



## **MINUTES OF A SPECIAL MEETING OF THE SWARTLAND MUNICIPAL COUNCIL HELD IN THE COUNCIL CHAMBER, MALMESBURY ON WEDNESDAY, 3 DECEMBER 2025 AT 11:00**

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### **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)	Pieters, C (ANC)
Booyse, A M (VF+)	Pypers, D C (DA)
Gaika, M F (EFF)	Smit, N (DA)
Jooste, R J (DA)	Soldaka, P E (ANC)
Nel, M (DA)	Van Essen, T (DA)
Ngozi, M (ANC)	Vermeulen, G (VF+)
O'Kennedy, E C (DA)	Warnick, A K (DA)
Papier, J R (GOOD)	Williams, A M (DA)
Penxa, B J (ANC)	White, G E (PA)

### Officials:

Municipal Manager, mr J J Scholtz  
Director: Civil Engineering Services, mr L D Zikmann  
Director: Electrical Engineering Services, mr T Möller  
Director: Protection Services, mr H Witbooi  
Director: Development Services, ms J S Krieger  
Manager: Secretariat and Records, ms N Brand

### **1. OPENING**

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

Cllr A M Williams opened the meeting with prayer at the invitation of the Speaker.

The Speaker sympathised with cllr Pypers who has suffered the death of a family member.

### **2. LEAVE OF ABSENCE**

Leave of absence is granted to cllrs C Fortuin and I S le Minnie, the Director: Corporate Services, ms M S Terblanche and the Director: Financial Services, mr M Bolton.

### **3. DEPUTATIONS / STATEMENTS AND COMMUNICATIONS / PRESENTATIONS**

#### **3.1 THE EXECUTIVE MAYOR: ANNOUNCEMENT OF THE 13TH CLEAN AUDIT**

The Executive Mayor is proud to announce that Swartland Municipality has received a 13th clean audit. The Executive Mayor conveyed his gratitude to our Heavenly Father, the Municipal Manager and all officials, but especially to the Director: Financial Services and financial officials who worked very hard during the external audit.

The Executive Mayor/...

The Executive Mayor further thanked all councillors for the oversight role being fulfilled and their hard work during a challenging year.

#### **FOR INFORMATION**

##### **3.2 WATER SCARCITY DUE TO LEVELS OF BULK RESERVOIRS AND THE POSSIBLE IMPLEMENTATION OF TEMPORARY WATER RESTRICTIONS**

The Director: Civil Engineering Services gave background to the interaction between the bulk water reservoirs and the reservoirs that supply water to the residential areas.

The bursting of a pipe on the bulk water pipeline caused the levels of the bulk water reservoirs to drop drastically – up to 17% at the Glen Lily and Kasteelberg reservoirs.

The Director: Civil Engineering Services mentioned that a major effort was made on social media and other platforms to make residents aware that water must be used sparingly, but it was not sufficient to restore the water levels of the bulk water reservoirs as desired.

The Municipal Manager referred to the handout that was circulated to councillors, and confirmed that temporary water restrictions will have to be imposed if the levels of the bulk water reservoirs do not recover as desired. The Municipal Manager confirmed that these measures will not affect water tariffs.

The Municipal Manager presented the proposed temporary water restrictions to Council.

#### **RESOLUTION**

(proposed by ald T van Essen, seconded by clrr G Vermeulen)

- (a) That should the levels of reservoirs continue to fall, the Council grants approval for the following temporary water restrictions to be imposed:
  - (i) A total ban on the use of garden hoses for washing cars, caravans, boats or any vehicle;
  - (ii) Vehicles may only be washed by using buckets or high-pressure/low-volume spraying mechanisms;
  - (iii) A ban on watering/irrigating gardens daily between 06:00 and 18:00 where municipal drinking water is used;
  - (iv) No spraying or washing of paved or hard surfaces with municipal drinking water;
  - (v) Municipal drinking water may not be used to moisten surfaces for construction or dust control.
- (b) That the Municipal Manager is vested with power of attorney, in consultation with the Director: Civil Engineering Services and the Executive Mayor, to carry out the enforcement of the aforesaid water restrictions, should the levels of the reservoirs continue to fall.

#### **4. MATTERS FOR CONSIDERATION**

##### **4.1 AFRIFORUM NPC v NERSA: KEY DEADLINES AND MUNICIPAL OBLIGATIONS (2/1/4/4/1)**

The Municipal Manager deals with the report and emphasised the deadlines to which NERSA has to meet in terms of the preliminary (*rule nisi*) court order with regard to the approval of electricity tariffs.

The Director: Electrical Engineering Services gave background to the preparation of the electricity tariff application for the 2026/2027 financial year and confirmed that NERSA has unrealistic expectations and once again did not comply with the requirements of the MFMA. Municipalities are put under pressure in the preparation of submissions, otherwise there is a risk that the tariffs will not be approved and will therefore cannot be implemented.

4.1/...

The Director: Electrical Engineering Services referred to the factors taken into account in the preparation of the tariff application, *inter alia*, Cost of Supply Study that was prepared and submitted to NERSA as early as last year, Eskom's tariffs as promulgated by NERSA in March 2025, for the next three years (although there was an adjustment after a calculation error was detected), etc.

The Director: Electrical Engineering Services confirmed that the proposed tariff increase for the 2026/2027 financial year amounts to 15,78% (based on the worst-case scenario).

When asked by cllr Soldaka why Afriforum is involved and not CoGTA or SALGA, the Municipal Manager confirmed that the latter institutions have been added to the matter as representatives of local government.

## **RESOLUTION**

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

- (a) That it be noted that the judgment in AfriForum NPC v NERSA is an interim order in the form of a rule nisi, and that the proposed timeframes are provisional judicial guidelines pending confirmation by the Court;
- (b) That the three proposed key deadlines — 31 January, 30 March and 5 May — be provisionally incorporated into Swartland Municipality's IDP and Budget Process Plan, pending the final Court order;
- (c) That NERSA's correspondence dated 12 November 2025, which imposes an accelerated and improper submission deadline contrary to the timelines contained in the rule nisi, be noted with concern;
- (d) That the Municipal Manager's letter dated 14 November 2025, requesting that NERSA withdraw the above notice, likewise be noted;
- (e) That it be confirmed that Swartland Municipality will continue to align its internal processes with the timelines set out in the interim Court order (rule nisi) until a final judgment is issued;
- (f) That note be taken of the correspondence received from NERSA dated 26 November 2025, in which the deadline for the submission of electricity tariff proposals is extended to 13 January 2026, together with the following requirements:
  - Submission of a Council resolution approving the electricity tariff application;
  - Inclusion of a Cost of Supply Study;
  - Proof that a public participation process has been followed;
- (g) That it be confirmed that the Swartland Municipality reserves the right to amend, supplement, or withdraw the above-mentioned provisional submission depending on the final court order;
- (h) That authorisation be granted to amend the Municipality's IDP and Budget Process Plan to reflect any changes to the deadlines that may arise from the final Court order;
- (i) That the Council supports the provisional tariff application dated 3 December 2025 for the 2026/2027 financial year of 15.78% for submission when required, in order to protect the Municipality's interests;
- (j) That it be noted that there is no opportunity for a proper public participation process due to time constraints and the holiday season, and that the public participation process will be initiated in January 2026;
- (k) That note be taken that municipal officials will participate in the workshops presented by the Provincial Treasury on 3 December 2025 and by NERSA on 5 December 2025 in order to receive guidance on possible areas for amendment of the provisional tariff application.

**4.2 KLIPKOPPIE SOLAR PLANT: PROJECT READINESS AND VALUE FOR MONEY DETERMINATION REPORT (16/2/B)**

The Director: Electrical Engineering Services deals with the report and confirmed that the project readiness assessment, along with a value-for-money calculation over a period of 20 years, based on certain assumptions, has been completed.

The Director: Electrical Engineering Services confirmed that based on the value-for-money calculation that has been done, it is advantageous for the Municipality to obtain energy from an Independent Power Supplier, compared to the purchase price of Eskom. For example, the energy purchased from Darling Green is 15% cheaper than Eskom.

The Director: Electrical Engineering Services further explained the requirement to make a guarantee/security available to the Independent Power Supplier of which the value will amount to ±R80 million. However, the value will be negotiated with the preferred bidder, after which the Council will or will not grant the final approval.

The matter was considered at a meeting of the Executive Mayoral Committee Meeting held on 19 November 2025 and the report aims to obtain Council's approval to test the market for proposals for the procurement of renewable energy from the solar plant.

**RESOLUTION**

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

- (a) That Council grants approval of the procurement of energy from an IPP for a 20 year period, subsequent to proper Supply Chain Management processes being followed;
- (b) That Council grants approval to continue to compile the appropriate tender documents to kick off the process;
- (c) That the Municipal Manager be mandated to ensure all requirements of the Asset Transfer Regulations and Section 33 of the MFMA are adhered to;
- (d) The the maximum size of the Solar plant to be 10 MW;
- (e) That cognisance be taken of the potential requirement to provide Security/guarantees for a value based on 18 to 36 months energy purchases. This value will only be determined during the negation phase.

**4.3 PROPOSED OUT-OF-HAND ALIENATION OF ROAD RESERVE PORTION ERF 159, RIEBEEK KASTEEL TO THE ADJACENT LANDOWNER OF ERF 1260, RIEBEEK KASTEEL (12/2/5/2-11/4)**

Erf 159, Riebeek Kasteel (size ±436 m<sup>2</sup>) forms part of the road reserve located adjacent to Erven 1260 and 1261, Riebeek Kasteel.

An application was received from the owner of Erf 1260 to acquire a portion (size ±258 m<sup>2</sup>) of the road reserve.

**RESOLUTION**

(proposed by cllr D G Bess, seconded by ald M Nel)

- (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 Remainder Erf 159 Riebeek Kasteel, measuring approximately 223m<sup>2</sup> in extent, situated in Piet Retief Street, to the adjacent landowner of Erf 1260 Riebeek Kasteel, at a selling price of R500/m<sup>2</sup> 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 closure, 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 at the cost of the purchaser, 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 the applicant encourages economic transformation as it will assist the landowner of Erf 1260 Riebeek Kasteel to comply with parking and loading zone requirements and being able to utilise the area optimally to realise the proposed retail/office development.

**4.4 PROPOSED OUT-OF-HAND ALIENATION OF A ROAD RESERVE (MIEMMIE MARKUS STREET) LOCATED BETWEEN ERVEN 2524 AND 858 RIEBEEK WEST TO LANDOWNER OF ERF 2524 (12/2/5/2-12/1)**

An application was received from the owner of Erf 2524, Riebeek West to acquire the road reserve (size ±1700 m<sup>2</sup>), Miemmie Markus Street, situated between Erven 858 and 2524 for consolidation with the erf in question.

**RESOLUTION**

(proposed by cllr A K Warnick, seconded by cllr A M Williams)

That the item be referred back to give an opportunity to carry out an on-site inspection in order to determine the impact of the out-of-hand alienation of the road reserve.

**4.5 RE-APPOINTMENT OF MEMBERS OF THE DISCIPLINARY BOARD (5/15/1/5)**

In terms of the *Financial Misconduct Regulations*, the Disciplinary Board was established as an independent advisory body to assist Council with investigations into financial misconduct.

**RESOLUTION**

(proposed by cllr N Smit, seconded by ald M Nel)

That all the members and secundi be re-appointed as members of the Disciplinary Board from 01 January 2026 to 31 December 2028;

That the remuneration payable to the external member of the Disciplinary Board will be the same as the attendance of the Performance, Risk and Audit Committee.

**SIGNED:  
SPEAKER**