



**HIGH COURT OF SOUTH AFRICA
(GAUTENG DIVISION, PRETORIA)**

CASE NO: 076447/2026

(1) REPORTABLE: YES
(2) OF INTEREST TO OTHER JUDGES: YES
(3) REVISED.

DATE: 31 AUGUST 2026

SIGNATURE

In the matter between:

THE DEMOCRATIC ALLIANCE

Applicant

and

MUNICIPAL DERMACATION BOARD

First Respondent

GAMAGARA LOCAL MUNICIPALITY

Second Respondent

**MUNICIPALITY MANAGER OF THE GAMAGARA
LOCAL MUNICIPALITY**

Third Respondent

INDEPENDENT ELECTORAL COMMISSION

Fourth Respondent

**MEMBER OF THE EXECUTIVE COUNCIL:
DEPARTMENT OF CO-OPERATIVE
GOVERNANCE, HUMAN SETTLEMENTS AND
TRADITIONAL AFFAIRS, NORTHERN CAPE**

Fifth Respondent

**MINISTER OF CO-OPERATIVE GOVERNANCE
AND TRADITIONAL AFFAIRS**

Sixth Respondent

Summary: *Municipal elections – delimitation of municipal wards by Municipal Demarcation Board – once the procedures in the statutory provisions, making provision for a notice-and-comment procedure have been followed, this constitutes sufficient procedural fairness and it is not required that the Board keep repeating the process every time after having received and considered public comments and objections before publishing a final delimitation of wards. Review against a delimitation of wards of the Gamagara Municipality refused on both the procedural and rationality challenges.*

ORDER

1. The application is dismissed.
2. Each party is ordered to pay its own costs.

J U D G M E N T

The matter was heard in open court and the judgment was prepared, authored and concurred with by the judges whose names are reflected herein and was handed down electronically by circulation to the parties' legal representatives by

email and by uploading it to the electronic file of this matter on Caselines. The date of handing-down is deemed to be 31 August 2026.

DAVIS, J

Introduction

[1] On 15 December 2025, the Municipal Demarcation Board (the MDB) published a final delimitation of municipal wards in Gamagara, being a municipality in the Northern Cape Province. This was done in terms of the Local Government: Municipal Demarcation Act¹ (the Demarcation Act), read with Schedule 1 of the Local Government: Municipal Structures Act² (the Structures Act).

[2] Gamagara has been allocated 15 ward councillor positions by the MEC for Co-Operative Governance and Traditional Affairs (COGTA) in the Northern Cape Province in terms of the Structures Act. This is with a view to the upcoming municipal elections scheduled for 4 November 2026.

[3] The Democratic Alliance (DA), a political party contesting the elections, seeks to have the delimitation reviewed and set aside. The principal grounds for review relied on are that the delimitation process was not procedurally fair and that the final ward delimitation was not rationally and lawfully supported by relevant facts.

[4] The MDB argued that by the time the matter came before court on 24 July 2026, the review had become moot as the final voter registration process was due to be finalised and that a review could or should not undo that process. Furthermore the MDB denied that there had been any procedural unfairness or that the demarcation was open to any rationality attack.

¹ 27 of 1998.

² 117 of 1998

Chronology

[5] The procedural fairness attack is much dependent on the chronology of the process followed by the MDB and it is therefore apposite to summarise the facts as they unfolded over time.

[6] After the COGTA allocation referred to earlier and after a general education session had been held late in 2024 at the Gamagara municipality regarding the issue of the delimitation of ward boundaries, the MDB convened a virtual ward limitation technical configuration session with councillors of the municipality on 11 March 2025. Hereafter, on 2 April 2025, the MDB published its first draft of proposed ward boundaries for the municipality for public comment by 30 June 2025.

[7] On 23 April 2025 DA submitted detailed written objections, supported by a petition signed by 3 000 voters. On 29 May 2025 the DA submitted a proposed alternative delimitation in response to the MDB's first draft. Herein, the DA accepted the MDB's proposed configuration in respect of wards 3, 4, 5 and 7 and proposed amendments to wards 1, 2, 6 and 8. On 14 June 2025 the Municipality submitted its proposal to the MDB.

[8] On 29 September 2025 the MDB published a second draft of ward delimitations. The second draft closely mirrored the DA's proposals. On 13 October 2025 the Municipality objected to the 29 September proposal.

[9] On 7 November the MDB's ward delimitation and boundary determination committee considered the objections received after publication of second draft.

[10] On 15 December 2025 the MDB published the final delimitation of

municipal wards for Gamagara. It is this delimitation that the DA seeks to have reviewed and set aside.

The DA's case

[11] The DA complained that the final delimitation departed substantially from the published second draft and contended that it instead closely mirrors the Municipality's submission. The changes brought about by the final delimitation appear from the record and I shall refer thereto more fully hereinlater. In the meantime, the following summary will suffice: the Mapoteng Multi-Purpose Centre voting district was removed from Ward 2 and allocated to Ward 8. The Kathu Technical College voting district was split into a number of portions and allocated to different wards. The Bestwood Show House voting district was removed from Ward 8 and incorporated into Ward 2.

[12] In terms of voter numbers, the result of these changes were that Ward 8 changed from the second draft, then comprising Siyathemba Community Hall (1,612 voters), Kathu Technical College (970 voters) and Bestwood Show House (639 voters), to comprising Siyathemba Community Hall (1,612 voters) and Mapoteng Multi-Purpose Centre (1,500 voters) in the final publication. Further, the Kathu Technical College voting district was split between Wards 1, 2 and 6.

[13] The DA's argument was that, after the MBD had published its second draft, it (only) received a further objection from the Municipality. It thereafter departed from both the second draft and the Municipality's objection and went ahead and without notice, published the final demarcation.

[14] The DA's principal complaint was that it had not been informed of the Municipality's objections to the second draft and neither were its comments thereon solicited. It contended that this was procedurally unfair. The DA

contended that prior notice of the intended final delimitation was required by section 3(2)(b)(i) and (ii) of the Promotion of Administrative Justice Act³.

[15] On the issue of rationality, the DA contended that the MDB had failed to establish whether the final delimitation was rationally connected to the information before it. In particular, the DA accused the MDB of accepting some of the Municipality's objections, without verifying the factual correctness thereof.

[16] The DA also contended that, from its reading of the record, there appears to be an absence of any meaningful consideration of material statutory considerations, including community cohesion, geographic coherence, ward manageability, voting-district integrity and the avoidance of unnecessary fragmentation. In heads of argument delivered on behalf of the DA, it was contended that the MDB had not meaningfully considered the DA's submissions and had improperly attached weight to the Municipality's objections.

[17] With particular reliance on an analysis performed at its instance by a Mr Firth, the DA argued that the final ward implementation was inconsistent with the factual premises of the Municipality's objection. In this regard, the DA argued that the distances of certain suburbs from voting stations as alleged by the Municipality, were geographically incorrect, that the final delimitation went beyond the Municipality's objections and that, in respect of the Kathu Technical College voting district, no data was provided explaining why the voting district had been split.

³ 3 of 2000. The relevant sections provide that "...in order to give effect to the right to procedurally fair administrative action, an administrator...must give [an affected] person (i) adequate notice of the nature and purpose of the proposed administrative action and (ii) a reasonable opportunity to make representations...".

The MDB's case

[18] On the issue of alleged procedural unfairness, the MDB's position was straightforward. It contended that the ward delimitation process followed precisely the statutory framework contemplated by the Structures Act and the Demarcation Act. The DA had participated fully throughout that process, made detailed representations after the first draft and elected not to object to the second draft or place further material before the MDB. Consequently the MDB argued that neither the Constitution nor the governing legislation required the MDB to reopen public participation or invite further objections before exercising its independent judgment.

[19] The MDB argued that the DA's complaint cannot be sustained on either the pleaded facts or the statutory framework.

[20] The MDB was at pains to point out that the delimitation process which it was obliged to undertake, is not adversarial in nature. While the MDB is obliged to receive and consider representations and objections, it is under no obligation to furnish one stakeholder with the representations or objections of another stakeholder or to afford every participant an opportunity to comment on those competing submissions. To require such a process would fundamentally alter the statutory scheme and transform the MDB's consultative function into an iterative adversarial process, contrary to the legislative design.

[21] The MDB contended that it had complied with every procedural requirement prescribed by the applicable legislation. It had conducted education and awareness sessions, published the first draft, invited and considered representations, published the second draft, invited objections, considered those objections through its statutory decision-making structures, and thereafter published the final ward delimitations.

[22] On the issue of rationality the MDB contended that the DA's rationality challenge impermissibly conflates a rationality review with an enquiry into whether the MDB adopted what it believes is the best or preferable ward configuration. That is not the constitutional standard.

[23] The MDB objected to the DA's contention that the final ward delimitations are not rationally connected to the statutory criteria or the material before the MDB simply because the Rule 53 record allegedly does not explain why the MDB departed from aspects of the second draft after considering the Municipality's objection, nor does it disclose the reasoning or methodology underlying the final ward configuration.

[24] The MDB argued that the question is not whether the Rule 53 record contains the level of detail the DA would have preferred, nor whether every step in the MDB's deliberative process is recorded. The enquiry is whether the delimitation ultimately published bears a rational connection to the purpose for which the power was conferred and the material before the MDB. The Rule 53 record demonstrates precisely that connection. It contains the first draft delimitations, the public participation process, the DA's representations, the publication of the second draft, the Municipality's objection, the assessment of that objection by the MDB's statutory committees, the MDB resolution, and the publication of the final ward delimitations.

[25] On the issue of a rational connection, the MDB, as a starting point, pointed out that the delimitation of Wards 3, 4, and 5 remained unchanged throughout the ward delimitation process. The DA proposed no amendments to these wards during public participation; no objections were lodged following publication of the second draft, and the MDB accordingly confirmed the existing configurations in the final determination. Ward 3 remained at 2 816

registered voters, Ward 4 at 2 995 registered voters, and Ward 5 at 3 513 registered voters, all within the prescribed voter deviation range.

[26] Ward 1, as initially delineated, comprised of 3553 registered voters. The DA proposed moving Uitkoms Estate from Ward 1 to Ward 6 and returning Khudunyane Estate to Ward 1. According to the DA, this would improve voter parity between Wards 1 and 6 and create more logical boundaries. The second draft reduced Ward 1 by removing 150 Uitkoms Estate voters and allocating 100 voters from the Kathu Technical College voting district. The Municipality objected to the removal of the Uitkoms Estate voters on the basis that it would fragment an established Kathu community, whilst supporting the allocation of the 100 Kathu Technical College voters.

[27] The final determination retained the allocation of the 100 Kathu Technical College voters but reversed the proposed removal of the Uitkoms Estate voters, resulting in a final total of 3,295 voters.

[28] Ward 2 initially consisted of 3 257 voters. The DA proposed removing the Bestwood Show House voting district from Ward 2 to Ward 8 and adding part of the Mapoteng Multi-Purpose Centre voting district to the Khaiappel voting district, contending that this would produce a voter total closer to the norm and a more geographically coherent ward. The second draft incorporated the Mapoteng Multi-Purpose Centre voting district into Ward 2. The Municipality objected to the proposed incorporation of approximately 1 500 voters from the Mapoteng area into Ward 2 and proposed instead that those voters be allocated to Ward 8, while approximately 1 088 voters from Kathu Phases 1 and 2 be incorporated into Ward 2.

[29] The objection was based on accessibility, administrative efficiency, service delivery, and community cohesion. It recorded that Mapoteng is

geographically and functionally closer to Siyathemba, shares its socioeconomic and transport linkages, and that incorporating Mapoteng into Ward 2 would increase the ward's already significant geographical footprint and service delivery challenges. By contrast, incorporating voters from Kathu Phases 1 and 2 into Ward 2 would better align with existing social, economic, and service delivery linkages associated with the Dibeng area and promote more balanced representation across the affected wards. The MDB amended the delimitation of Ward 2 by removing the Mapoteng Multi-Purpose Centre voting district, comprising approximately 1 500 voters, and reallocating it to Ward 8. Ward 2 was further adjusted through the inclusion of a split portion from Kathu Technical College, comprising approximately 970 voters, together with the inclusion of the Bestwood Show House voting district, comprising approximately 639 voters.

[30] Ward 6 initially consisted of 3 786 voters. The DA proposed removing the Rooisand portion and incorporating it into Ward 8, contending that this would reduce the voter population of Ward 6, increase the voter population of Ward 8, and maintain coherent boundaries within Kathu.

[31] The second draft indeed reduced Ward 6 to 3,516 voters following the removal of Rooisand. In relation to Ward 6, the Municipality objected to the second draft and proposed restoring the ward's historic configuration by returning the areas moved to Wards 1 and 8, while transferring only approximately 1 088 voters from Kathu Phases 1 and 2 to Ward 2. The objection was motivated on the basis of voter balance, community integrity, administrative efficiency, and continuity of service delivery, contending that this targeted adjustment would retain Ward 6 within the permissible voter range, preserve coherent ward boundaries, and maintain its core composition around the Kathu Technical College.

[32] Ward 8 initially consisted of 3 112 voters. The DA proposed incorporating the Bestwood Show House voting district from Ward 2 together with the aforementioned Rooisand portion, contending that this would address the undersizing of Ward 8 and improve voter parity across Wards 1, 6, and 8.

[33] In relation to Ward 8, the Municipality objected to the second draft and proposed incorporating the Mapoteng area into Ward 8, while returning the Bestwood Show House voting district to Ward 2 and the Kathu Technical College voting district to Ward 6. The objection was motivated by considerations of voter balance, community cohesion, service delivery, administrative efficiency, and boundary integrity. It contended that Mapoteng and Siyathemba shared common service-delivery corridors, transport routes, and municipal services, whereas Bestwood Show House and Kathu Technical College were more closely associated with Wards 2 and 6, respectively. The proposed configuration was said to promote coherent ward boundaries, balanced representation, and place Ward 8 comfortably within the prescribed voter range.

[34] The final determination incorporated the Mapoteng Multi-Purpose Centre voting district, comprising approximately 1 500 voters, and by removing and re-allocating the Bestwood Show House voting district.

[35] The MDB therefore contended that the final delimitations therefore neither replicated the DA's proposals nor the Municipality's objections in their entirety. They reflect the MDB's independent evaluation of the competing representations against the statutory criteria. It contended that that is precisely the function entrusted to the MDB by the Constitution.

[36] The DA replied that the above outcome was not rational, if one has regard to the factors which the Demarcation Act obliged the MDB to consider. In

support of this contention, the DA relied on expert opinion evidence. This expert opinion was counterdeed by the MDB claiming that any reliance by the DA on the findings and/or opinions of the expert (a Mr Firth) was impermissible and amounted to a new case which the DA sought to make out in reply. The difficulty for the DA, so the MDB argued, was that Mr Frith's analysis was not merely confirmatory of the DA's arguments, but advanced a new factual case. It introduced GIS analysis, dwelling counts, aerial imagery, an alternative voter allocation methodology, and conclusions concerning the alleged irrationality of the split of the Kathu Technical College voting ward. None of this formed part of the DA's submissions to the MDB, its founding papers, nor was it material that served before the MDB when it exercised its statutory powers.

The evidence to be considered

[37] In order to determine what evidence the court has to rely on, I shall start with the last of the aforementioned aspects, that is whether the DA has impermissibly attempted to make out a new case in reply. The chronology exposes the DA's difficulty. Mr Firth expressly confirmed that he conducted his analysis only on 30 June 2026, that is after the DA's submission to the MDB. This was despite, on the DA's own version, he has been employed by the DA as a Software Architect specialising in geographical data and mapping. It appears that the DA, therefore, had access to this expertise throughout the ward delimitation process, but chose not to place an analysis done by the expert before the MDB as part of its initial proposals after publication of the first draft or as motivation for its proposal.

[38] The first consequence hereof is that the MDB cannot be criticised if its delimitation differs from a proposed delimitation which was not before it at the time.

[39] The second consequence is that if the DA wanted to rely on Mr Firth’s analysis and proposed delimitation on order to argue that the MDB had acted irrationally or that its delimitation was not rationally connected to the material before it, bearing in mind the objectives and factors statutorily prescribed, then than case should have been made out in its founding papers. This was not done. The introduction of Mr Firth’s analysis and expert opinion only in reply, is impermissible and should be disregarded.

Was there a procedural unfairness?

[40] Item 2 of part 1 of Schedule 1 of the Structures Act prescribes that the MDB must “... *delimit all metropolitan municipalities and all local municipalities that must have wards, into wards*”. In terms of item 3 of the same Schedule, the number of wards must equal the number of ward councillors determined for a particular municipality.

[41] All that the Structures Act prescribes by way of procedure, is that once the MDB has published a delimitation, any person “...*aggrieved by a delimitation may within 14 days of publication submit objections in writing ...and the [MDB] must (a) consider those objections and (b) confirm, vary or withdraw its determination*”.

[42] A similar “once-off” procedure is prescribed in the Demarcation Act, in terms whereof the MDB has to determine municipal boundaries⁴, except that the period for objections is 30 days as opposed to 14 days.

[43] The DA argues with reliance on section 3(2)(b) of PAJA that, in order to give effect to fair administrative action, an administrator must give interested persons adequate notice of the nature and purpose of the proposed

⁴ Sections 21(1) – 21(5).

administrative action and afford such persons reasonable opportunity to make representations.

[44] In support of this contention, the DA relied on *Moodley*⁵ and *Bryntirion*⁶ which cases confirmed that notice of impending administrative action to an affected party is essential in our law and that such notice includes the duty to provide the affected party with “*the essential information which motivates the impending action and must indicate what the main considerations for the contemplated action are in order to enable the affected person to prepare a response*”.

[45] Applied to the present case, the DA argued that the MDB had been obliged to inform the DA of the Municipality’s objections and should have allowed it to counter same and/or that the MDB should have informed the public (including the DA) of the fact that it intended to make a determination along the lines contained in the final delimitation. When I questioned counsel for the DA how this should have been done, he suggested that “a letter could have been written” or that the DA could have been furnished with a copy of the Municipality’s objections. The argument was further that, as with the publication of the initial delimitation and the publication of the second draft, the final delimitation should again have been published for comment or circulated to affected parties, before it became the MDB’s final delimitation.

[46] Whilst the DA’s argument regarding prior notice of administrative action, coupled with an opportunity to make representations, is in general correct and mirrors section 3 of PAJA, it is equally trite that procedural fairness is context-

⁵ *Minister of safety and Security v Moodley* [2011] 4 All SA 47(SCA).

⁶ *Erf 16 Bryntirion (Pty) Ltd v Minister of Public Works* [2011] ZASCA 246 at para 12.

specific⁷.

[47] In the present matter, the MDB has, in similar fashion as in demarcation cases, proceeded by way of the “notice-and-comment” procedure, provided for in section 4 of PAJA⁸. The facts established that the MDB had conducted education and awareness sessions, published a first draft, invited, received and considered representations, published a second draft, again invited, received and considered objections and thereafter published the final ward delimitations.

[48] Our courts have held that the work of the MDB is not adversarial in nature and that the *audi alteram partem* principle was not applicable in its widest sense. In *Democratic Alliance v Municipal Demarcation Board*⁹ Kollapen J, with reference to *Hartebeespoort Plaaslike Raad v Munisipale Afbakeningsraad*¹⁰ described the processes to be undertaken by the MDB as follows: “... *the process of notice and comment ...was not adversarial in nature and what was required ...was to gather information and views and consider them...To uphold the [DA’s] contentions in this regard would be to create an ongoing and potentially infinite process of sharing and exchanging submissions and comment at the great risk of paralysing and rendering ineffective, administrative bodies and functionaries. Apart from the need for procedural fairness, administrative action must also seek to contribute to efficiency in administration*”. Although the facts were different in the matter before Kollapen J, I find his comments particularly applicable to the present case.

[49] It is notable that the MDB had not, in the final delimitation, accepted or

⁷ MEC, Department of Agriculture, Conservation and Environment v HTF Developers (Pty) Ltd 2008 (2) SA 319 (CC) at para 76.

⁸ Section 4(3) of PAJA prescribes that “If an administrator decides to follow a notice and comment procedure, the administrator must- (a) take appropriate steps to communicate the administrative action to those likely to be affected by it and call for comments from them, (b) consider any comments received [and] decide whether to take the administrative action with or without changes...”.

⁹ (70915/2015) [2015] ZAGPPHC 1090 (6 November 2015).

¹⁰ [2002] 2 All SA 391(T).

incorporated the objections of the Municipality in a wholesale fashion. Some of the objections were indeed followed, some not, while others were only partially accepted, leaving the remainder of the delimitation as in the preceding second draft, which is the draft on which the DA had not commented but apparently approved, even if by its silence.

[50] To find that the above process should have been interrupted in order to give the DA again an opportunity to respond and comment on the Municipality's comments and objections, would have resulted in a potentially "never-ending story", such as the one warned against, albeit in a different context, in *Minister of Education, Western Cape and Another v Beauvallon Secondary School and Others*¹¹. This was also not the procedure contemplated in either the Systems Act or the Demarcation Act. I therefore find that the DA's demands for a different procedure than that adopted by the MDB cannot be sustained and that the process followed by the MDB was not unfair.

The rationality evaluation

[51] The DA formulated its "primary complaint" in this regard as follows in its heads of argument: "... *the final ward delimitation is not shown... to be rationally connected to the statutory criteria, the material before the MDB or the reasons now advanced for the final configuration...*".

[52] The last of the above contentions can be dispensed with fairly shortly and I shall therefore start with it. The DA argued that the record did not disclose the "reasoning and methodology" of the MDB. The DA says the justification for the final delimitation, particularly as to the rationality thereof, was only furnished in the MDB's answering affidavit. Although the DA had not requested reasons before embarking on the review process¹², it correctly pointed out that such a

¹¹ 2015 (2) SA 154 (SCA) at par 25.

¹² As contemplated in PAJA or section 21(6) of the Demarcation Act.

request is not a precondition for rationality.

[53] The DA argued that the MDB's reasons for the final delimitation, must clearly have been influenced by the objections from the Municipality. This appears to be correct. The DA then argued that, without the reasoning which led to the final determination being expressly stated in the record, it cannot be tested. In support of this contention, the DA relied on *Helen Suzman Foundation v Judicial Service Commission*¹³ (*HSF*). Whilst the argument is sound, that it must be discernible from the record what led to a decisionmaker coming to the conclusion it did, the reliance on *HSF* is misplaced. That judgment dealt with the requirement and extent of disclosure of the deliberations of a decision-making body. The court concluded that such deliberations do not automatically form part of a Rule 53 record and that the disclosure issue depends on the applicable statutory prescripts and the facts of each case.

[54] In the context of the present case, I find that the record was sufficient to allow a consideration of the rationality issue, which is an objective test.

[55] Item 4 of Schedule 1 of the Structures Act, lists the criteria that the MDB must, after consultation with the Electoral Commission take into account. These are principally that the number of voters in each ward, may not vary by more than 15% from the norm, where the norm is determined by dividing the total number of registered voters on the municipality's segment of the national common voters roll by the number of wards in the municipality, the need to avoid as far as possible the fragmentation of communities and the availability of a suitable place or places for voting. Regard should also be had to identifiable ward boundaries and the safety and security of voters and election material.

¹³ 2017 (1) SA 367 (SCA).

[56] The MDB contended that it had proper regard to all these factors and stands by its delimitation as being statutorily compliant. The DA relied on Stats SA Dwelling Frame data and GIS analyses (principally put forward in its replying affidavit) and suggests that the MDB should have performed the same verification type of analyses, which may have resulted in different factual conclusions. One should bear in mind that, as pointed out earlier, this contention must be limited to what was placed before the MDB, that is, excluding the opinion belatedly expressed by Mr Firth.

[57] In my view, the MDB is correct when it asserts that the question is not whether “other” configurations, methodologies or factual assessments could have been adopted, but whether the final ward delimitations are objectively rationally connected to the purpose for which the power of delimitation was conferred and the information before the MDB. In this regard, our courts have consistently held the view that a substantial measure of deference is appropriate, especially when dealing with a complex or specialist type of decision-making process¹⁴.

[58] In the present instance, the record contains the initial draft ward delimitations, then it recorded the public participation process, the consideration of the DA’s representations and the adoption of some of the proposals, as contained in the second draft. Thereafter the record demonstrates that the Municipality’s subsequent objections, as contemplated by the Structures Act, were considered by a number of the MDB’s statutory committees, whereafter the Board itself considered the final delimitations and took a resolution on it before it was published. When viewed as a whole, the record demonstrates that an evaluative process had been followed. This is why neither all of the Municipality’s objections were adopted and why neither all of the DA’s earlier

¹⁴ *Logbro Properties CC v Bedderson NO 2003 (2) SA 460 (SCA)*.

proposals were rejected. It therefore reflected an independent evaluation, the result of which is objectively rationally connected to reflect voting wards which were evaluated according the prescribed criteria.

[59] The fact that the record did not contain a detailed narrative or exposition of the MDB's deliberative process whereby every evaluative judgment had been explained or why one submission was preferred over another, does not detract from this fact. I am satisfied that the changes to the second draft which have been described earlier in this judgment and which resulted in the final delimitation, sufficiently indicate that the MDB had struck a reasonable balance between various contentions put before it and has selected reasonable means to satisfy the legislative objective of delimiting voting wards¹⁵. This was and remains the MDB's statutory obligation.

[60] The fact that the DA, based on how it viewed the delimitation criteria, may have come to a different conclusion than the MDB or preferred a different outcome in respect of a couple of hundred voters which could or may have been included in or excised from a specific ward, does not render the decision of the MDB irrational and reviewable.

Conclusion

[61] In the premises. I find that the review should fail, both on the procedural and the rationality challenges.

Costs

[62] In respect of costs, I find the *Bato Star*-principle should apply and that each party should pay its own costs. This includes the Municipality and its manager, who had also participated in this application as the second and third

¹⁵ *Bato Star Fishing (Pty) Ltd v Minister of Environmental Affairs and Tourism and Others* 2004 (4) SA 490 (CC) at paras 48-50.

respondents.

Order

[63] In the premises the following order is made:

1. The application is dismissed.
2. Each party is ordered to pay its own costs.

N DAVIS
Judge of the High Court
Gauteng Division, Pretoria

Date of Hearing: 30 July 2026

Judgment delivered: 31 August 2026

APPEARANCES:

For the Applicant:	Adv N Ferreira together with Adv P Maharaj-Pillay
Attorney for the Applicant:	Minde Schapiro & Smith Attorneys, Pretoria
For the First Respondent:	Adv M Gwala SC together with Adv I Mpofu
Attorney First Respondent:	Ngeno and Mteto Inc., Pretoria

For the Second & Third Respondents: Adv L A Roux

Attorney Second & Third Respondents: Peyper Attorneys, Pretoria