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 (Irejistiwe njengephephandaba eposihhovisi)

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PROVINSIALE KENNISGEWINGS — IZAZISO ZESIFUNDAZWE — PROVINCIAL NOTICES

ONDERSTAANDE kennisgewings word vir algemene inligting gepubliseer.

IZAZISO ezilandelayo zikhishelwe ulwazi lwawonkewonke.

PROFESSOR M. A. MCHUNU
Direkteur-generaal

USOLWAZI M. A. MCHUNU
uMqondisi-Jikelele

Natalia
Langmarkstraat
Pietermaritzburg
16 September 2005

Natalia
Longmarket Street
Pietermaritzburg
16 kuMandulo 2005

THE following notices are published for general information.

PROFESSOR M. A. MCHUNU
Director-General

Natalia
Longmarket Street
Pietermaritzburg
16 September 2005

No. 1756, 2005

16 September 2005

DEPARTEMENT VAN PLAASLIKE REGERING EN TRADISIONELE SAKE

VOORGESTELDE WYSIGINGSKENNISGEWING INGEVOLGE ARTIKEL 16 VAN DIE WET OP PLAASLIKE REGERING:
MUNISIPALE STRUKTURE, 1998: INSTELLING VAN MUNISIPALITEITE

In my hoedanigheid as lid van die KwaZulu-Natal Uitvoerende Raad verantwoordelik vir plaaslike regering en ingevolge artikel 16(3) van die Wet op Plaaslike Regering: Munisipale Strukture, 1998 (Wet No. 117 van 1998), publiseer ek hierby vir algemene inligting 'n kennisgewing waarin wysigings voorgestel word aan Provinsiale Kennisgewing 344, 2000 gepubliseer op 19 September 2000 met die doel om wysigings te beliggaam soos aangedui in die voorstelle vir nuwe munisipale afbakenings gepubliseer kragtens Regeringskennisgewing 1594 van 2005 (Staatskoerant No. 27937 van 19 Augustus 2005) en in die bylae hierby uiteengesit.

Gegee onder my hand te Pietermaritzburg op hierdie 14de dag van September, Tweeduisend-en-vyf.

M. MABUYAKHULU, LPW
LID VAN DIE KWAZULU-NATAL UITVOERENDE RAAD
VERANTWOORDELIK VIR PLAASLIKE REGERING

ALGEMENE VERKLARENDE AANTEKENINGE:

- [] Woorde in vet druk tussen vierkantige hake dui skappings uit bestaande verordeninge aan.
 _____ Onderstreepte woorde dui invoegings in bestaande verordeninge aan.

BYLAE

Provinsiale Kennisgewing No. 344, 2000 gepubliseer op 19 September 2000 word hierby soos volg gewysig:

1. Klousule 11 van Deel 1, Hoofstuk 1 – Algemene Bepalings, word gewysig deur die skapping van subklousule (d).
2. Klousule 6 van Deel 2 word hierby soos volg gewysig:

“RAADSLEDE

6.(1) Die raad van die distriksmunisipaliteit bestaan uit [20] 26 raadslede soos bepaal in Munisipale Kennisgewing No. 143 van 13 Julie 2000 soos reggestel deur Munisipale Kennisgewing No. 175 van 22 Augustus 2000, van wie —

- (a) [8] 10 proporsioneel verkose raadslede moet wees,
- (b) 3 deur die plaaslike munisipaliteit genoem in Deel 3 van hierdie Bylae aangestel moet word,
- (c) 1 deur die plaaslike munisipaliteit genoem in Deel 4 van hierdie bylae aangestel moet word,
- [(d) 1 deur die plaaslike munisipaliteit genoem in Deel 5 van hierdie Bylae aangestel moet word,]**
- (e) 2 deur die plaaslike munisipaliteit genoem in Deel 6 van hierdie Bylae aangestel moet word,
- (f) [4] 3 deur die plaaslike munisipaliteit genoem in Deel 7 van hierdie Bylae aangestel moet word,
- (g) 1 moet 'n proporsioneel verkose raadslid wees om die kiesers te verteenwoordig in die distriks- munisipale gebied vermeld in para-graaf 1(2), en
- (h) 6 moet deur die plaaslike munisipaliteit genoem in Deel 8 van die Bylae aangestel word.”**

3. Deel 5 word hierby gewysig deur die skapping van klousule 1 tot 9.

4. Die volgende Deel 8 word hierby ingevoeg na klousule 9 van Deel 7.

“DEEL 8**INSTELLING VAN PLAASLIKE MUNISIPALITEIT**

1. Vir daardie gedeelte van die distriks- munisipale gebied wat in die afbakeningskennisgewing as KZ 5a6 bepaal is, word 'n plaaslike munisipaliteit hierby ingestel.

KATEGORIE

2. Die plaaslike munisipaliteit is 'n Kategorie B munisipaliteit soos deur die Afbakeningsraad ingevolge artikel 4 van die Wet bepaal.

SOORT

3. Die soort van die plaaslike munisipaliteit is die van 'n gesamentlike uitvoerende stelsel gekombineer met 'n wyk deelnemende stelsel soos beskryf in die KwaZulu-Natal Wet op die Bepaling van Soorte Munisipaliteite, 2000.

GRENSE

4. Die grense van die plaaslike munisipaliteit is soos bepaal in die afbakeningskennisgewing vir KZ 5a6.

NAAM

5. Die naam of voorlopige benaming van die plaaslike munisipaliteit is Umzimkulu Munisipaliteit.

RAADSLEDE

6.(1) Die raad van die plaaslike munisipaliteit bestaan uit 18 proporsioneel verkose raadslede en 18 wykraadslede(2) Die plaaslike munisipaliteit het die volgende voltydse raadslede:

(a) Burgemeester:

(b) Speaker:

(c) Voorsitter van die Plaaslike Ekonomiese Ontwikkelingskomitee:

(d) Voorsitter van die Gemeenskapsdienskomitee: en

(e) Raadslid sonder Portefeulje.

WYKE

7. Die plaaslike munisipaliteit het 18 wyke met grense soos bepaal in die afbakeningskennisgewing.

SETEL VAN MUNISIPALITEIT

8. Die setel van die nuwe munisipaliteit is die Umzimkulu Munisipale Kantore, tot andersins bepaal ingevolge artikel 29(1) van die Wet.”

5. Deel 1 van die Aanhangsel word hierby soos volg gewysig:

“DC43, KZ5a1, KZ5a2, **[KZ5a3]**, KZ5a4, KZ5a5, **KZ5a6** AND KZDMA43

1. MK 24 van 10 Maart 2000 (*Provinsiale Koerant* No. 5415)

2. MK 147 van 18 Julie 2000 (*Provinsiale Koerant* No. 5535)

3. MK 158 van 21 Julie 2000 (*Provinsiale Koerant* No. 5537)

4. MK 159 van 21 Julie 2000 (*Provinsiale Koerant* No. 5538)

5. MK 160 van 21 Julie 2000 (*Provinsiale Koerant* No. 5539)

6. MK 183 van 23 Augustus 2000 (*Provinsiale Koerant* No. 5552)

7. Kennisgewing 1594 van 19 Augustus 2005 (Staatskoerant No. 27937)”

6. Deel 3 van die Aanhangsel word hierby soos volg gewysig:

“VERDELING VAN MUNISIPALE FUNKSIES EN BEVOEGDHEDE INGEVOLGE ARTIKEL 85(1)

Munisipaliteit no.	Naam van Munisipaliteit	Die distriksmunisipaliteit verrig die volgende funksies wat in die Grondwet omskryf word in die plaaslike gebiede, en die plaaslike munisipaliteite verrig die volgende distriksfunksies wat in die Wet op Plaaslike Regering: Munisipale Strukture, 1998 (Wet No. 117 van 1998) omskryf word in hulle onderskeie plaaslike gebiede:
DC43	Sisonke Distriksmunisipaliteit	Geen plaaslike funksies aan die distrik toegewys om namens die plaaslike munisipaliteite te verrig nie
KZ5a1	Ingwe Munisipaliteit	Geen distriksfunksies aan die plaaslike munisipaliteit toegewys om in sy plaaslike gebied te verrig nie
KZ5a2	KwaSani Municipality	Geen distriksfunksies aan die plaaslike munisipaliteit toegewys om in sy plaaslike gebied te verrig nie
[KZ5a3]	[Matatiele Munisipaliteit]	[Geen distriksfunksies aan die plaaslike munisipaliteit toegewys om in sy plaaslike gebied te verrig nie]
KZ5a4	Greater Kokstad Munisipaliteit	Geen distriksfunksies aan die plaaslike munisipaliteit toegewys om in sy plaaslike gebied te verrig nie

KZ5a5	uBuhlebezwe Munisipaliteit	Geen distriksfunksies aan die plaaslike munisipaliteit toegewys om in sy plaaslike gebied te verrig nie
KZ5a6	uMzimkulu Munisipaliteit	Geen distriksfunksies aan die plaaslike munisipaliteit toegewys om in sy plaaslike gebied te verrig nie

No. 1756, 2005

16 kuMandulo 2005

UMNYANGO WOHULUMENI BASEKHAYA NEZENDABUKO

UKUCHITSHIYELWA OKUHLONGOZWAYO KWESAZISO NGOKWESIGABA 16 SOMTHETHO WEZINHLAKA ZOMASIPALA WOHULUMENI BASEKHAYA, 1998: UKUSUNGULWA KOMASIPALA

MINA, esikhundleni sami, njengelungu loMkhandlu oPhethe waKwaZulu-Natali elibhekele ohulumeni basekhaya nangokwesigaba 16(3) soMthetho weziNhlaka zoMasipala woHulumeni baseKhaya, 1998 (uMthetho No. 117 ka 1998), ngishicilelela ulwazi lwawonkewonke iSaziso esihlongoza ukuchitshiyelwa kweSaziso seziFundazwe 344, 2000 esashicilelwa ngomhlaka 19 kuMandulo 2000, kuhlangukaniwe izichibiyelo njengoba kukhonjiswe emingceleni yomasipala emisha ehlongozwayo eshicilelwe ngaphansi kweSaziso sikaHulumeni 1594 sika 2005 (*iGazethi kaHulumeni No. 27937 yangomhlaka 19 kuMbaso 2005*) njengoba kubekiwe oHlelweni olungezansi.

Sinikezwe ngaphansi kwesandla sami eMgungundlovu, ngalolu suku lwe-14 kuMandulo oNyakeni weziNkulungwane eziMbili naNhlanu.

M. MABUYAKHULU

ILUNGU LOMKHANDLU OPHETHE ELIBHEKELE OHULUMENI BASEKHAYA

INCAZELO

[] Amagama akubakaki ababhalwe ngokugqamile akhombisa okukhishiwe kulo mthetho

_____ Amagama adwetshelwe ngomugqa oqinile akhombisa okufakiwe kulo mthetho

UHLELO

Isaziso sesiFundazwe No. 344, 2000 esashicilelwa ngomhlaka 19 kuMandulo 2000 siyachitshiyelwa kanje:

1. Umshwana 11 weNgxenywe 1, iSahluko 1 – Izinhlizozo ezijwayelekile, siyachitshiyelwa ngokukhipha umshwanyana (d).
2. Umshwana 6 weNgxenywe 2 uchitshiyelwa kanje:

“AMAKHANSELA

6.(1) UMkhandlu kamasipala wesifunda unamakhansela [angama-20] angama-26 njengoba kwiSaziso sikaMasipala No. 143 sangomhlaka 13 kuNtulikazi 2000 njengoba silungiswe yiSaziso sikaMasipala No. 175 sangomhlaka 22 kuNcwaba 2000, —

- (a) [ayi - 8] ayi-10 awo kumele kube ngamakhansela aqokwe ngokulinganiselana,
 - (b) amathathu awo okumele aqokwe ngumasipala wasekhaya obalulwe kwiNgxenywe 3 yalolu Hlelo,
 - (c) elilodwa lawo okumele aqokwe ngumasipala wasekhaya obalulwe kwiNgxenywe 4 yalolu Hlelo,
 - [(d) elilodwa lawo okumele liqokwe ngumasipala wasekhaya kwiNgxenywe 5 yalolu Hlelo,]
 - (e) amabili awo okumele aqokwe ngumasipala wasekhaya obalulwe kwiNgxenywe 6 yoHlelo,
 - (f) [a-4] a-3 awo kumele aqokwe ngumasipala wasekhaya obalulwe yiNgxenywe 7 yalolu Hlelo,
 - (g) elilodwa lawo okumele libe yikhansela eliqokwe ngokulinganiselana elizomela abavoti endaweni ephethe isifunda ebalulwe endimeni 1(2), kanye
 - (h) nayisi-6 awo okumele aqokwe ngumasipala wasekhaya obalulwe kwiNgxenywe 8 yoHlelo.
3. Ingxenywe 3 iyashicilelwa ngokukhipha imishwana 1 kuya kweyesi-9.
 4. Ingxenywe 8 elandelayo ifakwa emva komshwana 9 weNgxenywe 7.

“INGXENYE 8

UKUSUNGULWA KUKAMASIPALA WASEKHAYA

1. Kuleyo ngxenywe yendawo kamasipala wesifunda enqunye esazisweni sokuklanywa kwemingcele njengo-KZ 5a6, kusungulwa umasipala wasekhaya.

ISIGABA

2. Umasipala wasekhaya ungumasipala ongaphansi kwesiGaba B njengoba kunqume iBhodi yokuKlanywa kwemiNgecele ngokwesigaba 4 soMthetho.

UHLOBO

3. Uhlobo lukamasipala wasekhaya yilolo lohlelo lokuphatha ngokuhlangukaniwe oluhlangukaniwe nohlelo lokusebenzisana namawadi njengoba kuchazwe eMthethweni wokuNqunye kweziNhlobo zoMasipala waKwaZulu-Natali, 2000.

IMINGCELE

4. Imingcele kamasipala wasekhaya injengoba inqunye esazisweni sokuklanywa kwemingcele se-KZ 5a6.

IGAMA

5. Igama noma isikhundla sesikhashana sikamasipala wasekhaya uMasipala waseMzimkhulu.

AMAKHANSELA

6.(1) Umkhandlu kamasipala wasekhaya uqukethe amakhansela aqokwe ngokulinganiselana ayi-18 kanye namakhansela amawadi ayi-18.

(2) Umasipala wasekhaya unamakhansela alandelayo asebenza ngokugcwele:

(a) uSodolobha;

(b) uSomlomo;

(c) uSihlalo weKomidi lokuThuthukiswa koMnotho waseKhaya;

(d) iKhansela elingenasikhundla.

AMAWADI

7. Umasipala wasekhaya unamawadi ayi-18 anemingcele njengoba kunqunywe esazisweni sokuklanywa kwemingcele.

IKOMKHULU LIKAMASIPALA

8. Ikomkhulu likamasipala omusha lizoba semaHhovisi kaMasipala waseMzimkhulu, ngaphandle uma kunqunywe ngenye indlela ngokwesigaba 29(1) soMthetho."

5. Ingxenye 1 yesiThasiselo ichtshiyelwa kanje:

"DC43, KZ5a1, KZ5a2, [KZ5a3], KZ5a4, KZ5a5, KZ5a6 KANYE no KZDMA43

ISaziso sikaMasipala sangomhlaka 10 kuNdasa 2000 (*iGazethi yesiFundazwe No. 5415*)

ISaziso sikaMasipala sangomhlaka 18 kuNtulikazi 2000 (*iGazethi yesiFundazwe No. 5535*)

ISaziso sikaMasipala sangomhlaka 21 kuNtulikazi 2000 (*iGazethi yesiFundazwe No. 5537*)

ISaziso sikaMasipala sangomhlaka 21 kuNtulikazi 2000 (*iGazethi yesiFundazwe No.5538*)

ISaziso sikaMasipala sangomhlaka 21 kuNtulikazi 2000 (*iGazethi yesiFundazwe No. 5539*)

ISaziso sikaMasipala sangomhlaka 23 kuNcwaba 2000 (*iGazethi yesiFundazwe No. 5552*)

ISaziso 1594 sangomhlaka 19 kuNcwaba 2005 (*iGazethi kaHulumeni No. 27937*)"

6. Ingxenye 3 yesiThasiselo ichtshiyelwa kanje:

"UKWAHLUKANISWA KWEMISEBENZI KAMASIPALA KANYE NAMANDLA NGOKWESIGABA 85(1)

Inombolo kaMasipala	Igama likaMasipala	Umasipala wesifunda wenza imisebenzi yendawo echazwe kuMthethosisekelo ezindaweni zasekhaya kanye nomasipala basekhaya benza imisebenzi elandelayo yesifunda echazwe eMthethweni weziNhlaka zoMasipala woHulumeni baseKhaya, 1998 (uMthetho No. 117 ka 1998) ezindaweni zawo:
DC43	uMasipala wesiFunda waseSisonke	Ayikho imisebenzi yendawo eyabelwe isifunda ukuthi iyenze ngokumela omasipala basekhaya endaweni yawo
KZ5a1	uMasipala iNgwe	Ayikho imisebenzi yesifunda eyabelwe umasipala wasekhaya ukuthi uyenze endaweni yawo
KZ5a2	uMasipala waKwaSani	Ayikho imisebenzi yesifunda eyabelwe umasipala wasekhaya ukuthi uyenze endaweni yawo
[KZ5a3]	[uMasipala waseMatatiele]	[Ayikho imisebenzi yesifunda eyabelwe umasipala wasekhaya ukuthi uyenze endaweni yawo]
KZ5a4	uMasipala wase-Greater Kokstad	Ayikho imisebenzi yesifunda eyabelwe umasipala wasekhaya ukuthi uyenze endaweni yawo
KZ5a5	uMasipala uBuhlebezwe	Ayikho imisebenzi yesifunda eyabelwe umasipala wasekhaya ukuthi uyenze endaweni yawo
KZ5a6	uMasipala waseMzimkhulu	Ayikho imisebenzi yesifunda eyabelwe umasipala wasekhaya ukuthi iyenze endaweni yawo.

DEPARTMENT OF LOCAL GOVERNMENT AND TRADITIONAL AFFAIRS

PROPOSED AMENDMENT NOTICE IN TERMS OF SECTION 16 OF THE LOCAL GOVERNMENT: MUNICIPAL STRUCTURES ACT, 1998: ESTABLISHMENT OF MUNICIPALITIES

I, in my capacity as member of the KwaZulu-Natal Executive Council, responsible for local government, and in terms of section 16(3) of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998), hereby publish for general information a Notice proposing amendments to Provincial Notice 344, 2000 published on 19 September 2000, to incorporate amendments as reflected in the proposals for new municipal demarcations published under Government Notice 1594 of 2005 (Government Gazette No. 27937 of 19 August 2005) and as set out in the Schedule hereto.

Given under my hand at Pietermaritzburg, this 14th day of September, Two Thousand and Five.

M. MABUYAKHULU, MPL
MEMBER OF THE KWAZULU-NATAL EXECUTIVE COUNCIL
RESPONSIBLE FOR LOCAL GOVERNMENT

GENERAL EXPLANATORY NOTE:

[] Words in bold type in square brackets indicate omissions from existing enactments

_____ Words underlined with a solid line indicate insertions in existing enactments

SCHEDULE

Provincial Notice No. 344, 2000 published on 19 September 2000 is hereby amended as follows:

1. Clause 11 of Part 1, Chapter 1-General Provisions, is hereby amended by the deletion of sub-clause (d).
2. Clause 6 of Part 2 is hereby amended as follows:

“COUNCILLORS

6.(1) The council of the district municipality consists of ~~[20]~~26 councillors as determined in Municipal Notice No. 143 dated 13 July 2000 as corrected by Municipal Notice No. 175 dated 22 August 2000, of whom —

- (a) ~~[8]~~ 10 must be proportionally elected councillors,
- (b) 3 must be appointed by the local municipality mentioned in Part 3 of this Schedule,
- (c) 1 must be appointed by the local municipality mentioned in Part 4 of this Schedule,
- [(d) 1 must be appointed by the local municipality mentioned in Part 5 of this Schedule,]**
- (e) 2 must be appointed by the local municipality mentioned in Part 6 of this Schedule,
- (f) ~~[4]~~ 3 must be appointed by the local municipality mentioned in Part 7 of this Schedule,
- (g) 1 must be a proportionally elected councillor to represent voters in the district management area mentioned in paragraph 1(2), and
- (h) 6 must be appointed by the local municipality mentioned in Part 8 of the Schedule.”

3. Part 5 is hereby amended by the deletion of clauses 1 to 9.

4. The following Part 8 is hereby inserted after clause 9 of Part 7.

“PART 8**ESTABLISHMENT OF LOCAL MUNICIPALITY**

1. For that part of the district municipal area determined in the demarcation notice as KZ 5a6, a local municipality is hereby established.

CATEGORY

2. The local municipality is a Category B municipality as determined by the Demarcation Board in terms of section 4 of the Act.

TYPE

3. The type of local municipality is that of a collective executive system combined with a ward participatory system as described in the KwaZulu-Natal Determination of Types of Municipality Act, 2000.

BOUNDARIES

4. The boundaries of the local municipality are as determined in the demarcation notice for KZ 5a6.

NAME

5. The name or provisional designation of the local municipality is Umzimkulu Municipality.

COUNCILLORS

6.(1) The council of the local municipality consists of 18 proportionally elected councillors and 18 ward councillors

(2) The Local Municipality has the following full-time Councillors:

(a) Mayor:

(b) Speaker;

(c) Chairperson of the Local Economic Development Committee;

(d) Chairperson of the Community Services Committee; and

(e) Councillor without Portfolio.

WARDS

7. The local municipality has 18 wards with boundaries as determined in the demarcation notice.

SEAT OF MUNICIPALITY

8. The seat of the new municipality will be the Umzimkulu Municipal Offices, until otherwise determined in terms of section 29(1) of the Act."

5. Part 1 of the Annexure is hereby amended as follows:

"DC43, KZ5a1, KZ5a2, [KZ5a3], KZ5a4, KZ5a5, KZ5a6 AND KZDMA43

1. MN 24 dated 10 March 2000 (Provincial Gazette No. 5415)

2. MN 147 dated 18 July 2000 (Provincial Gazette No. 5535)

3. MN 158 dated 21 July 2000 (Provincial Gazette No. 5537)

4. MN 159 dated 21 July 2000 (Provincial Gazette No. 5538)

5. MN 160 dated 21 July 2000 (Provincial Gazette No. 5539)

6. MN 183 dated 23 August 2000 (Provincial Gazette No. 5552)

7. Notice 1594 dated 19 August 2005 (Government Gazette No. 27937)"

6. Part 3 of the Annexure is hereby amended as follows:

"DIVISION OF MUNICIPAL FUNCTIONS AND POWERS IN TERMS OF SECTION 85(1)

Municipality No.	Name of Municipality	The district municipality performs the following local functions defined in the Constitution in the local areas, and the local municipalities perform the following district functions defined in the Local Government Municipal Structures Act, 1998 (Act 117 of 1998) in their respective local areas:
DC43	Sisonke District Municipality	No local functions allocated to the district to perform on behalf of the local municipalities in the local area
KZ5a1	Ingwe Municipality	No district functions allocated to the local municipality to perform in its local area
KZ5a2	Kwa Sani Municipality	No district functions allocated to the local municipality to perform in its local area
[KZ5a3]	[Matatiele Municipality]	[No district functions allocated to the local municipality to perform in its local area]
KZ5a4	Greater Kokstad Municipality	No district functions allocated to the local municipality to perform in its local area
KZ5a5	Ubuhlebezwe Municipality	No district functions allocated to the local municipality to perform in its local area. KZ5a6 Umzimkulu Municipality No district functions allocated to the local municipality to perform in its local area."