



Verslag ♦ Ingxelo ♦ Report

Office of the Municipal Manager
2025-11-26

2/1/4/4/1
WARD: All wards

ITEM _4.1_ OF THE AGENDA OF A SPECIAL COUNCIL MEETING TO BE HELD ON 03 DECEMBER 2025

SUBJECT: AFRIFORUM NPC v NERSA - KEY DEADLINES AND MUNICIPAL OBLIGATIONS

1. BACKGROUND AND DISCUSSION

- 1.1. The High Court (Gauteng Division, Pretoria) issued an *interim order* on 31 October 2025 in the matter *AfriForum NPC v National Energy Regulator of South Africa and Others*. The order took the form of a rule nisi, providing interested parties— including municipalities, Eskom and organised local government — an opportunity to file comments and submissions prior to the Court making a final determination.
- 1.2. In its interim order, the Court indicated *prima facie* that NERSA's implementation of the notice-and-comment procedure contemplated in section 4 of the Promotion of Administrative Justice Act (PAJA) was constitutionally defective due to late and inadequate public participation. However, to safeguard municipal financial stability and avoid disruption to revenue systems, the Court did not immediately set aside the 2025/2026 municipal tariff approvals pending the final return date of the rule nisi.
- 1.3. Of particular significance is paragraph 4 of the interim order (rule nisi), which sets out proposed annual deadlines that NERSA will be required to comply with should the rule be confirmed. These deadlines are intended to support municipalities' budget preparation and approval processes in terms of the Municipal Finance Management Act (MFMA). The Court has indicated that the final order will follow in due course, once all submissions from interested parties have been considered

2. INPUTS AND COMMENTS

- 2.1 The Court ordered that NERSA must, as a public entity, comply timeously with its obligations to provide municipalities with the necessary information and assistance for budget preparation. The following annual deadlines now apply:
 - **By 31 January of each year**
NERSA must issue written notice to all municipal licensees indicating the bulk or wholesale electricity tariffs at which municipalities will purchase electricity from Eskom or any other licensed generator for the next financial year.
 - **By 30 March of each year**
Municipalities must submit their electricity tariff applications to NERSA. Failure to do so may result in no tariff increase being processed.
 - **By 5 May of each year**
NERSA must finalise the consideration of all timeously received municipal electricity tariff applications and communicate and publish its decisions simultaneously.

2.2 The Court's interim order further directs that NERSA may not deviate from or accelerate these proposed timelines without demonstrating good cause and issuing prior written notice to affected municipalities, subject to final confirmation by the Court in the return date proceedings.

2.3 **New Correspondence from NERSA (12 November 2025) and Municipal Response (14 November 2025)**

On 12 November 2025, NERSA issued a circular titled "*Compulsory submission of electricity tariff applications by all licensed distributors for the 2026/27 financial year*". This correspondence instructed municipalities to submit their tariff applications by 12 December 2025, failing which applications may be delayed or jeopardised.

This newly imposed deadline is in direct conflict with the proposed Court-ordered (rule nisi) timeframes, namely:

- 31 January: NERSA must issue bulk tariff notices.
- 30 March: Municipalities must submit tariff applications
- 5 May: NERSA must finalise decisions

(Interim Court Order – rule nisi, paragraphs 4.1.1 – 4.1.7)

Swartland Municipality responded on 14 November 2025, noting that:

- The NERSA circular contradicts the provisional deadlines established by the High Court, pending confirmation of the rule nisi.
- No "good cause" has been shown for the deviation, nor was prior notice provided.
- The accelerated 12 December deadline is not feasible, as municipalities will not yet know Eskom's bulk tariffs by then.
- Compliance with NERSA's date would:
 - Contravene the interim order,
 - Breach MFMA-prescribed budget timelines, and
 - Risk unlawful or irrational tariff-setting processes.

Swartland Municipality has therefor formally requested that NERSA withdraw or amend its letter dated 12 November 2025 circular and confirm adherence to the timelines contained in the rule nisi, unless varied by the final order of the Court.

The correspondence forms a critical part of the environment within which Council must assess both the implications of the AfriForum litigation and NERSA's actions.

2.4 **Proactive Action by Swartland Municipality**

In light of the conflict between NERSA's accelerated deadline of 12 December 2025 and the timelines contained in the interim court order (rule nisi), Swartland Municipality has acted proactively and responsibly to safeguard its interests.

Despite serious concerns regarding the legality, practicality and rationality of NERSA's accelerated deadline, internal processes were fast-tracked in an attempt to submit a provisional electricity tariff application by 12 December 2025, accompanied by a Council resolution.

This preliminary submission is being made:

- without the opportunity for proper public participation, as the severely truncated timeframes made compliance with MFMA public consultation requirements impossible;
- as an interim protective measure, solely to mitigate the risk posed by NERSA's unilateral deadline; and
- without conceding that NERSA is lawfully entitled to deviate from the court-directed timelines set out in the rule nisi.

3. LEGISLATION

- Electricity Regulation Act, Act 4 of 2006
- Municipal Finance Management Act, Act 56 of 2003 (MFMA)
- Promotion of Administrative Justice Act, Act 3 of 2000 (PAJA)

4. ALIGNMENT TO THE IDP

The proposed (interim) deadlines for tariff processes support the principles of good governance, legal compliance and financial sustainability. These align with the Swartland Municipality's IDP and Budget Process Plan requirements for timely and transparent tariff approval processes.

5. FINANCIAL IMPLICATION

Although the order is interim, the proposed fixed deadlines (if confirmed) will provide improved predictability for municipal budgeting and revenue forecasting processes.

6. AANBEVELING

- (a) Dat kennis geneem word dat die uitspraak in die saak *AfriForum NPC v NERSA* 'n interim bevel is in die vorm van 'n rule nisi, en dat die voorgestelde sperdatums voorlopige riglyne is, onderhewig aan finale bevestiging deur die Hof; en
- (b) Dat die drie voorgestelde sleutel-sperdatums — 31 Januarie, 30 Maart en 5 Mei — voorlopig in Swartland Munisipaliteit se GOP en Begrotingsprosesplan oorweeg word, in afwagting die finale hofbevel; en
- (c) Dat met kommer kennis geneem word van NERSA se skrywe gedateer 12 November 2025, wat 'n versnelde en onbehoorlike sperdatum vir die indiening van elektrisiteitstariefvoorstelle daarstel, welke sperdatum in direkte konflik is met die tydlyne vervat in die rule nisi; en
- (d) Dat kennis geneem word van die Munisipale Bestuurder se skrywe gedateer 14 November 2025, waarin NERSA versoek word om bogenoemde skrywe terug te trek; en
- (e) Dat bevestig word dat Swartland Munisipaliteit voortgaan om sy interne beplanning en prosesse te rig volgens die sperdatums vervat in die interim hofbevel (rule nisi), totdat die finale uitspraak gelewer word; en
- (f) Dat dit bevestig word dat Swartland Munisipaliteit, as 'n verantwoordelike instelling, proaktief opgetree het om 'n voorlopige tarief-aansoek teen 12 Desember 2025 in te dien, vergesel van 'n raadsbesluit, ten einde die Munisipaliteit se belange te beskerm, maar dat daar nie voldoende ruimte was vir publieke deelname nie; en
- (g) Dat bevestig word dat die Swartland Munisipaliteit die reg voorbehou om bogenoemde voorlopige indiening te wysig, aan te vul of terug te trek na gelang van die finale hofbevel; en
- (h) Dat magtiging verleen word om die GOP en Begrotingsprosesplan aan te pas in ooreenstemming met enige wysigings aan die sperdatums wat uiteindelik in die finale hofbevel bepaal word.

7. RECOMMENDATION

- (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; and
- (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; and
- (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; and
- (d) That the Municipal Manager's letter dated 14 November 2025, requesting that NERSA withdraw the above notice, likewise be noted; and
- (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; and
- (f) That it be confirmed that Swartland Municipality, as a responsible institution, acted proactively by submitting a provisional tariff application by 13 December 2025, accompanied by a Council resolution, in order to safeguard the Municipality's interests, but that no opportunity existed for proper public participation due to time constraints; and
- (g) That it be noted that the Municipality reserves the right to amend, supplement or withdraw the above provisional submission once the final Court order is handed down; and
- (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.

(get) J J Scholtz

MUNICIPAL MANAGER

ANNEXURES

1. Annexure A: *Compulsory submission of Electricity Tariff Applications by all licensed distributors for the 2026/27 Financial Year*
2. Annexure B: *SM letter to NERSA re non-compliance with court order*



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To all Licensed Electricity Distributors

Dear Sir/Madam

COMPULSORY SUBMISSION OF ELECTRICITY TARIFF APPLICATIONS BY ALL LICENSED DISTRIBUTORS FOR THE 2026/27 FINANCIAL YEAR

1. The National Energy Regulator (NERSA) is an organ of state entrusted with the mandate to approve electricity tariffs in terms of the Electricity Regulation Act, 2006 (Act No. 4 of 2006) as amended of licensed distributors including municipalities.
2. Electricity Regulation Act as amended (ERAA) prescribes principles that governs the setting and approval of tariffs. These include the requirement that tariffs and revenues must enable an efficient licensee to recover the full cost of its licensed activities, including a reasonable margin or return. Tariffs must also give end-users proper information on the costs that their consumption imposes on the utility's business.
3. In terms of the Municipal Finance Management Act, 2003, municipalities are required to submit their electricity tariffs to the NERSA for approval on or before 15 March for implementation by 1 July of that same year. If tariff applications are received and approved after 15 March, they will not be applicable by 1 July of that same year.
4. It is a contravention of ERAA and a breach of a licence condition to charge a customer any tariffs which has not been approved by the Energy Regulator.

NS

Regulator Members:

Mr T Bukula (Chairperson) Ms Z Mpungose (Deputy Chairperson) *Adv NP Sithole (Chief Executive Officer)

*Ms N Maseti *Mr MW Mkhize Ms T Semane Mr FK Sibanda Ms PN Sibiya

*Full-Time Regulator Members

NERSA is a Regulatory Authority established in terms of the National Energy Regulator Act, 2004 (Act No 40 of 2004)

5. Your current tariffs are expiring on 30 June 2026 and there is no automatic extension as the tariffs are annually approved. To enable compliance with the decision making by NERSA and implementation of the decision in line with the provision of the ERAA and MFMA, your Municipality is advised to submit your FY2026/27 tariff applications on or before 12 December 2025.
6. You are further reminded to ensure that the following conditions are complied with:
 - Your tariff application must be signed and authorised by the relevant official authority
 - Confirmation that the tariff applied for is authorised by the Municipal Council (an affidavit to be submitted)
 - Confirmation that customers were consulted on the proposed tariffs
 - Submission of audited regulatory financial information for 2024/25 to be submitted to NERSA.
7. Failure to comply with the request would result in the delay to consider the tariff application and in breach of the applicable laws. Such a failure may also expose the Municipality and NERSA to unnecessary legal challenge which is undesirable.
8. Should you have any enquiries, please do not hesitate to contact Rhulani Mathebula at the above contact details.

Yours sincerely



Adv Nomalanga Sithole
Chief Executive Officer

Date: 12/11/2025



File Ref /Lêer Verwysing: 13/3/2/3

Enquiries /Navrae:
JJ Scholtz

14 November 2025

Adv. N. Sithole
Chief Executive Officer
National Energy Regulator of South Africa (NERSA)

Email: Rhulani.Mathebula@nersa.org.za

Dear Adv. Sithole

RE: NON-COMPLIANCE WITH COURT-ORDERED TIMEFRAMES FOR MUNICIPAL ELECTRICITY TARIFF APPLICATIONS

1. We refer to NERSA's letter dated **12 November 2025**, titled "*Compulsory submission of electricity tariff applications by all licensed distributors for the 2026/27 financial year*", in which municipalities are instructed to submit their electricity tariff applications by **12 December 2025**.
2. Swartland Municipality is obliged to inform NERSA that the deadline communicated in your correspondence is in direct conflict with the binding court order issued by the High Court (Gauteng Division, Pretoria) on **31 October 2025** in the matter **AfriForum NPC v NERSA and Others**.
3. The Court, at paragraphs 4.1.1 to 4.1.7, established mandatory and non-deviable annual deadlines for the municipal tariff approval cycle. These deadlines require:
 - **By 31 January:** NERSA must issue written notice of Eskom or other generator bulk tariffs to all municipalities.
 - **By 30 March:** Municipalities must submit their electricity tariff applications to NERSA.
 - **By 5 May:** NERSA must finalise and publish all decisions on timeously received applications.

These deadlines were imposed specifically to ensure municipalities can comply with the statutory obligations of the **MFMA**, including tabling draft budgets at least 90 days before the start of the financial year.

4. Paragraph **4.1.7** of the Court's order further states:

- Swartland vooruitdenkend 2040 - waar mense hul drome uitleef!
- Swartland forward thinking 2040 - where people can live their dreams!
- ISwartland ijonge phambili ku2040 -apho abantu beza kufezekisa amaphupho abo!

“NERSA may not unilaterally extend or deviate from the aforementioned timeframes for applications timeously received without good cause and, if established, with prior notice to the parties affected.”

5. No such good cause has been communicated to Swartland Municipality, nor has any prior notice been issued as required by the Court. NERSA therefore **lacks the legal authority** to impose an accelerated submission deadline of **12 December 2025**.
6. Additionally, your letter requires that municipalities must already have:
 - o completed public participation processes, and
 - o obtained Council authorisation for their tariff proposals by 12 December 2025.

This is not feasible, as municipalities will not yet know the bulk tariff from Eskom by that date. Electricity purchases from Eskom constitute the dominant portion of municipal electricity expenditure, and tariff proposals cannot be determined prior to receiving the required information from NERSA by **31 January**, as mandated by the Court.

7. Swartland Municipality must therefore respectfully place on record that it **cannot comply** with NERSA's accelerated deadline of **12 December 2025**, as doing so would:
 - o Contravene the High Court order;
 - o Breach the MFMA's prescribed budget process timelines; and
 - o Compromise the legality and rationality of both the budgeting and tariff-setting processes.
8. We accordingly request that NERSA **withdraw or amend** its correspondence dated 12 November 2025 and confirm that the Court-ordered dates—31 January, 30 March, and 5 May—remain the governing legal framework unless varied by a competent court.
9. Swartland Municipality remains committed to full compliance with the legal and regulatory framework governing electricity tariffs and will continue to meet all obligations within the timelines prescribed by the Court.

We await your urgent written confirmation.

Yours faithfully


Municipal Manager
Swartland Municipality
JJ Scholtz



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Office of the Director: Electrical Engineering Services
11 November 2025

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ITEM 4.2 OF THE AGENDA OF A SPECIAL COUNCIL MEETING TO BE HELD ON 3 DECEMBER 2025

ONDERWERP: KLIPKOPPIE SON AANLEG PROJEK GEREEDHEID EN WAARDE VIR GELD BEPALINGS VERSLAG

SUBJECT: KLIPKOPPIE SOLAR PLANT PROJECT READINESS AND VALUE FOR MONEY DETERMINATION REPORT

1. BACKGROUND

Following the work done by the Directorate of Electrical Engineering Services with the support of the Transaction Advisors appointed by the Western Cape Department of Infrastructure a project readiness assessment was done together with a Value for Money calculation over a 20 year period based on certain assumptions. The aim of this submission is to request Council approval with the support of the Executive Mayoral Committee to move to the next phase of the project which aims to issue a request for proposal (RFP) to the market for the acquisition of renewable energy from an Independent Power Producer (IPP).

Before the financial analysis could be done a technical assessment was done to determine what size of Solar plant would be possible and/or required at the site to ensure the specific technical requirements as per the Renewable Powerplant Grid Code and the specific load profile at the substation are met. In this regard consideration was given to the following:

- 12 month energy profile of all networks feeding from the Malmesbury Eskom substation
- Various technical parameters as per the Grid Code
- Land size (30ha) long term lease
- Council's initial approval (10 -15 MW)

Based on the current technology the maximum plant size that could fit onto the 30 ha was determined to be 16MW. Considering the other technical requirements the maximum size was limited to 14MW to ensure the gride code requirements are not violated. Further analysis

was done to compare the energy output of various size plants to the energy profile of the network that would feed off the solar plant. For this purpose, 10 MW, 12.8 MW and 14 MW as selected. Each one of these options indicated that there are certain times during the year where more energy could be produced than what the network can absorb and thus the solar plant would have to limit/curtail the energy generation to prevent energy being pushed back into the Eskom network. This is commonly referred to as excess energy generation which could be seen as lost potential and thus revenue for the IPP.

The Value for Money assessment (Cost saving of buying from an IPP vs Buying from Eskom) was done for three different Scenarios: 10 MW, 12.8 MW and 14 MW. The basic assumptions used in the calculations include the following:

- Inflation of +/- 4.4%
- Discount Rate of 10.96%
- Plant availability of 97.5%
- Energy Conversion efficiency of 23.2%
- Eskom tariff increases of 5.36% for 2026/27 and 6.19% thereafter
- 20 yr PPA
- Start date of 01 September 2028
- IPP Cost of R1.10 per kWh (vs R0.50 per kWh for REIPPP Bid windows)

The results of the Value for Money (VfM) Assessment are shown below:

		10.0 MW	12.8 MW	14.0 MW
Value for Money (VFM)				
VFM (NPV of cost savings, including payment for excess energy)	R'000	284 108	290 948	269 018
VFM (NPV of cost savings compared to NPV of Eskom purchase)	(%)	38.8	33.7	30.0
Excess energy				
Maximum IPP excess energy	MWh	2 847	71 054	124 856
Excess energy supplied by IPP	(%)	0.43	8.45	13.6
NPV cost for excess energy	R'000	1 767	38 991	67 355

From the analysis the 12.8 MW option delivers the highest Value for Money (WfM) (NPV of Cost Savings) of R290 948 000 against the R284 108 000 for the 10 MW option and the 14 MW option the lowest NPV of R 269 018 000. Based on this the 14 MW option is no longer considered. While the 12.8 MW plant offers R6.840 million higher NPV over the 20 years the 10 MW plant offers a higher VfM Cost Saving percentage of 38.8% vs 33.7% for the 12.8 MW plant. The reason for the better Cost Saving percentage is due to the lower Excess energy of 2 847 MWh for the 10 MW vs the 71 054 MWh for the 12.8 MW plant. Over the 20-year period the NPV cost of the excess energy amounts to R1 767 000 for the 10 MW plant vs R38 991 000 for the 12.8MW plant.

Should there be any development in the impacted area (Dalsig Housing development, University) in the future the risk of Excess energy will reduce with the associated improvement in NPV over the 20-year period

2. LEGISLATION

The Electricity Regulation Act, 2006 (Act No. 4 of 2006) or as amended requires that:

- The transmission, distribution, and trading function of electricity supply be separately licensed and that the transmission or distribution function shall provide non-discriminatory network access to all users of the transmission or distribution system.
- The ERA and NERSA's Transmission Grid Code and Distribution Network Code mandate non-discriminatory access to the grid for all customers, including transmission and distribution connected generators and loads, for energy delivery or export.
- The ERA further regulates the licensing and registration requirements of generators.

MFMA Circular 118 issued by National Treasury in 2022 makes provision for the municipalities to procure energy from IPP's under various scenarios. It was determined that in this particular case the procurement would be done in accordance with scenario 2 where the municipality acts as both the procurer as well as the buyer of the energy.

The MFMA (Act 56 of 2003), has a number of requirements relating to the Asset Transfer regulations (Long term lease of Capital Assets) and the Supply chain process that needs to be adhered to. In consultation with the PPP Unit of National Treasury it was clarified that this project is not classified as a PPP and thus all the requirements for a PPP procurement process is not required.

4. FINANCIAL IMPLICATION

Based on the value for money assessment that was done there is indeed benefit for the municipality to procure energy from an IPP when compared to the purchase price of energy based on the Eskom active energy rates.

The sensitivity analysis results shown below indicates that under various scenarios the benefit to Swartland remains positive.

Sensitivity Analysis for 10 MW Plant

Variable	Sensitivity	Value for money		Change in the value for money	
		Amount (Rm)	%	Amount R(m)	%
Base case	0%	284 108	38.8%	-	-
Eskom tariff changes	5%	312 181	41.1%	28 073	2.3%
	-5%	257 175	36.5%	- 26 933	-2.3%
Changes in IPP energy rate	4.5% (1150 R/MWh)	263 748	36.0%	- 20 359	-2.8%
	18.2% (1300 R/MWh)	202 670	27.7%	- 81 438	-11.1%
Inflation applied to the IPP energy rate	5%	273 857	37.4%	- 10 250	-1.4%
	-5%	294 091	40.2%	9 984	1.4%
Security account	20% (42 months)	300 121	41.0%	16 013	2.2%
	(20%) (30 months)	264 077	36.1%	- 20 030	-2.7%

Sensitivity Analysis for 12.8 MW Plant

Variable	Sensitivity	Value for money		Change in the value for money	
		Amount (Rm)	%	Amount R(m)	%
Base case	0%	290 948	33.7%	-	-
Eskom tariff changes	5%	324 284	36.1%	33 336	2.5%
	-5%	258 972	31.1%	- 31 976	-2.5%
Changes in IPP energy rate	4.5% (1150 R/MWh)	264 888	30.6%	- 26 060	-3.0%
	18.2% (1300 R/MWh)	186 707	21.6%	- 104 240	-12.1%
Inflation applied to the IPP energy rate	5%	277 827	32.1%	- 13 121	-1.5%
	-5%	303 727	35.1%	12 779	1.5%
Security account	20% (42 months)	265 309	30.7%	- 25 639	-3.0%
	(20%) (30 months)	311 444	36.0%	20 496	2.4%

With the Governments REIPPP programme National Treasury provides guarantees to the IPP to ensure payment should Eskom default on any payments. In the case of municipal procurement these NT guarantees are not available and thus it would be expected of the municipality to provide some form of guarantee to assist the IPP to secure financial closure. During a market sounding exercise conducted earlier this year involving potential IPPs and financial institutions there was an indication that security for the value of 18 to 36 months should be made available in some form or the other. This security amount would cover energy payments (in case of failure to pay for energy consumed as well as the risk of early termination of the agreement). At 36 months this is equivalent to R134 million and R171 million respectively. It is however Swartland's opinion that a value closer to R80 million should be

negotiated based on our track record with our Eskom payments, the overall sustainability of the municipality and the various rewards that Swartland received over the past few years.

In order to proceed with the preparation of the RFP which is planned to be issued to the market in February 2026 the following decisions need to be made:

1. Do we proceed with the plan to procure energy from an IPP for a 20 year period?
2. What is the size of the proposed Solar plant 10 MW or 12.8 MW given the impact of excess energy generated

5. ALIGNMENT WITH THE INTEGRATED DEVELOPMENT FRAMEWORK

The connection of renewable energy generators to the municipal network aligns well with the following strategic goals of the municipality:

- Strategic Goal 3 - Quality and reliable services
- Strategic Goal 4 – A healthy and sustainable environment

6. RECOMMENDATIONS/AANBEVELINGS

The report was tabled to the Executive Mayoral Committee on 19 November 2025 for consideration and recommendation to Council.

English

(a) That the Executive Mayoral Committee recommends to Council the 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 the EMC recommends to Council the approval to continue to compile the appropriate tender documents to kick off the process.

(c) That the Municipal Manager be mandated (subject to Council approval) to ensure all requirements of the Asset Transfer Regulations and Section 33 of the MFMA are adhered to.

(d) The EMC recommends 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 negotiation phase.

Die verslag het op 19 November 2025 voor die Uitvoerende Burgemeesterskomitee gedien vir oorweging en aanbeveling aan die Raad.

Afrikaans

- (a) Dat die Uitvoerende Burgemeesterskomitee die aankoop van energie vanaf 'n onafhanklik krag voorsiener vir 'n periode van 20 jaar aan die Raad aanbeveel, onderhewig aan die nakoming van die aankoop prosedures;
- (b) Dat daar by die Raad aanbeveel word dat voortgegaan moet word met die voorbereiding van die nodige tenderdokumente om die proses af te skip;
- (c) Dat die Munisipale Bestuurder volmag gegee word (onderhewig aan raadsgoedkeuring) om toe te sien dat alle voorwaardes van die Bate Oordrag Regulasies en Artikel 33 van die MFMA nagekom word;
- (d) Dat 'n maksimum grootte van 10 MW, vir die sonaanleg aanbeveel word;
- (e) Dat daar kennis geneem word van die moontlike vereiste om 'n waarborg/sekuriteit te lewer gelykstaande aan 18 tot 36 maande se energie aankope. Die waarde sal egter eers tydens die onderhandelingsfase bepaal kan word.

(get) T Möller

MUNISIPALE BESTUURDER



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Director: Corporate Services
17 November 2025
Ward 12

12/2/5/2-11/4

ITEM 4.3 VAN DIE AGENDA VAN 'N GEWONE RAADSVERGADERING WAT GEHOU SAL WORD OP 3 DESEMBER 2025

SUBJECT:	PROPOSED OUT OF HAND ALIENATION OF ROAD RESERVE PORTION ERF 159 RIEBEEK KASTEEL TO ADJACENT LANDOWNER OF ERF 1260 RIEBEEK KASTEEL
ONDERWERP:	VOORGESTELDE UIT-DIE-HAND-VERVREEMDING VAN PADRESERWE GEDEELTE ERF 159 RIEBEEK KASTEEL AAN DIE AANGRENSENDE GRONDEIENAAR VAN ERF 1260 RIEBEEK KASTEEL

1. BACKGROUND

- 1.1 Remainder Erf 159 Riebeek Kasteel forms part of the road reserve of Piet Retief Street, which vests in the Municipality, measuring approximately 436m² in extent. The road reserve is situated adjacent to Erven 1260 and 1261 Riebeek Kasteel.
- 1.2 The owner of Erf 1260 Riebeek Kasteel has indicated that he wishes to acquire a portion of Remainder Erf 159 Riebeek Kasteel, measuring approximately 258m² in extent, adjacent to his property (see locality map marked **Annexure A1** and Google street view image marked **Annexure A2**).
- 1.3 The report is submitted to Council to obtain approval for the alienation of a portion of Remainder Erf 159 Riebeek Kasteel to the adjacent landowner of Erf 1260 Riebeek Kasteel, subject thereto that a splay (road reserve) of approximately 35m² in extent (of the 258m² initially requested by the applicant) be retained by the Municipality.

2. DISCUSSION

- 2.1 The owner of Erf 1260 Riebeek Kasteel requires the road reserve portion for optimal utilisation of Erf 1260 and in respect of the proposed retail and office development envisioned for Erf 1260. It also allows the landowner to comply with the parking and loading zone requirements.

2.2 INPUT FROM VARIOUS TECHNICAL DEPARTMENTS

The proposed alienation is supported subject to the following input that has been received from the various technical departments:

2.2.1 Development Management

The owner of Erf 1260 Riebeek Kasteel shall be responsible for obtaining the required development rights (i.e. closure, rezoning, subdivision and consolidation) by and at the cost of the purchaser.

2.2.2 Civil Engineering Services

Roads and Stormwater indicated that a splay of approximately 35m² (7m X 5m) in extent must be retained by the Municipality.

2.2.3 Electrical Engineering Services

ESKOM is the service provider for the Riebeek Kasteel area; thus no services are affected.

2.2.4 Valuations Department

A selling price of R500/m² is proposed due the current status of the property, being a road reserve, which has minimal value on its own and also taking into consideration the costs involved for the closure, subdivision, rezoning and consolidation to be undertaken by and at the cost of the purchaser. A road reserve portion must however be retained by the Municipality as requested by the Roads and Stormwater Section. The Municipality will gain the selling price and ultimately, when the newly consolidated erf is registered, gain increased rates and taxes based on the new status of the consolidated property.

2.3 CONCLUSION

In conclusion, the Municipality will gain the proceeds of the sale and increased taxes/rates. Additionally, all directorates are in support of the proposed alienation and it is therefore recommended that Council grants approval for the proposed transaction, subject to a splay of approximately 35m² in extent to be retained by the Municipality, as well as all other technical requirements as imposed by the technical departments. The exact extent of the portion of Remainder Erf 159 Riebeek Kasteel will be surveyed as part of the land use planning process.

3. LEGISLATION / WETGEWING

3.1 LEGAL

3.1.1 The Municipal Finance Management Act, No. 56 of 2003

The legislative framework applicable in this instance in respect of non-exempted capital assets which are not considered high value assets, are dealt with below only in as far as it relates to the proposed disposal:

COMPLIANCE WITH MUNICIPAL FINANCE MANAGEMENT ACT, 2003	
Issues to be considered in terms of Section 14 of the MFMA	Comment
a) Whether the asset is needed to provide the minimum level of basic municipal services	The property is not required for municipal purposes.
b) Consideration to be given to the fair market value of the asset	It is proposed that the property be alienated at a selling price of R500/m ² , VAT excluded due its current status as public service infrastructure.
c) Consideration to be given to the economic and community value to be received in exchange for the asset	Council will gain the selling price of the subject property and further revenue in respect of service charges as well as rates/taxes.

3.1.2 The Municipal Asset Transfer Regulations (GG 31346 Dated 22 August 2008)

The Municipal Asset Transfer Regulations require consideration of the following specific issues:

COMPLIANCE WITH MUNICIPAL ASSET TRANSFER REGULATIONS (GG 31346 DATED 22 AUGUST 2008)	
Issues to be considered in terms of Regulation 7 of the MATR	Comment
a) Whether the capital asset may be required for the municipality's own use at a later stage.	A portion of RE Erf 159 Riebeek Kasteel is required to be retained by the Municipality as road reserve (to create a splay at Piet Retief Street); the remaining portion adjacent to Erf 1260 Riebeek Kasteel is not required.
b) The expected loss or gain that is expected to result from the proposed transfer or disposal	Council will gain the selling price of the subject property and further revenue in respect of service charges as well as rates/taxes.
c) The extent to which any compensation to be received i.r.o. the proposed transfer or disposal will result in a significant economic or financial cost benefit to the municipality	Financial benefits as a result of the selling price and payment for services and rates/taxes.

3.1.2/...

d)	The risks and rewards associated with the operation or control of the capital asset that is to be transferred or disposed of in relation to the municipality's interests.	Risks will be managed in terms of the sale conditions and Deed of Sale.
Issues to be considered in terms of Regulation 7 of the MATR		Comment
e)	The effect that the proposed transfer or disposal will have on the credit rating of the municipality, its ability to raise long-term or short-term borrowings in the future and its financial position and cash flow	No effect
f)	Any limitations or conditions attached to the capital asset or the transfer or disposal of the asset, and the consequences of any potential non-compliance with those conditions	No limitations
g)	The estimated cost of the proposed transfer or disposal	All costs related to the transaction will be for the purchaser's account.
h)	The transfer of any liabilities and reserve funds associated with the capital asset	No liabilities
i)	Any comments or representation on the proposed transfer or disposal received from the local community and other interested persons	The proposed transaction will be advertised for public comment.
j)	Any written views and recommendations on the proposed transfer or disposal by the National Treasurer and relevant provincial treasury	Not applicable (applicable i.r.o. high value assets only)
k)	The interest of any affected organ of state, the municipality's own strategic, legal and economic interests and the interests of the local community	The property to be alienated is not required for municipal purposes. By the sale thereof, economic activities will be enhanced.
l)	Compliance with the legislative regime applicable to the proposed transfer or disposal	Yes, addressed in this report, as well as in the Deed of Sale
Conditions that may be imposed, in terms of Regulation 11, pertaining to the following:		Comment
1)	The way in which the capital asset is to be sold or disposed of	Direct alienation.
2)	A floor price or minimum compensation for the capital asset	It is proposed that the property be alienated at a selling price of R500/m ² , VAT excluded due its current status as public service infrastructure.
3)	Whether the capital asset may be transferred for less than its fair market value, in which case the municipal council must first consider the criteria set out in regulation 13(2)	Not applicable
4)	A framework within which direct negotiations for the transfer or disposal of the capital asset must be conducted with another person, if transfer or disposal is subject to direct negotiations.	Not applicable

3.2 POLICY

3.2.1 Municipal Asset Transfer Policy

Council's Municipal Asset Transfer Policy determines that a transaction where non-viable assets are concerned which can only be utilised by one or more adjacent landowners, may be approved by Council without any competitive process having been followed, including in response to an unsolicited bid, on the basis that no purpose would be served by following a competitive process. Furthermore, upon approval of a transaction contemplated as such, the municipal manager must minute the reasons for the decision. In this instance, a portion of Remainder Erf 159 Riebeeck Kasteel, can only be utilised by the adjacent landowner.

4. LINKING TO THE INTEGRATED DEVELOPMENT PLAN / KOPPELING AAN DIE GEÏNTEGREERDE ONTWIKKELINGSPLAN

This project is directly linked to the Integrated Development Plan as:

- Strategic Goal 2: Economic Transformation

5. FINANCIAL IMPLICATIONS/ FINANSIËLE IMPLIKASIE

Based on the input of the municipal valuer, a value of R500/m² (VAT excluded) was determined. The Municipality will gain the selling price and increased rates/taxes once the consolidation has been registered./...

5./...

5./...

The purchaser shall be responsible for obtaining the required land use/development rights at its own costs, including all other fees related/incidental to this transaction. The proposed transaction has no financial implications for the Municipality.

6. RECOMMENDATION

6.1 That, in terms of Section 14 of the Municipal Finance Management Act (Act No. 56 of 2003) Council resolves that:

6.1.1 The subject property is not needed for the provision of a minimum level of basic municipal services; and

6.1.2 That the fair market value of the asset and the economic and community value to be received for the asset has been considered;

6.2 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 223m² in extent, situated in Piet Retief Street, to the adjacent landowner of Erf 1260 Riebeek Kasteel, at a selling price of R500/m² excluding VAT, subject to the standard conditions of sale and the following further conditions:

6.2.1 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;

6.2.2 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;

6.3 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:

6.3.1 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;

6.3.2 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.

6. AANBEVELING

6.1 Dat, ingevolge Artikel 14 van die Munisipale Finansiële Bestuurswet (Wet 56 van 2003) die Raad besluit:

6.1.1 Dat die onderwerp eiendom nie benodig word om die minimum vlak van basiese dienste te voorsien nie; en

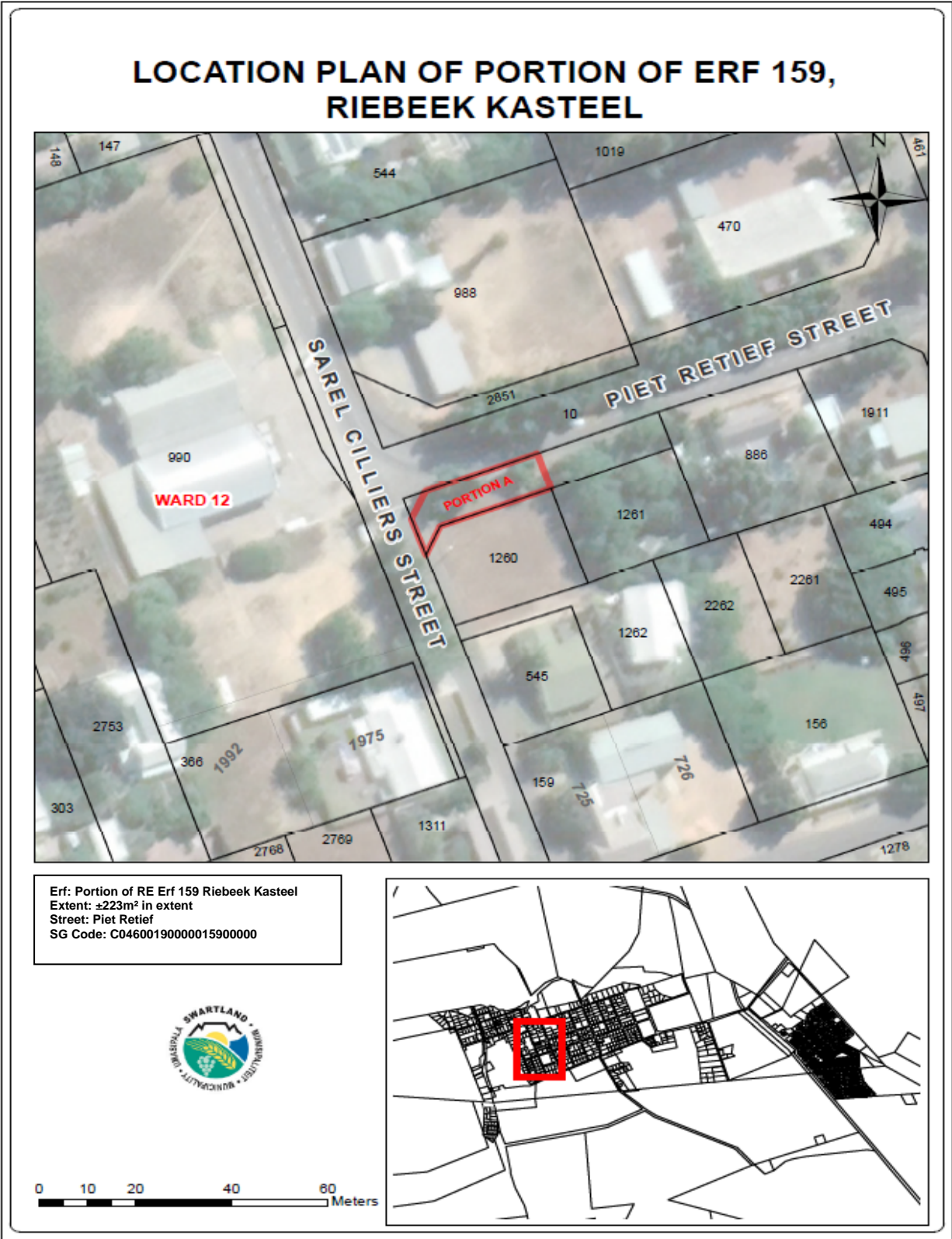
6.1.2 Dat die billike markwaarde van die bate en die ekonomiese en gemeenskapswaarde wat vir die bate ontvang moet word, oorweeg is;

6.2 Dat ingevolge die toepaslike verordening sowel as Artikel 14 van die Wet op Munisipale Finansiële Bestuur, goedkeuring deur die Raad verleen word vir die uit-die-hand vervreemding van 'n gedeelte van Restant van Erf 159 Riebeek Kasteel, ongeveer 223m² groot, geleë in Piet Retiefstraat aan die aangrensende grondeienaar van Erf 1260, Riebeek Kasteel, teen 'n verkoopprijs van R500/m² (BTW uitgesluit), onderworpe aan die standaard verkoopsvoorwaardes asook die volgende verdere voorwaardes:

- 6.2.1 Dat die proses vir die verkryging van die toepaslike grondgebruiks-/ontwikkelingsregte (insluitend sluiting, hersonering, onderverdeling en konsolidasie) deur en op koste van die koper onderneem sal word, met inagneming dat alle ander kostes wat verband hou met die oordrag van die eiendom vir die koper se rekening sal wees;
- 6.2.2 Dat die voorgestelde transaksie geadverteer word in die pers vir publieke insette en/of moontlike besware op koste van die koper, en dat die Uitvoerende Burgermeester (in konsultasie met sy komitee) magtiging sal hê om met enige moontlike besware te handel;
- 6.3 Dat die volgende redes genotuleer word vir die uit-die-hand vervreemding soos voormeld, sonder om 'n openbare mededingingsproses te deurloop met verwysing na paragraaf 12.1.1 van die Munisipale Bate Oordrag Beleid:
- 6.3.1 Die eiendom as 'nie-bestaansbare bate' kwalifiseer deurdat dit as gevolg van fisiese beperkings nie as 'n afsonderlike entiteit sinvol ontwikkel kan word binne die ontwikkelingsparameters van die huidige sonering nie, en dus slegs funksioneel raak indien dit vervreem word aan 'n aangrensende eienaar vir gebruik daarvan tesame met sy of haar eiendom, soos voorgestel; en
- 6.3.2 Oordrag van die eiendom aan die aansoeker bevorder ekonomiese transformasie aangesien dit die eienaar van Erf 1260 Riebeek Kasteel sal help om aan die parkering en laaisone vereistes te voldoen, asook om die area optimaal te kan gebruik om die voorgestelde kleinhandel/kantoor-ontwikkeling te verwesenlik.

(get) M S Terblanche

MUNICIPAL MANAGER



**ANNEXURE A2: GOOGLE
STREET VIEW**





Verslag ♦ Ingxelo ♦ Report

Director: Corporate Services
17 November 2025
Ward 3

12/2/5/2-12/1

ITEM 4.4 VAN DIE AGENDA VAN 'N SPESIALE RAADSVERGADERING WAT GEHOU SAL WORD OP 3 DESEMBER 2025

SUBJECT:	PROPOSED OUT OF HAND ALIENATION OF A ROAD RESERVE (MIEMIE MARKUS STREET) SITUATED BETWEEN ERVEN 2524 AND 858 RIEBEEK WEST TO LANDOWNER OF ERF 2524
ONDERWERP:	VOORGESTELDE UIT-DIE-HAND-VERVREEMDING VAN DIE PADRESERWE (MIEMMIE MARKUSSTRAAT) GELEË TUSSEN ERWE 2524 EN 858 RIEBEEK-WES AAN GROND-EIENAR VAN ERF 2524

1. BACKGROUND

- 1.1 The road reserve, Miemie Markus Street, situated between Erven 858 and 2524 and measuring approximately 1700m² in extent, vests in the Municipality (see locality map marked **Annexure A**).
- 1.2 The owner of Erf 2524 Riebeek West has indicated that he wishes to acquire the road reserve for consolidation with his existing property.
- 1.3 The report is submitted to obtain Council approval for the alienation of Miemie Markus Street road reserve to the adjacent owner of Erf 2524 Riebeek West for consolidation with his existing property.

2. DISCUSSION

- 2.1 The owner of Erf 2524 Riebeek West has for safety reasons fenced the area including the road reserve (see enclosed letter from landowner of Erf 2524 marked **Annexure B**). The physical tarred road reserve, Lang Street ends near the residential houses leaving the remainder of the road reserve unused with overgrown grass and electrical infrastructure installed in the area. During a consultation with ESKOM, access to their infrastructure will be taken from Lang Street.
- 2.2 The owner of Erf 858 confirmed that he has no interest in acquiring the road reserve nor does he have any objection to the proposed transaction (see enclosed letter marked **Annexure C**).

2.3 INPUT FROM VARIOUS TECHNICAL DEPARTMENTS

The proposed alienation is supported subject to the following input that has been received from the various technical departments:

2.3.1 Development Management

The owner of Erf 2524 Riebeek West will be responsible for obtaining the required development rights (i.e. closure, rezoning, subdivision and consolidation) at his cost.

2.3.2 Civil Engineering Services

The Roads and Stormwater had no objection to the proposed alienation of the road reserve.

2.3.3 Electrical Engineering Services

ESKOM is the service provider for the Riebeek West area.

2.3.4 Valuations Department

A selling price of R55/m² is proposed due to the property's current status, being a road reserve, which has minimal value on its own. Also, taking into consideration that the closure, subdivision, rezoning and consolidation is to be undertaken by the purchaser at his costs. The Municipality will gain the selling price and ultimately when the newly consolidated erf is registered, gain increased rates and taxes based on the new status of the consolidated property.

2.4 CONCLUSION

In conclusion, the Municipality will gain a selling price and increased taxes/rates. Additionally, all directorates are in support of the proposed alienation and it is therefore recommended that Council grants approval for the proposed transaction, subject to all other technical requirements as imposed by the technical departments. The exact extent of the portion of the road reserve will be surveyed and determined as part of the land use planning process.

3. LEGISLATION / WETGEWING

3.1 LEGAL

3.1.1 The Municipal Finance Management Act, No. 56 of 2003

The legislative framework applicable in this instance in respect of non-exempted capital assets which are not considered high value assets, are dealt with below only in as far as it relates to the proposed disposal:

COMPLIANCE WITH MUNICIPAL FINANCE MANAGEMENT ACT, 2003	
Issues to be considered in terms of Section 14 of the MFMA	Comment
a) Whether the asset is needed to provide the minimum level of basic municipal services	The property is not required for municipal purposes.
b) Consideration to be given to the fair market value of the asset	It is proposed that the property be alienated at a selling price of R55/m ² , VAT excluded due to its current status as public service infrastructure.
c) Consideration to be given to the economic and community value to be received in exchange for the asset	Council will gain the selling price of the subject property and further revenue in respect of service charges as well as rates/taxes.

3.1.2 The Municipal Asset Transfer Regulations (GG 31346 Dated 22 August 2008)

The Municipal Asset Transfer Regulations require consideration of the following specific issues:

COMPLIANCE WITH MUNICIPAL ASSET TRANSFER REGULATIONS (GG 31346 DATED 22 AUGUST 2008)	
Issues to be considered in terms of Regulation 7 of the MATR	Comment
a) Whether the capital asset may be required for the municipality's own use at a later stage.	The property to be alienated is not required for municipal purposes.
b) The expected loss or gain that is expected to result from the proposed transfer or disposal	Council will gain the selling price of the subject property and further revenue in respect of service charges as well as rates/taxes.
c) The extent to which any compensation to be received i.r.o. the proposed transfer or disposal will result in a significant economic or financial cost benefit to the municipality	Financial benefits as a result of the selling price and payment for services and rates/taxes.
d) The risks and rewards associated with the operation or control of the capital asset that is to be transferred or disposed of in relation to the municipality's interests.	Risks will be managed in terms of the sale conditions and Deed of Sale.

3.1.2/...

Issues to be considered in terms of Regulation 7 of the MATR		Comment
e)	The effect that the proposed transfer or disposal will have on the credit rating of the municipality, its ability to raise long-term or short-term borrowings in the future and its financial position and cash flow	No effect
f)	Any limitations or conditions attached to the capital asset or the transfer or disposal of the asset, and the consequences of any potential non-compliance with those conditions	No limitations
g)	The estimated cost of the proposed transfer or disposal	All costs related to the transaction will be for the purchaser's account.
h)	The transfer of any liabilities and reserve funds associated with the capital asset	No liabilities
i)	Any comments or representation on the proposed transfer or disposal received from the local community and other interested persons	The proposed transaction will be advertised for public comment.
j)	Any written views and recommendations on the proposed transfer or disposal by the National Treasurer and relevant provincial treasury	Not applicable (applicable i.r.o. high value assets only)
k)	The interest of any affected organ of state, the municipality's own strategic, legal and economic interests and the interests of the local community	The property to be alienated is not required for municipal purposes. By the sale thereof, economic activities will be enhanced.
l)	Compliance with the legislative regime applicable to the proposed transfer or disposal	Yes, addressed in this report, as well as in the Deed of Sale
Conditions that may be imposed, in terms of Regulation 11, pertaining to the following:		Comment
1)	The way in which the capital asset is to be sold or disposed of	Direct alienation.
2)	A floor price or minimum compensation for the capital asset	It is proposed that the property be alienated at a selling price of R55/m ² , VAT excluded due its current status as public service infrastructure.
3)	Whether the capital asset may be transferred for less than its fair market value, in which case the municipal council must first consider the criteria set out in regulation 13(2)	Not applicable
4)	A framework within which direct negotiations for the transfer or disposal of the capital asset must be conducted with another person, if transfer or disposal is subject to direct negotiations.	Not applicable

3.2 POLICY

3.2.1 Municipal Asset Transfer Policy

Council's Municipal Asset Transfer Policy determines that a transaction where non-viable assets are concerned which can only be utilised by one or more adjacent landowners, may be approved by Council without any competitive process having been followed, including in response to an unsolicited bid, on the basis that no purpose would be served by following a competitive process. Furthermore, upon approval of a transaction contemplated as such, the municipal manager must minute the reasons for the decision. In this instance, the road reserve (Miemie Markus Street), can only be utilised by the adjacent landowners as it is situated between the two existing properties. Due to the landowner of Erf 858 Riebeeck West not being interested in acquiring a portion of the road reserve, it is recommended that the road reserve be sold to the applicant.

4. LINKING TO THE INTEGRATED DEVELOPMENT PLAN / KOPPELING AAN DIE GEÏNTEGREERDE ONTWIKKELINGSPLAN

This project is directly linked to the Integrated Development Plan as:

- Strategic Goal 2: Economic Transformation

5. FINANCIAL IMPLICATIONS/ FINANSIËLE IMPLIKASIE

Based on the input of the municipal valuer, a value of R55/m² (VAT excluded) was determined. The Municipality will gain the selling price and increased rates/taxes once the consolidation has been registered. The purchaser shall be responsible for obtaining the required land use/development

rights at its own costs, including all other fees related/incidental to this transaction. The proposed transaction has no financial implications for the Municipality.

6. RECOMMENDATION

6.1 That, in terms of Section 14 of the Municipal Finance Management Act (Act No. 56 of 2003) Council resolves that:

6.1.1 The subject property is not needed for the provision of a minimum level of basic municipal services; and

6.1.2 That the fair market value of the asset and the economic and community value to be received for the asset has been considered;

6.2 That approval be granted by Council in terms of the applicable By-law as well as Section 14 of the Municipal Finance Management Act, 2003 for the out of hand alienation of the road reserve (Miemmie Markus Street) Riebeek West, measuring approximately 1728m² in extent, to the adjacent owner of Erf 2524 Riebeek West, at a selling price of R55/m² excluding VAT, subject to the standard conditions of sale and the following further conditions:

6.2.1 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;

6.2.2 That should any relocation/installation/upgrading be required in terms of the electrical infrastructure, application to ESKOM be undertaken by and at the cost of the purchaser;

6.2.3 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;

6.3 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:

6.3.1 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.

6. AANBEVELING

6.1 Dat, ingevolge Artikel 14 van die Munisipale Finansiële Bestuurswet (Wet 56 van 2003) die Raad besluit:

6.1.1 Dat die onderwerp eiendom nie benodig word om die minimum vlak van basiese dienste te voorsien nie; en

6.1.2 Dat die billike markwaarde van die bate en die ekonomiese en gemeenskapswaarde wat vir die bate ontvang moet word, oorweeg is;

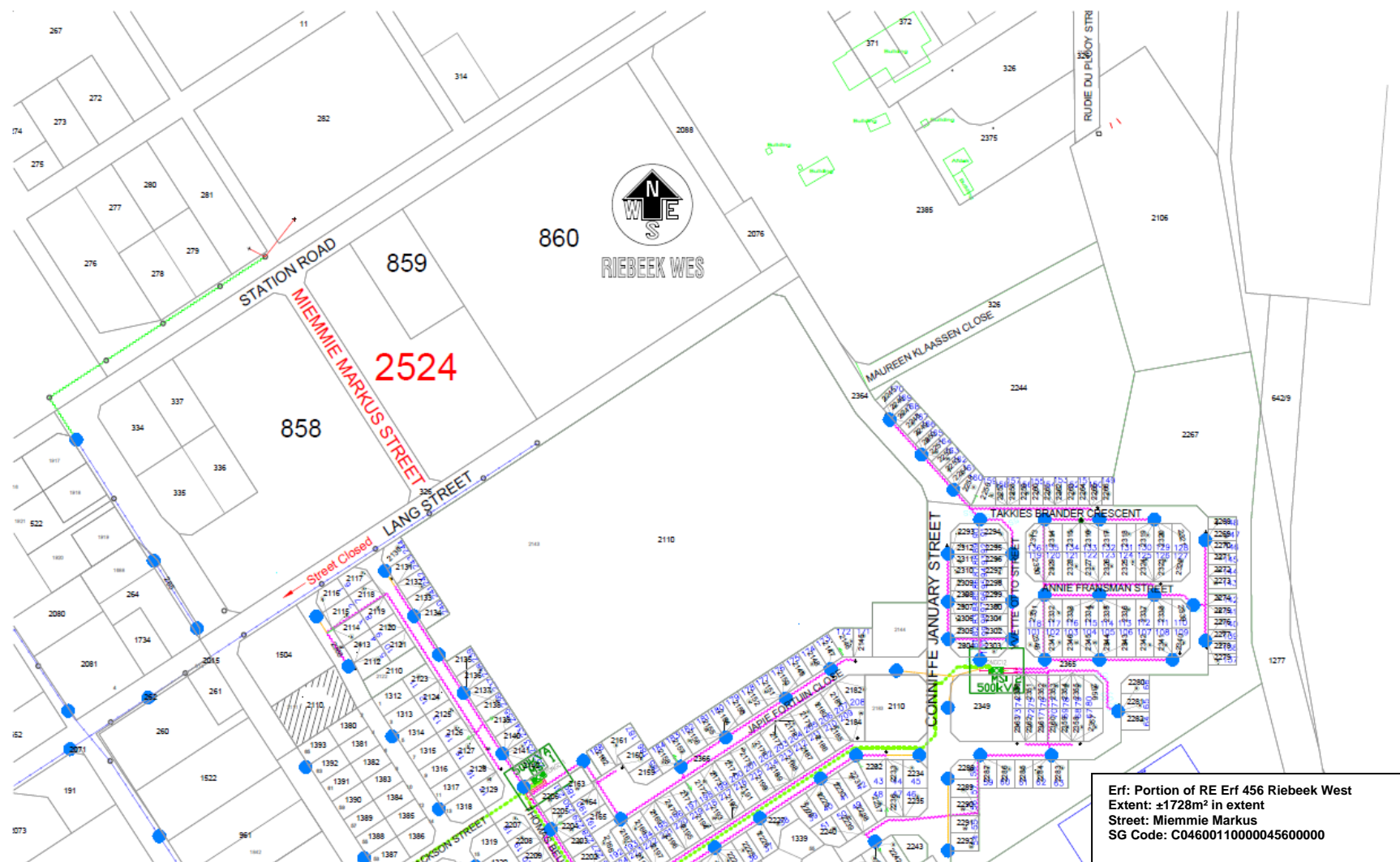
6.2 Dat ingevolge die toepaslike verordening sowel as Artikel 14 van die Wet op Munisipale Finansiële Bestuur deur die Raad verleen word vir die uit-die-hand vervreemding van die padreserwe (Miemmie Markusstraat), ongeveer 1728m² groot, aan die aangrensende eienaar van Erf 2524, Riebeek-Wes, teen 'n verkoopprijs van R55/m² (BTW uitgesluit) onderworpe aan die standaard verkoopsvoorwaardes asook die volgende verdere voorwaardes:

6.2.1 Dat die proses vir die verkryging van die toepaslike grondgebruiks-/ontwikkelingsregte (insluitend sluiting, hersonering, onderverdeling en konsolidasie) deur en op koste van die koper onderneem sal word, met inagneming daarvan dat alle ander kostes wat verband hou met die oordrag van die eiendom vir die koper se rekening sal wees;

- 6.2.2 Dat indien enige verskuiwing/installasie/opgradering in terme van die elektriese infrastruktuur vereis word, aansoek by ESKOM deur en op koste van die koper onderneem word;
- 6.2.3 Dat die voorgestelde transaksie geadverteer word in die pers vir publieke insette en/of moontlike besware op koste van die koper en dat die Uitvoerende Burgermeester (in konsultasie met sy komitee) magtiging sal hê om met enige moontlike besware te handel;
- 6.3 Dat die volgende rede genotuleer word vir die uit-die-hand vervreemding soos voormeld, sonder om 'n openbare mededingingsproses te deurloop met verwysing na paragraaf 12.1.1 van die Munisipale Bate Oordrag Beleid:
- 6.3.1 Die eiendom as 'nie-bestaansbare bate' kwalifiseer deurdat dit as gevolg van fisiese beperkings nie as 'n afsonderlike entiteit sinvol ontwikkel kan word binne die ontwikkelingsparameters van die huidige sonering nie, en dus slegs funksioneel raak indien dit vervreem word aan 'n aangrensende eienaar vir gebruik daarvan tesame met sy of haar eiendom, soos voorgestel;

(get) M S Terblanche

MUNICIPAL MANAGER



Rossouw Dippenaar
Eienaar: Erf 2524, Riebeek-Wes
082 523 9803
alwynjd@mweb.co.za

Aan:
Swartland Munisipale Bestuur, Felicia Williams

AANVRA: OORNAME VAN GEDEELTE VAN MIEMMIE MARKUS STRAAT TE RIEBEEK-WES

Geagte Munisipale Bestuur

Ek rig hiermee 'n versoek aan die Swartland Munisipaliteit as die eienaar van erf 2524, geleë in Riebeek-Wes.

Ons het onlangs store op bogenoemde erf opgerig. Langsaan ons erf loop Miemie Markus Straat verby, en die ingang tot ons store is omhein vir sekuriteitsdoeleindes. Die betrokke gedeelte van die straat val tans binne hierdie omheining omdat die straat nooit ontwikkel was nie en steeds net as kaal grond ooplê.

Ons bevestig hiermee dat toegang tot die straat glad nie weerhou is of sal word nie. Indien die munisipaliteit toegang sou verlang sou ons bereid wees om die omheining te verskuif indien sodanige versoek gerig word.

Die rede tot die manier van doen was slegs vir sekuriteitsdoeleindes.

Ons doen hiermee 'n formele versoek aan die munisipaliteit om die betrokke gedeelte van Miemie Markus Straat, ongeveer 140 meter lank, aan ons te verkoop. Die betrokke gedeelte hou volgens ons geen praktiese waarde vir die munisipaliteit in nie, aangesien dit aansluit by Langstraat wat geblokkeer word van verdere ontwikkeling deur 'n ESKOM kraglyn en verskeie kragpale. Hierdie bestaande infrastruktuur maak enige toekomstige benutting of uitbreiding van Langstraat uiters onprakties en kostelik.

Indien daar toekomstige ontwikkeling aan die onderkant van die dorp plaasvind, sal toegang daartoe baie meer sinvol geskied via Conniffe January Straat, wat geografies nader aan sulke moontlike ontwikkelinge geleë is. Daarby sal dit aansienlik goedkoper wees om toegang vanaf Conniffe January Straat te voorsien, in vergelyking met die groot koste daaraan verbonde om ESKOM-pale te verskuif om Langstraat bruikbaar te maak.

Indien die munisipaliteit besluit om nie aan hierdie versoek gehoor te gee nie, vra ons dat ons die sekuriteitsomheining – soos dit tans bestaan – steeds mag behou sonder om dit te verskuif. Indien daar wel eendag 'n werklike behoefte ontstaan vir toegang tot die straat vir ontwikkeling van Langstraat, sal ons die nodige stappe neem om die omheining te verskuif sodat toegang moontlik gemaak kan word.

Ons vertrou dat die munisipaliteit hierdie versoek billik en met langtermyn-infrastruktuuroorwegings in gedagte sal oorweeg.
Ons sien uit na u terugvoer.

Vriendelike groete



Rossouw Dippenaar
Eienaar: Erf 2524, Riebeek-Wes

**RESOLUSIE VAN DIE TRUSTEES VAN LIBERTAS PLAAS TRUST
(IT2637/2005) GEHOU TE RIEBEECK-WES OP 22/09/2025**

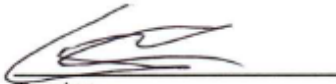
Ons, die ondergetekende trustees van die **Libertas Plaas Trust**, geregistreer onder nommer IT2637/2005, het op hierdie dag vergader en die volgende resoluëie eenparig goedgekeur:

As die eienaars van erf 858 in Riebeeck-Wes, wil hiermee graag aan die Swartland Munisipaliteit bevestig dat ons **geen belang het daarin om die gedeelte van Miemie Markus Straat** wat langs ons erf en erf 2524 verbyloop, aan te koop nie.

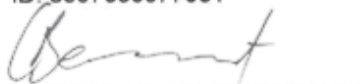
Ons het ook geen beswaar indien die eienaars van erf 2524 'n formele aansoek rig om die betrokke straatgedeelte van ongeveer 140 meter lank teen 'n billike markprys aan te koop nie.

Ons ondersteun dat die transaksie direk met die eienaars van erf 2524 geskied, sou die munisipaliteit daarmee instem. Hiermee hoop ons dat ons standpunt duidelik is en dat dit die munisipaliteit se oorweging van erf 2524 se aansoek sal vergemaklik.

Geteken te Riebeeck-Wes op 22/09/2025


Trustee
Gideon Jacobus Joubert
ID: 8308265136084


Trustee
Kenau Joubert
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Trustee
Charl Bezuidenhout
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Verslag Φ Ingxelo Φ Report

Office of the Municipal Manager
Internal Audit Division
14 November 2025

5/15/1/5

ITEM 4.5 OF THE AGENDA OF A SPECIAL COUNCIL MEETING TO BE HELD ON 3 DECEMBER 2025

SUBJECT:	RE-APPOINTMENT OF DISCIPLINARY BOARD MEMBERS TO BE RECOMMENDED TO COUNCIL
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1. BACKGROUND/ DELIBERATION

The Minister of Finance has, in terms of sections 168 and 175, of the Local Government: Municipal Finance Management Act, 2003 (Act No. 56 of 2003), published in Government Gazette No 37699 dated 30 May 2014 the Financial Misconduct Regulations (FMR) for implementation by municipalities and effective from 1 July 2014. These regulations were promulgated by the Minister of Finance after extensive public consultation and engagements with relevant stakeholders. It is important to note that these regulations must be read in conjunction with the Local Government: Disciplinary Regulations for Senior Managers and the collective bargaining agreements entered into between South African Local Government Association and the relevant Municipal Unions.

The Municipality is obliged to maintain a Disciplinary Board as an independent advisory body according to the Financial Misconduct Regulations (FMR) to assist Council with the investigation of allegations of financial misconduct and provide recommendations on further steps to be taken regarding disciplinary proceedings.

A disciplinary board must consist of a maximum of five members appointed on a part-time basis by Council for a period not exceeding three years, in accordance with a process as determined by Council. Section 4(6) of the FMR determines that the board may consist of the following persons:

- Head of the internal audit unit within the municipality;
- A member of the Audit Committee of the municipality;
- A Senior Manager from the legal division;
- A representative of the National Treasury or the Provincial Treasury; and
- Any other person as may be determined by Council

- 1.2 The following members currently serve on the Disciplinary Board and have been appointed as follows:

Member of the Disciplinary Board	Secundi	Term
Chairperson of the PRAC	Any nominated member of the PRAC	01 November 2024 – 31 December 2025
Director Corporate Services	Senior Manager: Treasury / Senior Manager: Budget, Costing and Reporting.	1 January 2023 to 31 December 2025
Senior Manager Human Resources	Senior Manager: Treasury / Senior Manager: Budget, Costing and Reporting.	1 January 2023 to 31 December 2025
Chief Audit Executive	Senior Manager: Treasury / the Senior Manager: Budget, Costing and Reporting.	1 June 2022 to 31 May 2025 & 01 June 2025 – 31 December 2025

2. COMMENTS – INTERNAL AUDIT / MUNICIPAL MANAGER

- 2.1 The term of the abovementioned board members and secundi will come to an end on 31 December 2025. It is recommended that all the members and secundi be re-appointed as members of the Disciplinary Board from 01 January 2026 to 31 December 2028.

3. RECOMMENDATION (as considered by the Executive Mayoral Committee on 19 November 2025)

- It is recommended that all the members and secundi be re-appointed as a members of the Disciplinary Board from 01 January 2026 to 31 December 2028.
- 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.

4. AANBEVELINGS (soos oorweeg tydens 'n Uitvoerende Burgemeesterskomiteevergadering gehou op 19 November 2025)

- Dit word aanbeveel dat al die lede en secundi heraangestel word as lede van die Dissiplinêre Raad vanaf 01 Januarie 2026 tot 31 Desember 2028.
- Die vergoeding wat aan die eksterne lid van die Dissiplinêre Raad betaal word, sal dieselfde wees as die bywoning van die Prestasie-, Risiko- en Ouditskomitee.

(get) J J Scholtz

MUNISIPALE BESTUURDER