclusive) for the properties be determined as follows, which reserve prices are considered by Council to fairly represent the market value thereof:
 - Erf 386 R54 000,00
 - Erf 387 R70 000,00
- (d) That the purchaser, in addition to the purchase price, shall be responsible for all costs ancillary and incidental to the transaction;
- (e) That the proposed disposal be advertised in the media for public comments and/or potential objections;
- (f) That authorisation be given as follows:
 - (i) to the Executive Mayoral Committee to:
 - consider and deal with any comments and/or objections received in respect of the proposed disposal; and
 - finalise a decision regarding the transfer of the assets after all applicable Supply Chain Management and other legal prescripts have been complied with;
 - (ii) to the Director: Corporate Services to finalise the tender and conditions of sale, including appropriate suspensive and development conditions, in consultation with all relevant internal role-players;
- (g) That no out-of-hand disposal of the properties be authorised by this decision and that any disposal remain subject to the public tender process and the final approval contemplated in paragraph (f)(i) above.

6.7 PROPOSED DISPOSAL OF VACANT INDUSTRIAL PLOTS IN YZERFONTEIN (12/2/B)

Swartland Municipality is the owner of vacant land located along the R315 at the entrance to Yzerfontein, which has been subdivided to create various industrial errands. The report aims to improve the Council's in-principle approval to alienate Erven 2992, 2993, 2994, 2996, 2997 and 2999, Yzerfontein by means of a competitive public process.

The Executive Mayor expresses his concern towards the establishment of an industrial development adjacent to a residential area and requests that strict parameters be introduced, for example, the consideration of a 10 m building parameter.

The Executive Mayor further states that the developability of Erf 2992 must be investigated, due to the low location of the erf in question.

RESOLUTION

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

- (a) That in-principle approval be granted by Council in terms of Section 14 of the Municipal Finance Management Act, 2003, the Municipal Asset Transfer Regulations, 2008 and Council's By-law and Policy relating to the Transfer of Municipal Capital Assets for the disposal of the following vacant, unregistered immovable properties in Yzerfontein, all zoned Industrial Zone 1:

Erf 2992, Yzerfontein – 5 068 m² in extent;
Erf 2993, Yzerfontein – 4 282 m² in extent;
Erf 2994, Yzerfontein – 4 665 m² in extent;
Erf 2996, Yzerfontein – 4 840 m² in extent;
Erf 2997, Yzerfontein – 3 954 m² in extent;
Erf 2999, Yzerfontein – 5 703 m² in extent;

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- (b) That Council determines that the above properties are not required for the provision of the minimum level of basic municipal services;
- (c) That cognisance be taken that Erf 2995, on which the fish market is situated, does not form part of the proposed disposal and that all necessary access and servitude rights in favour of Erf 2995 must be protected and/or formalised;
- (d) That the following valuations, VAT exclusive, be used as the minimum reserve values, and be deemed to reflect the fair market value of the properties:

Erf 2992 – R2 635 400,00;
Erf 2993 – R2 226 600,00;
Erf 2994 – R2 425 800,00;
Erf 2996 – R2 516 800,00;
Erf 2997 – R2 056 100,00;
Erf 2999 – R2 965 600,00;

representing a current aggregate valuation of R14 826 300,00 excluding VAT;

- (e) That the proposed disposal be advertised in the media for public comments and/or potential objections;
- (f) That cognisance be taken that adequate bulk electricity capacity is presently not available, that the anticipated completion date of Eskom's Yzerfontein substation upgrade cannot be guaranteed by the Municipality, and that this limitation must be expressly disclosed in the disposal documentation and deed of sale;
- (g) That the purchaser(s) be responsible for all costs associated with the servicing and development of the erven, including applicable water, civil and electrical infrastructure, access roads, internal reticulation, development charges, connections and registration and transfer costs;
- (h) That all applicable land-use, engineering, access, aesthetic and development requirements be incorporated into the conditions of disposal and deed of sale;
- (i) That authorisation be granted as follows:
 - (i) to the Executive Mayoral Committee to consider and deal with any comments and/or objections received in respect of the proposed disposal;
 - (ii) to the Municipal Manager, following completion of the public participation process and having regard to any comments or objections received, to determine the most appropriate method of disposal, being public auction or public tender/competitive bidding, and whether the erven should be offered as a single bundled transaction, individually or in an appropriate combination;
 - (iii) to the Executive Mayoral Committee to approve the final disposal after all applicable Supply Chain Management, legal, financial and land-use requirements have been complied with; and
 - (iv) to the Director: Corporate Services, in consultation with all relevant internal role-players and, where applicable, Council's appointed auctioneer, to finalise the tender/auction documentation and conditions of sale, including appropriate suspensive, servicing, access and development conditions;
- (j) That no out-of-hand disposal or direct negotiation with any interested party be authorised by this decision; and
- (k) That the purchaser(s), in addition to the purchase price, shall be responsible for all ancillary and incidental costs arising from the transaction and transfer.

Further resolution/...

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FURTHER RESOLUTION

- (l) That before the aforesaid decision is implemented, the following will first be examined:
 - (i) the developability of Erf 2992 in terms of stormwater management, due to the low location of the erf;
 - (ii) if Erf 2992 is indeed developable, it is included in the proposed alienation, but to exclude Erf 2999 as being adjacent to Erf 3001 on which council dwellings are situated;
 - (iii) the possibility of enforcing a 10 metre building parameter in respect of Erf 2997, given the adjacent properties on Erf 3001.

6.8 PROPOSED LAND SWAP TRANSACTION IN RESPECT OF ERVEN 7517 AND 5388, MALMESBURY: SWARTLAND MUNICIPALITY: PNIEL PENTECOST INTERNATIONAL (12/2/1-8/10)

The report provides more background to the properties involved in the proposed land swap transaction, namely:

- Erf 7571 (size 1,667 m²) which was purchased from the Municipality in 1998 to Pniel Pentecost International;
- Erf 5388 (size 2,022 m²), a municipal property zoned as Community Zone 2 (Place of Worship);

The proposed land exchange will enable the Municipality to acquire Erf 7517 with a view to the possible formalisation of the existing taxi stand, which has become an established pick-up and drop-off point for daily and long-distance taxi services. In return, Pniel Pentecost International will acquire Erf 5388 for development and use in accordance with the property's zoning.

Cllrs R R Mains and A M Booysen expressed their support for the land swap transaction, as Pniel Pentecost International is doing a good job, especially among the youth.

RESOLUTION

(proposed by cllr R R Mains, seconded by cllr J M de Beer)

- (a) That, subject to the determinations required in terms of section 14 of the MFMA and the applicable provisions of the MATR, approval be granted by Council in terms of the By-law relating to the Transfer of Municipal Capital Assets (PN 7394 dated 22 May 2015) for the following land exchange between Swartland Municipality and Pniël Pinkster Internasionaal:
 - That Erf 7517, Malmesbury, measuring 1 667 m² in extent and owned by Pniël Pinkster Internasionaal, be exchanged for Erf 5388, Malmesbury, measuring 2 022 m² in extent and owned by Swartland Municipality;
 - That compensation of R15 620,00 (VAT excluded), calculated at 20% of R78 100,00 in respect of the additional 355 m² land component, be payable by Pniël Pinkster Internasionaal;
- (b) That the proposed transaction be advertised for public comment and/or objections and for counter-proposals or offers, as contemplated in paragraph 12.3 of the Municipal Asset Transfer Policy, and that the Executive Mayor, in consultation with the Mayoral Committee, be authorised to deal with any comments, objections, counter-proposals or offers received, subject to the applicable delegations and legal requirements;
- (c) That the land exchange agreement and registration of the exchange be attended to by a conveyancing attorney appointed by the Municipality, and that the conveyancing costs associated with both transfers be borne by Swartland Municipality;
- (d)/...

6.8/...

- (d) That the following reasons be recorded for proceeding with the land exchange by direct negotiation and not following a competitive process, with reference to paragraphs 12.2 and 12.3 of the Municipal Asset Transfer Policy:
 - (i) The land exchange is expected to provide operational and community benefits. The Municipality would acquire the site from which the existing taxi operations are conducted, thereby avoiding the need to acquire alternative land or relocate an established public transport service. Pniël Pinkster Internasionaal would, in turn, obtain a suitably zoned property on which it may pursue the church development originally intended when Erf 7517 was acquired in 1998;
- (e) That a reversionary clause be registered against the title deed of Erf 5388 providing, on terms to be incorporated in the land exchange agreement, for the property to revert to the Municipality without cost and free of claims if the transferee disposes of the property contrary to the agreed conditions, fails to use the property or a portion thereof for church purposes and related activities permitted by the zoning, or fails to develop the property within the development period stipulated in the agreement;
- (f) That Council, for purposes of section 14(2) of the MFMA, determine on reasonable grounds that Erf 5388, Malmesbury, measuring 2 022 m² in extent, is not needed to provide the minimum level of basic municipal services, and record that it has considered the fair market value of Erf 5388 and the economic and community value to be received in exchange;
- (g) That Council record its consideration of the relevant factors prescribed in regulation 13(2) of the MATR in relation to the proposed transfer at less than fair market value and confirm that, subject to the conditions contained in this recommendation, the proposed transaction serves the interests of the Municipality and the local community.

6.9 PROPOSED DISPOSAL OF A PORTION OF THE REMAINDER OF ERF 968, MILL STREET, MOORREESBURG TO THE OWNER OF ERVEN 783 AND 797 (12/2/B)

An application was received from the owner, Overberg Agri Industries Pty Ltd, of Erven 783 and 797, Moorreesburg to acquire a portion of Meul Street (remainder of Erf 968), 1,111 m² in size. The purpose of the application is to incorporate the portion of Meul Street into the proposed development on its existing properties to ensure that the property is fully developed in terms of its layout and functionality, and to enable coordinated infrastructure planning.

Cllr C Fortuin requested that the public, especially the surrounding owners in Meul Street, be properly informed regarding the proposed establishment of the Canola seed extraction factory on the relevant erven.

Cllr D C Pypers confirmed that a public meeting has already taken place on 18 August 2026 and that the public participation process is currently being followed to invite comments/objections from members of the public.

The Municipal Manager confirmed that the public participation process is currently being followed and that the Municipality will ensure, if the land use is approved, that the development complies with all the legislative requirements, specifically with regard to a noxious industry.

RESOLUTION

(proposed by ald T van Essen, 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

6.9/(a)...

- (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 Meul Street (RE Erf 968), Moorreesburg, measuring approximately 1111m² in extent, to the owner of Erven 783 and 797 Moorreesburg at an amount of R183 315,00 (R165/m²) excluding VAT, subject to the standard conditions of sale and the following further conditions:
 - (i) That the purchaser be required to obtain the required land use/development rights (e.g. closure of a portion of the road reserve, subdivision, consolidation, etc.) 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, as a suspensive condition to be complied with prior to the registration of transfer of the portion of road reserve.
 - (ii) That a new water pipeline (indicated in red) be installed and the existing water pipeline within Meul Street (indicated in orange) be decommissioned and abandoned (see enclosed **figure 1**).
 - (iii) That the existing sewer pipeline be rerouted via new manholes (indicated in grey) and the portion of the pipeline currently located within Meul Street will, upon completion, no longer be required and will be decommissioned (see enclosed **figure 2**).
 - (iv) That the existing section of the electrical LV overhead line and feeder cable be relocated at the cost of the purchaser;
 - (v) 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 reason 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 its 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 in this instance to be incorporated in the development of a canola seed solvent extraction plant as proposed.

6.10 UNSOLICITED BID: MOUNT ROYAL SPORT AND SKILLS DEVELOPMENT (PTY) LTD: PROPOSED ACQUISITION AND DEVELOPMENT OF MUNICIPAL LAND ADJACENT TO MOUNT ROYAL AND WEST BANK, MALMESBURY (12/2/5/2-8/5)

An unsolicited bid was received from Mount Royal Sport and Skills Development (Pty) Ltd (MRSSD) for the acquisition of municipal land adjacent to the Mount Royal Golf Estate and West Bank, Malmesbury.

The purpose of the report is to obtain authorisation from the Board to proceed with the prescribed statutory process for consideration of the unsolicited bid.

The proposal by MRSSD aims to integrate the institutional area, consisting of the facilities mentioned in the report, with the existing and future residential components of Mount Royal, the golf area and the adjacent community in West Bank, Malmesbury. It further envisages partnerships with sport, education, training and industry organisations, as well as the phased implementation of the development.

RESOLUTION

(proposed by ald T van Essen, seconded by cllr A M Booysen)

(a)/...

6.10/...

- (a) That the unsolicited bid submitted by Mount Royal Sport and Skills Development (Pty) Ltd on 9 June 2026 for the proposed acquisition and development of municipal land adjacent to Mount Royal Golf and Country Estate and Wesbank, Malmesbury be noted;
- (b) That the legal opinion accompanying the unsolicited bid and the comments received from the Municipal Departments be noted.
- (c) That for purposes of section 14 of the MFMA and the applicable Municipal Asset Transfer Regulations, and based on the information presently available, the principle be determined that the land under consideration is not required for the provision of the minimum level of basic municipal services, subject to final verification of the precise cadastral description and extent of the land;
- (d) That the market valuation of R14 300 000 and the bidder's proposed consideration of R715 000, only be noted at this stage, expressly be recorded that no approval of the proposed consideration or of a transfer below market value is granted at this stage;
- (e) That the Administration be authorised to proceed with the prescribed statutory process for further consideration of the unsolicited bid in accordance with section 113 of the MFMA, SCM Regulation 37, the Municipal Asset Transfer Regulations, the Municipality's Supply Chain Management Policy and Municipal Asset Transfer Policy, including the required public participation and consultation with National Treasury and Provincial Treasury;
- (f) That it be recorded that the continuation of the statutory process does not constitute approval of:
 - (1) the final disposal or transfer of the municipal land;
 - (2) the award of the unsolicited bid;
 - (3) the proposed purchase price;
 - (4) any land-use or environmental approval;
 - (5) the availability of municipal service capacity; or
 - (6) any financial contribution by the Municipality towards infrastructure required for the proposed development;
- (g) That it be required that, as part of the further process, the bidder provides the necessary detailed engineering and development information and that any future proposal submitted for final approval expressly provides that all infrastructure and service upgrades attributable to the development, including applicable network contributions, will be for the developer's account unless Council expressly resolves otherwise;
- (h) That a formal Financial Services assessment of the financial implications of the proposal, including the proposed disposal below fair market value, be incorporated into the documentation prior to final consideration of the transaction;
- (i) That it be noted that any future proposed terms of disposal include appropriate and enforceable reversionary, development, public-benefit and performance conditions, including measurable provisions relating to local employment, skills development, local SMME participation, local procurement and the governance and operation of the Public Benefit Fund;
- (j) That the Administration be requested to verify and regularise the cadastral description of the affected municipal land before publication of the statutory public notice; and

(k)/...

- (k) That it be recorded, following completion of the prescribed public participation, Treasury consultation, technical investigations and other statutory processes, a further comprehensive report be submitted to the appropriate decision-making structures and Council for consideration before any final disposal or contractual commitment is made.

SIGNED:
SPEAKER