

Provincial Gazette Extraordinary

Buitengewone Provinsiale Koerant

6828

6828

Thursday, 9 December 2010

Donderdag, 9 Desember 2010

Registered at the Post Office as a Newspaper

As 'n Nuusblad by die Poskantoor Geregistreer

CONTENTS

INHOUD

(*Reprints are obtainable at Room M21, Provincial Legislature Building, 7 Wale Street, Cape Town 8001.)

(*Herdrukke is verkrygbaar by Kamer M21, Provinsiale Wetgewing-gebou, Waalstraat 7, Kaapstad 8001.)

Provincial Notice

Local Government: Municipal Structures Act, 1998 (Act 117 of 1998), as amended: Amendment of the existing Establishment Notices for Category B en C municipalities in the Province.

No.		Page
465	Overberg District Municipality (DC3) Fifth Establishment Amendment Notice	2
466	Theewaterskloof Municipality (WCO31) Fifth Amendment Notice to the Establishment Notice	10
467	Overstrand Municipality (WCO32) Fifth Amendment Notice to the Establishment Notice	12
468	Cape Agulhas Municipality (WCO33) Fifth Amendment Notice to the Establishment Notice	14
469	Swellendam Municipality (WCO34) Fifth Amendment Notice to the Establishment Notice	16

Any person or organisation wishing to comment on the said draft Section 16 Notice is requested to lodge such comment in writing before or on 28 January 2011:

- (a) by posting it to:
The Director:
Department of Local Government
Directorate Municipal Governance
PO Box X9076
CAPE TOWN 8000
Attention: Mr K Makan
- (b) by delivering it to:
Room 504 Fifth Floor
27 Wale Street CAPE TOWN
- (c) by faxing it to:
Fax No. (021) 483-4058
- (d) by e-mailing it to:
kmakan@pgwc.gov.za

Provinsiale Kennisgewing

Wet op Plaaslike Regering: Munisipale Strukture, 1998 (Wet 117 van 1998), soos gewysig: Konsep Wysigingskennisgewings van die bestaande Instellingskennisgewings vir Kategorie B en C munisipaliteite in die Provinsie.

No.		Bladsy
465	Vyfde Wysigingskennisgewing van die Overberg Distriksmunisipaliteit (DC3) Instellingskennisgewing	6
466	Vyfde Wysigingskennisgewing van die Munisipaliteit Theewaterskloof (WCO31) se Instellingskennisgewing	11
467	Vyfde Wysigingskennisgewing van die Munisipaliteit Overstrand (WCO32) se Instellingskennisgewing	13
468	Vyfde Wysigingskennisgewing van die Munisipaliteit Kaap Agulhas (WCO33) se Instellingskennisgewing	15
469	Vyfde Wysigingskennisgewing van die Munisipaliteit Swellendam (WCO34) se Instellingskennisgewing	17

Enige persoon of organisasie wat kommentaar oor die genoemde konsep Artikel 16-Kennisgewing wens te lewer, word versoek om sodanige kommentaar skriftelik te lewer voor of op 28 Januarie 2011:

- (a) deur dit te pos aan:
Die Direkteur:
Departement van Plaaslike Regering
Direktoraat Munisipale Regering
Posbus X9076
KAAPSTAD 8000
Aandag: Mnr K Makan
- (b) deur dit in te handig by:
Kamer 504 Vyfde Vloer
Waalstraat 27 KAAPSTAD
- (c) deur dit te faks na:
Faks No. (021) 483-4058
- (d) deur dit te e-pos na:
kmakan@pgwc.gov.za



PROVINCIAL NOTES

The following Provincial Notices are published for general information.

ADV. B. GERBER,
ACTING DIRECTOR-GENERAL

Provincial Building,
Wale Street
Cape Town.

PROVINSIALE KENNISGEWINGS

Die volgende Provinsiale Kennisgewings word vir algemene inligting gepubliseer.

ADV. B. GERBER,
WNDE DIREKTEUR-GENERAAL

Provinsiale-gebou,
Waalstraat
Kaapstad.

PN. 465/2010

9 December 2010

LOCAL GOVERNMENT: MUNICIPAL STRUCTURES ACT, 1998**(ACT 117 OF 1998)****THE OVERBERG DISTRICT MUNICIPALITY (DC3) ESTABLISHMENT FIFTH AMENDMENT NOTICE**

By virtue of the powers vested in me by section 16, read with sections 6(3)(b)(ii), 12, 14 and 17 of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998), as amended, I hereby give notice of the fifth amendment of the Overberg District Municipality (DC3) Establishment Notice, Provincial Notice 492 published in the Provincial Gazette Extraordinary No. 5591 dated 22 September 2000 (the Principal Notice), as amended by Provincial Notice 678 published in the Provincial Gazette Extraordinary No. 5643 dated 4 December 2000, Provincial Notice 459 published in the Provincial Gazette Extraordinary No. 5969 dated 19 December 2002, Provincial Notice 187 published in the Provincial Gazette Extraordinary No. 6021 dated 28 May 2003, Provincial Notice 157 published in the Provincial Gazette No. 6257 dated 29 April 2005, Provincial Notice 14 published in Provincial Gazette Extraordinary No. 6334 dated 3 January 2006 and Provincial Notice 120 published in the Provincial Gazette No. 6511 dated 28 March 2008, on the terms set out in the Schedule hereto.

Dated this day of 2010.

**AW BREDELL, PROVINCIAL MINISTER OF LOCAL GOVERNMENT,
ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING**

SCHEDULE**Amendment of principal Notice****1. Section 2 of the principal Notice is amended by the substitution for subsections (1) and (2) of the following subsections:—**

“2.(1) On 3 March 2000 the Municipal Demarcation Board, acting in terms of section 21 of the Municipal Demarcation Act, determined the boundaries of the Municipality, as reflected in the map appearing in Provincial Notice 69/2000 published in Provincial Gazette Extraordinary No. 5431 of 3 March 2000 (a copy of the map is republished in Annexure “1” to this Schedule) and amended by Provincial Notice 165/2000 published in Provincial Gazette Extraordinary No. 5469 of 5 May 2000, Provincial Notice 364/2003 published in Provincial Gazette Extraordinary No.6081 of 5 November 2003 read with Provincial Notice 146/2004 published in Provincial Gazette No. 6153 of 30 July 2004 and Provincial Notice 163/2008 published in Provincial Gazette 6518 of 29 April 2008 read with Provincial Notice 263/2008 published in Provincial Gazette 6547 of 25 July 2008.

(2) The District Management Area (WCDMA3) as declared on 10 March 2000 in terms of section 6 of the Municipal Structures Act, and declared in map no. 4 published in Government Gazette No. 21617 of 29 September 2000 (A copy of the map is republished in Annexure “2A” to this Schedule), is withdrawn by General Notice 1022/2008 published in Government Gazette 31353 dated 19 August 2008 read with Provincial Notice 163/2008 published in Provincial Gazette Extraordinary 6518 dated 29 April 2008 and Provincial Notice 263/2008 published in Provincial Gazette 6547 dated 25 July 2008 to include the area of the former WCDMA3 together with a portion of WCDMA2 into the following superseding municipalities and will take effect from the date of the next general election of municipal Councils. (See Annexure 3 to this Schedule for all transitional measures to facilitate the disestablishment of the DMA’s).

Superseding municipalities within the Overberg District Municipality of WCDMA2 and WCDMA3:

Cape Agulhas Municipality (WCO33) (Map number DC3 WCO33)

Swellendam Municipality (WCO34) (Map number DC3 WCO34).”

2. Section 8 is amended by the substitution of the following section:

“8. The Municipal Council of the District Municipality has 21 (twenty-one) councillors, as determined by the Provincial Minister in Provincial Notice 164/2000 published in Provincial Gazette Extraordinary No. 5468 of 4 May 2000 and amended by Provincial Notice 261/2009 published in Provincial Gazette Extraordinary No. 6646 dated 31 July 2009, of which:—

(a) 9 (nine) proportionally represent the parties contesting the election in the District Municipality in terms of section 23(1)(a) of the Municipal Structures Act;

(b) 12 (twelve) directly represent the Local Municipalities in terms of section 23(1)(b) of the Municipal Structures Act, of which:—

(i) 5 (five) directly represent the Theewaterskloof Municipality (WCO31);

(ii) 4 (four) directly represent the Overstrand Municipality (WCO32);

(iii) 2 (two) directly represent the Cape Agulhas Municipality (WCO33), and

(iv) 1 (one) directly represent the Swellendam Municipality (WCO34).”

3. The following Annexure is inserted in the principle Notice after Annexure 2A:

“ANNEXURE 3

Transitional measures to facilitate the disestablishment of the District Management Areas (WCDMA2 and WCDMA3)

Definitions

1. In this Annexure, unless inconsistent with the context_

“**DMA**” means the District Management Areas set out in section 2(2) of this Schedule;

“**effective date**” means the date of the next general election of municipal councils;

“**local municipal function**” means a function referred to in section 84(2) of the Municipal Structures Act and section 16C(a) of the principal Notice, and

“**superseding local municipality**” means a local municipality whose boundaries have been redetermined by the Demarcation Board to include a DMA or portion of a DMA in terms of Provincial Notice 163/2008 published in Provincial Gazette No. 6518 dated 29 April 2008, read with Provincial Notice 263/2008 published in Provincial Gazette No. 6547 of 25 July 2008.

Transitional measures

- (2)(1) Subject to section 14, read with section 16, of the Municipal Structures Act, the transitional measures and principles set out in this item apply from the effective date.
- (2) The following principles determine the transfer of staff from the District Municipality to the superseding local municipalities in respect of the DMA:
- (a) Due to the fact that the District Municipality performed all the municipal functions in the DMA, it is necessary to ensure the transfer of the necessary staff and assets of the District Municipality associated with the performance of local municipal functions in the DMA to the superseding local municipalities to ensure that the superseding local municipalities are able to perform those functions in respect of the portion of the DMA included within their respective municipal areas.
 - (b) The District Municipality and the superseding local municipalities must engage in a consultative process with each other and their staff members to determine which staff is to be transferred from the District Municipality to the superseding municipalities to enable the superseding local municipalities to fulfill the local municipal functions in respect of the DMA. A written agreement must be entered into between the District Municipality and the superseding local municipalities setting out the agreement in respect of the transfer and allocation of staff.
 - (c) The following guidelines may be followed in reaching an agreement in respect of the transfer and allocation of staff:
 - (i) all staff of the District Municipality associated exclusively with functions which, from the effective date, are to be carried out by a superseding local municipality may be transferred to that superseding local municipality;
 - (ii) a staff member of the District Municipality associated with functions which, from the effective date, are to be performed by the District Municipality and/or one or more superseding local municipality may be transferred, or may remain in the service of the District Municipality, according to the function taking up the largest portion of that staff member’s time;
 - (iii) the largest portion of the time spent by a staff member in performing a function of a municipality may be considered to be the determining factor in the municipalities reaching an agreement pertaining to the transfer of that staff member from the District Municipality to any of the superseding local municipalities; and
 - (iv) the municipalities concerned may determine the extent of a staff member’s time towards either the District Municipality or a superseding local municipality’s respective functions by agreement.
 - (d) When a staff member is transferred to a superseding local municipality, all rights and obligations between the District Municipality and that staff member at the time of the transfer continue in force as if they were rights and obligations between the superseding local municipality and the staff member. This provision is subject to any applicable collective agreement.
 - (e) A transfer does not interrupt an employee’s continuity of employment and it continues with the superseding local municipality as if with the District Municipality.
 - (f) An employee that is transferred to a superseding local municipality may be required to report to any of the offices of that municipality and, unless otherwise agreed, is not entitled to any additional remuneration as a result thereof.
 - (g) The human resource policies and procedures of the respective superseding local municipality is the human resource policies and procedures applicable to the respective employees transferred and take force from the effective date or, if an employee is transferred with effect from a later date than the effective date, from that later date.
 - (h) In the application of this item, all the rights of employees and employers as provided in terms of the Labour Relations Act, 1995 (Act 66 of 1995), the Basic Conditions of Employment Act, 1997 (Act 75 of 1997), and any other applicable employment legislation must be adhered to.
- (3) The following principles determine the transfer of assets and liabilities from the District Municipality to the superseding local municipalities in respect of the DMA:
- (a) The transfer and/or distribution between the District Municipality and the superseding local municipalities of financial, movable and immovable assets of the District Municipality associated with a municipal function which from the effective date is to be carried out either by the superseding local municipalities or District Municipality within or in respect of the DMA, must be vested in the municipality carrying out the particular function and by having regard to the nature of and the purpose served by the assets concerned. The transfer and/or distribution must be determined by way of a written agreement between the District Municipality and the respective superseding local municipalities.
 - (b) In the interest of financial stability, from the effective date, any budgets attached to a function to be carried out by a superseding local municipality within or in respect of the DMA must be available to that superseding local municipality irrespective whether the provision was budgeted for by the District Municipality, unless otherwise agreed by the District Municipality and the superseding local municipality in the written agreement contemplated in subitem (a).

- (c) With commencement of the effective date each superseding local municipality must in respect of the portion of the DMA included in its municipal area, consider the adoption of financial management plans and policies that deal with:-
- (i) measures, including inter-municipal budgetary transfers, to ensure revenue stability;
 - (ii) medium term expenditure;
 - (iii) equalisation of tariff structures;
 - (iv) the review of the general valuation roll and the introduction of equitable property taxes;
 - (v) the introduction of a consolidated billing system;
 - (vi) the consolidation of financial accounting systems and budgetary systems;
 - (vii) credit control, and
 - (viii) procurement.
- (d) All liabilities of the District Municipality associated with a function which from the effective date are to be carried out within or in respect of the DMA by the District Municipality or one or more of the superseding local municipalities, shall vest in the municipality where the function lies, taking into account the nature of and the purpose of the liability. A written agreement must be entered into between the District Municipality and the superseding local municipality concerned, setting out the nature of the liabilities.
- (e) All records required by the superseding local municipalities to perform the local municipal functions within or in respect of the DMA must be supplied by the District Municipality to the respective superseding local municipalities within 90 days from the effective date.
- (f) Written agreements may be entered into between the District Municipality and the superseding local municipalities pertaining to functional operations within the DMA.
- (4) The following principles determine legal succession in respect of the DMA:
- (a) Notwithstanding anything to the contrary contained in any municipal service delivery agreement entered into by the District Municipality associated with a function which from the effective date is to be carried out by the District Municipality and/or one or more of the superseding local municipalities within the DMA, the arrangements regarding staff, assets and liabilities associated with that function must be agreed to in accordance with this Annexure. The District Municipality and the respective superseding local municipalities must by written agreement determine which municipality is the successor in law of the District Municipality in respect of the service delivery agreement. The successor in law is responsible for the administration of the agreement or any interim agreement that may be reached to ensure continued service delivery.
 - (b) From the effective date:-
 - (i) subject to subitem (a), the superseding local municipalities are the successors in law of the District Municipality in respect of matters associated with local municipal functions to be carried out by the superseding local municipalities within or in respect of the portion of the DMA included within their respective areas;
 - (ii) all rates, revenue and other money payable to or recoverable immediately before the effective date by the District Municipality in respect of the DMA are payable to and recoverable by the respective superseding local municipality in respect of the portion of the DMA included within their respective areas;
 - (iii) any valuation rolls in force or arising from the introduction of interim or additional valuations within the DMA remain of force until the review by the superseding municipality concerned of the general valuation roll applicable to that portion of the DMA included in its area.
- (5) The following transitional measures apply in relation to by-laws and resolutions:
- (a) Any by-law promulgated by a superseding municipality will be in force in the respective DMA's from the effective date.
 - (b) Subject to the provisions of this Annexure, any:
 - (i) resolution taken;
 - (ii) notice, certificate or other document issued;
 - (iii) direction, approval, consent or authority given;
 - (iv) exemption, license, or permit granted or issued;
 - (v) appointment made;
 - (vi) employee nominated;
 - (vii) agreement or contract entered into;
 - (viii) delegation of powers granted to an employee;
 - (ix) rates, tariffs or charges levied or imposed;
 - (x) reservation of land made;
 - (xi) indigent provisions; and
 - (xii) other action taken or thing done,
 by the District Municipality in respect of the DMA and in force immediately before the effective date is deemed to have been taken, issued, given, made, nominated, entered into, granted, levied, imposed or done by the respective superseding local municipalities, and continue to apply in the DMA pending its review and rationalisation in terms of section 15 of the Municipal Structures Act.
 - (c) Any staff member who, on the effective date, exercises a power or performs a duty or function in respect of the DMA by virtue of the office held by him or her or by virtue of a delegation of power conferred upon him or her by the District Municipality, continues to exercise that power or perform that duty or function until such time as it may be decided to the contrary by agreement between the District Municipality and any superseding local municipality in accordance with this Annexure.
 - (d) Any statutory plan in force or in operation in respect of the DMA immediately before the effective date, remains in force or in operation until, if it relates to local municipal functions, it is amended, varied or repealed by the superseding local municipality concerned.
- (6) The following principles apply to the agreements to be entered into between the District Municipality and the relevant superseding local municipalities in terms of this Annexure:
- (a) the District Municipality and the relevant superseding local municipalities are required to reach agreement within 90 days of the effective date, on all the matters in respect of which an agreement is required;

- (b) an agreement must be in writing and must be signed by all the municipalities who are parties to the agreement;
- (c) separate or combined contracts may be entered into relating to any of the matters in respect of which an agreement is required;
- (d) the municipalities who are parties to the agreement must ensure that any agreement entered into includes dispute-settlement mechanisms or procedures that are appropriate to the nature of the agreement and the matters that are likely to become the subject of a dispute;
- (e) the municipalities who are parties to the agreement may at any time amend an agreement, which amendment must be reduced to writing and signed by all the parties to the agreement;
- (f) the District Municipality must keep any original signed agreement in a safe place and must ensure that any superseding local municipality who is a party to an agreement receives a copy of the agreement, which must be kept in safe place by that superseding local municipality;
- (g) in the event that the municipalities cannot reach an agreement pertaining to any of the matters in respect of which an agreement is required within 90 days from the effective date, the dispute must be resolved in terms of item 3.

Settlement of disputes

3. (1) Without detracting from the District Municipality's or any superseding local municipality's right to institute action or motion proceedings in the High Court or other Court of competent jurisdiction, in respect of any dispute that may arise out of or in connection with the transitional measures in this Annexure, the District Municipality and relevant superseding local municipalities to the dispute, (the municipalities), may, by mutual consent, follow the mediation or arbitration procedure, or mediation and arbitration procedure as set out in subitems (2) to (16).
- (2) Subject to the provisions of subitem (1), any dispute arising out of this Annexure may be referred by the municipalities to a Mediator.
- (3) The dispute must be heard by the Mediator at a place and time to be determined by him or her in consultation with the municipalities.
- (4) The Mediator must be selected by agreement between the municipalities. The municipalities may not be legally represented during the course of mediation.
- (5) If an agreement cannot be reached regarding a particular Mediator within three business days after the municipalities have agreed to refer the matter to mediation, then the chairperson of organised local government in the Western Cape for the time being, must duly be informed by the municipal managers of the affected municipalities to nominate the Mediator which must be appointed within seven business days after the municipalities have failed to agree.
- (6) The Mediator must at his or her sole discretion determine whether the reference to him or her may be made in the form of written and/or verbal representations, provided that in making this determination he or she must consult with the municipalities and may be guided by their common reasonable desire of the form in which the said representations are to be made.
- (7) The municipalities have seven business days from notification by the mediator within which to finalise their representations. The Mediator must within seven business days of the receipt of the representations express in writing an opinion on the matter and furnish the municipalities each with a copy thereof by hand or by registered post.
- (8) The opinion so expressed by the Mediator is final and binding upon the municipalities unless a municipality is unwilling to accept the opinion expressed by the Mediator. In such event, the aggrieved municipalities must refer the dispute to arbitration in accordance with subitem (11). The expressed opinion of the Mediator does not prejudice the rights of either party in any manner whatsoever in the event of it proceeding to court or to arbitration, as the case may be.
- (9) The cost of mediation must be determined by the Mediator.
- (10) Liability for such cost must be apportioned by the Mediator and is due and payable to the Mediator on presentation of his or her written account.
- (11) Subject to the provisions of subitem (1), a dispute arising out of or in connection with this Annexure may be referred by the municipalities to arbitration.
- (12) The arbitration must be held at a place to be agreed upon between the municipalities to the dispute, informally and otherwise in accordance with the provisions of the Arbitration Act, 1965 (Act 42 of 1965), it being intended that, if possible, it must be held and concluded within ten days of the matter being referred to arbitration.
- (13) Save as otherwise specifically provided herein, the Arbitrator is, if the matter in dispute is:
 - (a) primarily a legal matter, a practicing Senior Advocate of the Cape Bar; or
 - (b) any other matter, an independent and suitably qualified person as may be agreed upon between the municipalities to the dispute.
- (14) If agreement cannot be reached on whether the question in dispute falls under subitems (13)(a) or (13)(b) or upon a particular Arbitrator within three days after the municipalities have agreed to refer the dispute to arbitration, then the chairperson of organised local government in the Western Cape must:
 - (a) determine whether the question in dispute falls under subitem 13(a) or 13(b); or
 - (b) nominate the Arbitrator within seven days after the municipalities have failed to agree.
- (15) The Arbitrator must give his or her decision within five days after the completion of the arbitration. The Arbitrator may determine that the costs of the arbitration are to be paid either by one or the other or by all of the municipalities to the arbitration.
- (16) The decision of the Arbitrator is final and binding and may be made an order of the Western Cape High Court upon the application by any municipality to the arbitration.

4. Short title and commencement

This Notice is called the Overberg District Municipality (DC3) Establishment Fifth Amendment Notice and has effect from the date of the next general election of municipal councils.

PK. 465/2010

9 Desember 2010

WET OP PLAASLIKE REGERING: MUNISIPALE STRUKTURE, 1998**(WET 117 VAN 1998)****DIE OVERBERG DISTRIKSMUNISIPALITEIT (DC3) INSTELLINGSKENNIGGEWING VYFDE WYSIGINGSKENNIGGEWING**

Uit hoofde van die gesag aan my verleen by artikel 16, saamgelees met artikels 6(3)(b)(ii), 12, 14 en 17 van die Wet op Plaaslike Regering: Munisipale Strukture, 1998 (Wet 117 van 1998), soos gewysig, gee ek hierby kennis van die vyfde wysiging van die Overberg Distriksmunisipaliteit (DC3) Instellingskennigsgewing, Provinsiale Kennisgewing 492 gepubliseer in die Buitengewone Provinsiale Koerant Nr. 5591 van 22 September 2000 (die Hoofkennisgewing), soos gewysig deur Provinsiale Kennisgewing 678 gepubliseer in die Buitengewone Provinsiale Koerant Nr. 5643 van 4 Desember 2000, Provinsiale Kennisgewing 459 gepubliseer in die Buitengewone Provinsiale Koerant Nr. 5969 van 19 Desember 2002, Provinsiale Kennisgewing 187 gepubliseer in die Buitengewone Provinsiale Koerant Nr. 6021 van 28 Mei 2003, Provinsiale Kennisgewing 157 gepubliseer in die Provinsiale Koerant Nr. 6257 van 29 April 2005, Provinsiale Kennisgewing 14 gepubliseer in Buitengewone Provinsiale Koerant Nr. 6334 van 3 Januarie 2006 en Provinsiale Kennisgewing 120 gepubliseer in die Provinsiale Koerant Nr. 6511 van 28 Maart 2008, op die voorwaardes wat in die Bylaag hiervan uiteengesit word.

Gedateer op hierdie dag van 2010.

**AW BREDELL, PROVINSIALE MINISTER VAN PLAASLIKE REGERING,
OMGEWINGSKAKE EN ONTWIKKELINGSBEPLANNING****BYLAAG****Wysiging van Hoofkennisgewing****1. Die volgende subartikels vervang subartikels 2(1) en (2) van die hoofkennisgewing:–**

“2.(1) Op 3 Maart 2000 het die Munisipale Afbakeningsraad, wat ingevolge artikel 21 van die Munisipale Afbakeningswet handel, die grense van die Munisipaliteit bepaal, soos aangetoon op die kaart wat voorkom in Provinsiale Kennisgewing 69/2000 gepubliseer in Buitengewone Provinsiale Koerant Nr. 5431 van 3 Maart 2000 (’n kopie word herpubliseer in Aanhangsel “1” tot die Bylaag) en gewysig deur Provinsiale Kennisgewing 165/2000 gepubliseer in Buitengewone Provinsiale Koerant Nr. 5469 van 5 Mei 2000, Provinsiale Kennisgewing 364/2003 gepubliseer in Buitengewone Provinsiale Koerant Nr.6081 van 5 November 2003 saamgelees met Provinsiale Kennisgewing 146/2004 gepubliseer in Provinsiale Koerant Nr. 6153 van 30 Julie 2004 en Provinsiale Kennisgewing 163/2008 gepubliseer in Provinsiale Koerant 6518 van 29 April 2008 saamgelees met Provinsiale Kennisgewing 263/2008 gepubliseer in Provinsiale Koerant 6547 van 25 Julie 2008.

(2) Die Distriksbestuurgebied (WCDMA3) soos verklaar op 10 Maart 2000 ingevolge artikel 6 van die Munisipale Strukturewet, en aangetoon op kaart nr. 4 gepubliseer in Staatskoerant Nr. 21617 van 29 September 2000 (’n Kopie van die kaart word in Aanhangsel “2A” van hierdie Bylaag herpubliseer), is herroep deur Algemene Kennisgewing 1022/2008 gepubliseer in Staatskoerant 31353 van 19 Augustus 2008 saamgelees met Provinsiale Kennisgewing 163/2008 gepubliseer in Buitengewone Provinsiale Koerant Nr. van 29 April 2008 en Provinsiale Kennisgewing 263/2008 gepubliseer in Provinsiale Koerant 6547 van 25 Julie 2008 om sodoende die areas van die voormalige WCDMA3 en gedeelte van WCDMA2 by die vervangende plaaslike owerhede in te sluit en tree in werking vanaf die datum van die volgende algemene verkiesing van munisipale rade. (Sien Aanhangsel 3 tot hierdie Skedule vir alle oorgangsmatreëls om sodoende die afskaffing van die DBG’s te akkommodeer).

Vervangende munisipaliteite binne die Overberg Distriksmunisipaliteit van WCDMA2 en WCDMA3:

Munisipaliteit Kaap Agulhas (WCO33) (Kaart nommer DC3 WCO33)

Munisipaliteit Swellendam (WCO34) (Kaart nommer DC3 WCO34).”

2. Die volgende artikel vervang artikel 8 in die hoofkennisgewing:

“8. Die Munisipale Raad van die Distriksmunisipaliteit het 21 (een-en twintig) raadslede, soos bepaal deur die Provinsiale Minister in Provinsiale Kennisgewing 164/2000 gepubliseer in Buitengewone Provinsiale Koerant Nr. 5468 van 4 Mei 2000 en gewysig deur Provinsiale Kennisgewing 261/2009 gepubliseer in Buitengewone Provinsiale Koerant Nr. 6646 van 31 Julie 2009, van wie:–

(a) 9 (nege) die partye wat ingevolge artikel 23(1)(a) van die Munisipale Strukturewet aan die verkiesing in die Distriksmunisipaliteit deelneem, proporsioneel verteenwoordig;

(b) 12 (twaalf) die Plaaslike Munisipaliteite ingevolge artikel 23(1)(b) van die Strukturewet regstreeks verteenwoordig, van wie:–

(i) 5 (vyf) die Munisipaliteit Theewaterskloof regstreeks verteenwoordig (WCO31);

(ii) 4 (vier) die Munisipaliteit Overstrand regstreeks verteenwoordig (WCO32);

(iii) 2 (twee) die Munisipaliteit Kaap Agulhas regstreeks verteenwoordig (WCO33), en

(iv) 1 (een) die Munisipaliteit Swellendam regstreeks verteenwoordig (WCO34).”

3. Die volgende Aanhangsel word in die Hoofkennisgewing ingevoeg na Aanhangsel 2A:**“AANHANGSEL 3**

Oorgangsmatreëls om die afskaffing van die Distriksbestuurgebied (WCDMA2 en WCDMA3) te fasiliteer

Definisies

1. In hierdie Aanhangsel, tensy dit teenstrydig is met die konteks –

“**DBG**” beteken die Distriksbestuurgebiede soos uiteengesit in artikel 2(2) van hierdie Skedule;

“**effektiewe datum**” beteken die datum van die volgende algemene verkiesing van munisipale rade;

“**plaaslike munisipale funksie**” beteken ’n funksie soos na verwys in artikel 84(2) van die Wet op Munisipale Strukture en artikel 16C(a) van die hoof Kennisgewing, en

“**vervangende plaaslike munisipaliteit**” beteken ‘n plaaslike munisipaliteit wat se grense herbepaal word deur die Afbakeningsraad om ‘n DBG en ‘n gedeelte van ‘n DBG in te sluit in terme van Provinsiale Kennisgewing 163/2008 gepubliseer in Provinsiale Koerant Nr. 6518 van 29 April 2008, saamgelees met Provinsiale Kennisgewing 263/2008 gepubliseer in Provinsiale Koerant Nr. 6547 van 25 Julie 2008.

Oorgangsmaatreëls

- 2.(1) Onderhewig aan artikel 14, saamgelees met artikel 16, van die Wet op Munisipale Strukture, is die oorgangsmaatreëls en beginsels soos uiteengesit in hierdie item, geldig vanaf die effektiewe datum.
- (2) Die volgende beginsels bepaal die oordrag van personeel vanaf die Distriksmunisipaliteit na die vervangende plaaslike munisipaliteite ten opsigte van die DBG:
- (a) As gevolg van die feit dat die Distriksmunisipaliteit al die munisipale funksies in die DBG verrig het, is dit nodig om die oordrag van die nodige personeel en bates van die Distriksmunisipaliteit wat geassosieer word met die prestasie van plaaslike munisipale funksies in die DBG aan die vervangende plaaslike munisipaliteite te verseker om te verseker dat die vervangende plaaslike munisipaliteite hierdie funksies kan verrig in terme van die gedeelte van die DBG wat binne hul onderskeie munisipale areas ingesluit word.
 - (b) Die Distriksmunisipaliteit en die vervangende plaaslike munisipaliteite moet in ‘n raadplegingsproses met mekaar en met hul personeel tree om te bepaal watter personeellede oorgeplaas sal word vanaf die Distriksmunisipaliteit aan die vervangende munisipaliteite om die vervangende plaaslike munisipaliteite in staat te stel om die plaaslike munisipaliteit funksies te verrig ten opsigte van die DBG. ‘n Skriftelike ooreenkoms moet gesluit word tussen die Distriksmunisipaliteit en die vervangende plaaslike munisipaliteite wat die ooreenkoms in terme van die oorplasing en toewysing van personeel uiteensit.
 - (c) Die volgende riglyne kan gevolg word om ‘n ooreenkoms te bereik in terme van die oorplasing en toewysing van personeel:
 - (i) alle personeellede van die Distriksmunisipaliteit wat uitsluitlik geassosieer word met funksies wat, vanaf die effektiewe datum, uitgevoer moet word deur ‘n vervangende plaaslike munisipaliteit mag aan daardie vervangende plaaslike munisipaliteit oorgedra word;
 - (ii) ‘n personeellid van die Distriksmunisipaliteit wat met die funksies geassosieer word wat, vanaf die effektiewe datum, deur die Distriksmunisipaliteit en/of een of meer vervangende plaaslike munisipaliteite uitgevoer word, mag oorgeplaas word, of mag in diens van die Distriksmunisipaliteit bly, in ooreenstemming met die funksie wat die grootste deel van daardie personeellid se tyd in beslag neem;
 - (iii) die grootste gedeelte van die tyd deur ‘n personeellid bestee aan die verrig van ‘n funksie van ‘n munisipaliteit mag as ‘n bepalende faktor gesien word in die bereik van ‘n ooreenkoms deur munisipaliteite met verwysing na die oorplasing van daardie personeellid vanaf die Distriksmunisipaliteit na enige van die vervangende plaaslike munisipaliteite; en
 - (iv) die betrokke munisipaliteite mag per ooreenkoms die mate van ‘n personeellid se tyd vasstel met verwysing na die Distriksmunisipaliteit of ‘n vervangende plaaslike munisipaliteit se onderskeie funksies.
 - (d) Wanneer ‘n personeellid oorgeplaas word na ‘n vervangende plaaslike munisipaliteit, gaan alle regte en verpligtinge tussen die Distriksmunisipaliteit en daardie personeellid voort soos op die tyd van oorplasing asof hulle regte en verpligtinge tussen die vervangende plaaslike munisipaliteit en die personeellid is. Hierdie bepaling is onderhewig aan enige toepaslike gesamentlike ooreenkoms.
 - (e) ‘n Oorplasing onderbreek nie ‘n werknemer se voortgang van werkneming nie en dit gaan voort met die vervangende plaaslike munisipaliteit soos met die Distriksmunisipaliteit.
 - (f) ‘n Werknemer wat oorgeplaas word na ‘n vervangende plaaslike munisipaliteit mag vereis word om verslag te lewer aan enige van die kantore van daardie munisipaliteit en, tensy anders ooreengekom, is nie geregtig op enige bykomstige vergoeding as gevolg daarvan nie.
 - (g) Die menslike hulpbronne beleide en prosesse van die onderskeie vervangende plaaslike munisipaliteite is die menslike hulpbron beleide en prosesse van toepassing op die onderskeie werknemers oorgeplaas en neem effek vanaf die effektiewe datum of, as die werknemer oorgeplaas is vanaf ‘n latere datum as die effektiewe datum, van daardie latere datum.
 - (h) In die toepassing van hierdie item, moet daar voldoen word aan al die regte van werknemers en werkgewers soos voorvoorsien word in terme van die Wet op Arbeidsverhoudinge, 1995 (Wet 66 van 1995), die Wet op Basiese Diensvoorwaardes, 1997 (Wet 75 van 1997), en enige ander werknemingswetgewing wat van toepassing is.
- (3) Die volgende beginsels bepaal die oordrag van bates en verpligtinge vanaf die Distriksmunisipaliteit aan die vervangende plaaslike munisipaliteite ten opsigte van die DBG:
- (a) Die oordrag en/of verspreiding tussen die Distriksmunisipaliteit en die vervangende plaaslike munisipaliteite van finansiële, roerende en onroerende bates van die Distriksmunisipaliteit wat geassosieer word met ‘n munisipale funksie wat vanaf die effektiewe datum uitgevoer moet word deur of enige van die vervangende plaaslike munisipaliteite of Distriksmunisipaliteit ten opsigte van die DBG, moet berus by die munisipaliteit wat die funksie verrig en moet die aard van en doel van die betrokke bates in berekening geneem word. Die oordrag en/of verspreiding moet deur ‘n geskrewe ooreenkoms tussen die Distriksmunisipaliteit en die onderskeie vervangende plaaslike munisipaliteite bepaal word.
 - (b) Vir die doel van finansiële stabiliteit, vanaf die effektiewe datum, moet enige begroting wat aan ‘n funksie gekoppel is wat deur ‘n vervangende plaaslike munisipaliteit uitgevoer moet word binne of ten opsigte van die DBG moet beskikbaar wees aan daardie vervangende plaaslike munisipaliteit ongeag of die voorsiening voor begroot is deur die Distriksmunisipaliteit, tensy anders ooreengestem is deur die Distriksmunisipaliteit en die vervangende plaaslike munisipaliteit in die geskrewe ooreenkoms oorweeg in subitem (a).
 - (c) Met die uitvoering van die effektiewe datum moet elke vervangende plaaslike munisipaliteit in terme van die gedeelte van die DBG ingesluit in sy munisipale area, die aanneem van finansiële bestuursplanne en beleide oorweeg wat die volgende aanspreek:–
 - (i) maatreëls, insluitende inter-munisipale begrotings oordragte, om stabiliteit van inkomste te verseker;
 - (ii) medium termyn uitgawes;
 - (iii) gelykmaking van tarief strukture;
 - (iv) die hersiening van die algemene waardasierol en die voorstelling van gelykmatige eiendomsbelasting;
 - (v) die voorstelling van ‘n gekonsolideerde betalingstelsel;
 - (vi) die konsolidasie van finansiële rekeningkundigestelsels en begrotingstelsels;
 - (vii) kredietbeheer, en
 - (viii) verkryging.

- (d) Alle aanspreeklikhede van die Distriksmunisipaliteit wat met 'n funksie geassosieer word wat vanaf die effektiewe datum verrig moet word binne of ten opsigte van die DBG deur die Distriksmunisipaliteit of een of meer van die vervangende plaaslike munisipaliteite, berus by die munisipaliteit waar die funksie is, met inagnome van die aard en die doel van die aanspreeklikheid. 'n Geskrewe ooreenkoms moet tussen die Distriksmunisipaliteit en die betrokke vervangende plaaslike munisipaliteit geteken word, waarin die aanspreeklikhede uiteengesit word.
- (e) Alle rekords wat deur die vervangende plaaslike munisipaliteite vereis word om die plaaslike munisipaliteit funksies te verrig binne of in terme van die DBG moet deur die Distriksmunisipaliteit aan die betrokke vervangende plaaslike munisipaliteit voorsien word binne 90 dae vanaf die effektiewe datum.
- (f) Geskrewe ooreenkomste mag tussen die Distriksmunisipaliteit en die vervangende plaaslike munisipaliteite met betrekking tot funksionele operasies binne die DBG gesluit word.
- (4) Die volgende beginsels bepaal die wetlike opvolging in terme van die DBG:
- (a) Nieteenstaande enige iets in teendeel soos in enige munisipale dienslewering ooreenkoms vervat van die Distriksmunisipaliteit wat met 'n funksie geassosieer word wat vanaf die effektiewe datum uitgevoer moet word deur die Distriksmunisipaliteit en/of een of meer van die vervangende plaaslike munisipaliteite binne die DBG, moet in ooreenstemming wees met hierdie Aanhangsel oor die reëlings met betrekking tot personeel, bates en aanspreeklikhede wat met daardie funksie geassosieer word. Die Distriksmunisipaliteit en die onderskeie vervangende plaaslike munisipaliteite moet deur 'n geskrewe ooreenkoms vasstel watter munisipaliteit die wetlike opvolger van die Distriksmunisipaliteit is in terme van die diensleweringsooreenkoms. Die wetlike opvolger is verantwoordelik vir die administrasie van die ooreenkoms of enige interim ooreenkoms wat gesluit mag word om volgehoue dienslewering te verseker.
- (b) Vanaf die effektiewe datum:—
- (i) onderhewig aan subitem (a), is die vervangende plaaslike munisipaliteite die wetlike opvolgers van die Distriksmunisipaliteit in terme van kwessies geassosieer met plaaslike munisipaliteit funksies om uitgevoer te word deur die vervangende plaaslike munisipaliteit binne of in terme van die gedeelte van die DBG binne hul onderskeie areas ingesluit;
- (ii) alle tariewe, inkomste en ander gelde betaalbaar aan of onmiddellik invorderbaar voor die effektiewe datum deur die Distriksmunisipaliteit ten opsigte van die DBG is betaalbaar aan en invorderbaar deur die onderskeie vervangende plaaslike munisipaliteit in terme van die gedeelte van die DBG wat binne hul onderskeie areas ingesluit is;
- (iii) enige waardasierolle van toepassing of wat ontstaan uit die voorstelling van interim of bykomende waardasies binne die DBG bly van toepassing tot die hersiening deur die betrokke vervangende munisipaliteit van die algemene waardasierol wat van toepassing is op daardie gedeelte van die DBG ingesluit in sy area.
- (5) Die volgende oorgangsmatreëls is van toepassing met betrekking tot verordeninge en besluite:
- (a) Enige verordening afgekondig deur 'n vervangende munisipaliteit sal van krag word in die onderskeie DBG's vanaf die effektiewe datum.
- (b) Onderhewig aan die bepalings van hierdie Aanhangsel, sal enige:
- (i) besluite geneem;
- (ii) kennisgewing, sertifikate of ander dokument wat uitgereik is;
- (iii) opdrag, goedkeuring, instemming of magte verleen;
- (iv) vrystelling, lisensie, of permit toegeken of uitgereik;
- (v) afspraak gemaak;
- (vi) werknemer genomineer;
- (vii) ooreenkoms of kontrak gesluit;
- (viii) delegasie van magte toegewys aan 'n werknemer;
- (ix) tariewe of koste opgelê of voorgeskryf;
- (x) bespreking van land;
- (xi) behoeftige voorsienings; en
- (xii) ander aksies geneem of dinge gedoen,
- deur die Distriksmunisipaliteit in terme van die DBG en bemaatig onmiddellik voor die effektiewe datum word beskou as geneem, uitgereik, gegee, gemaak, genomineer, geteken, toegewys, opgelê of gedoen deur die onderskeie vervangende plaaslike munisipaliteite en is steeds van toepassing in die DBG onderhewig aan sy hersiening en rasionalisering in terme van artikel 15 van die Wet op Munisipale Strukture.
- (c) Enige personeel wat, op die effektiewe datum, 'n mag uitvoer of 'n plig of funksie verrig ten opsigte van die DBG uit hoofde van sy of haar amp of uit hoofde van 'n delegasie van gesag wat aan hom of haar toegewys is deur die Distriksmunisipaliteit, gaan voort om daardie gesag uit te oefen of daardie funksie of plig te verrig tot so 'n tyd dat dit as teenstrydig bestempel word in gevolge 'n ooreenkoms tussen die Distriksmunisipaliteit en enige vervangende plaaslike munisipaliteit in ooreenstemming met hierdie Aanhangsel, aangegaan is.
- (d) Enige wetlike plan van krag of inwerking ten opsigte van die DBG onmiddellik voor die effektiewe datum, bly van krag of in werking totdat, as dit verwant is aan plaaslike munisipale funksies, dit aangepas word, veranderd of herroep word deur die betrokke vervangende plaaslike munisipaliteit.
- (6) Die volgende beginsels is van toepassing op die ooreenkoms wat gesluit moet word tussen die Distriksmunisipaliteit en die betrokke vervangende plaaslike munisipaliteite in terme van hierdie Aanhangsel:
- (a) daar word van die Distriksmunisipaliteit en die betrokke vervangende plaaslike munisipaliteite vereis om 'n ooreenkoms binne 90 dae vanaf die effektiewe datum te bereik, op alle kwessies waarvoor 'n ooreenkoms vereis word;
- (b) 'n geskrewe ooreenkoms word vereis en moet deur al die munisipaliteite wat betrokke by die ooreenkoms is, geteken word;
- (c) alleenstaande of gekombineerde kontrakte mag geteken word met betrekking tot enige van die kwessies in terme waarvan 'n ooreenkoms benodig word;
- (d) die munisipaliteite wat partye in die ooreenkoms is moet verseker dat enige ooreenkoms wat gesluit word meganismes insluit vir die oplos van dispute of prosesse wat toepaslik is tot die aard van die ooreenkoms en die kwessies wat moontlik die onderwerp van 'n dispuut sou kon word;

- (e) die munisipaliteite wat partye in die ooreenkoms is mag teen enige tyd 'n ooreenkoms aanpas, aanpassings moet geskrewe wees en moet deur alle partye tot die ooreenkoms geteken word;
- (f) die Distriksmunisipaliteit moet enige oorspronklike getekende ooreenkoms in 'n veilige plek bewaar en moet verseker dat enige vervangende plaaslike munisipaliteit wat 'n betrokke party in 'n ooreenkoms is, 'n afskrif van die ooreenkoms ontvang, wat in 'n veilige plek deur daardie vervangende plaaslike munisipaliteit gehou word;
- (g) in die geval dat die munisipaliteite nie 'n ooreenkoms met betrekking tot enige van die kwessies kan bereik nie waarvoor 'n ooreenkoms binne 90 dae vanaf die effektiewe datum vereis word, moet die dispuut in terme van item 3 besleg word.

Oplos van dispute

- 3.(1) Sonder om weg te neem van die Distriksmunisipaliteit of enige vervangende plaaslike munisipaliteit se reg om tot aksie oor te gaan of verrigtinge in die Hooggeregshof of ander hof van bekwame jurisdiksie aan die gang te sit, in terme van enige dispuut wat mag ontstaan uit of in verband met die oorgangsmatreëls in hierdie Aanhangsel, mag die Distriksmunisipaliteit en betrokke vervangende plaaslike munisipaliteite by die dispuut, deur wedersydse instemming, die arbitrasie proses, of bemiddeling en arbitrasie proses soos uiteengesit in subitem (2) tot (16) volg.
 - (2) Onderhewig aan die voorsienings van subitem (1), mag enige dispuut wat uit hierdie Aanhangsel ontstaan, deur die munisipaliteite na 'n Bemiddelaar verwys word.
 - (3) Die dispuut moet deur die Bemiddelaar aangehoor word op 'n plek en tyd soos deur hom of haar vasgestel in oorleg met die munisipaliteite.
 - (4) Die Bemiddelaar moet in ooreenkoms tussen die munisipaliteite verkies word. Die munisipaliteite mag nie wetlik verteenwoordig word tydens die verloop van die bemiddeling nie.
 - (5) Indien daar nie ooreenstemming kom met verwysing na 'n spesifieke Bemiddelaar binne drie werksdae nadat die munisipaliteite ooreengestem het om die saak vir bemiddeling te verwys nie, moet die huidige voorsitter van georganiseerde plaaslike regering in die Wes-Kaap deur die munisipale bestuurders van die geaffekteerde munisipaliteite aangevra word om die Bemiddelaar te nomineer en die Bemiddelaar moet binne sewe werksdae nadat die munisipaliteit nie tot ooreenstemming kon kom nie, aangestel word.
 - (6) Die Bemiddelaar moet sy of haar eie oordeel gebruik om te besluit of die verwysing na hom of haar op geskrewe of mondelingse wyse gemaak moet word, op voorwaarde dat, met die maak van hierdie besluit, hy of sy met die munisipaliteite sal oorleg pleeg en mag deur hulle gemeenskaplike redelike versoek vir die medium van die genoemde verteenwoordigings, gelei word.
 - (7) Die munisipaliteite het sewe werksdae vanaf kennisgewing deur die bemiddelaar om hul verteenwoordigings te finaliseer. Die Bemiddelaar moet binne sewe werksdae van ontvangs van die verteenwoordigings 'n geskrewe opinie oor die kwessie lig en die munisipaliteite elk van 'n afskrif voorsien (met die hand afgelewer of met geregistreerde pos gestuur).
 - (8) Die mening wat deur die Bemiddelaar gehuldig word, is finaal en bindend op die munisipaliteite tensy 'n munisipaliteit onwillig is om die Bemiddelaar se mening te aanvaar. In so 'n geval, moet die gegriefde munisipaliteite die dispuut vir arbitrasie verwys in samestemming met subitem (11). Die geligte mening van die Bemiddelaar vooroordeel nie die regte van enige party op enige manier as dit dalk na die hof of arbitrasie verwys word nie.
 - (9) Die koste van bemiddeling moet deur die Bemiddelaar vasgestel word.
 - (10) Verantwoordelikheid vir sulke kostes moet deur die Bemiddelaar toegewys word en is betaalbaar aan die Bemiddelaar met die voorlegging van sy of haar geskrewe verslag.
 - (11) Onderhewig aan die voorsienings van subitem (1), mag 'n dispuut wat uit of met verwysing na hierdie Aanhangsel ontstaan, deur die munisipaliteite vir arbitrasie verwys word.
 - (12) Die arbitrasie moet op 'n plek gehou word soos ooreengekom tussen die munisipaliteite wat betrokke is by die dispuut, op informele en ander wyses, in terme van die voorsienings van die Wet op Arbitrasie, 1965 (Wet 42 van 1965), met die doel dat, indien moontlik, dit gehou en voltrek moet word binne tien dae vanaf die verwysing van die saak na arbitrasie.
 - (13) Tensy dit spesifiek anders hier gestel word, is die Arbitrer, in die kwessie van 'n dispuut:
 - (a) hoofsaaklik 'n wetlike saak, 'n werkende Senior Advokaat van die Kaapse Regbank; of
 - (b) enige ander saak, 'n selfstandige en geskikte gekwalifiseerde persoon soos ooreengekom tussen die munisipaliteite in die dispuut.
 - (14) Indien 'n ooreenkoms nie bereik kan word oor of die vraag in dispuut onder subitem (13)(a) of (13)(b) val nie, of op 'n spesifieke Arbitrer binne drie dae nadat die munisipaliteite saamgestem het om die dispuut vir arbitrerings te verwys, moet die voorsitter van georganiseerde plaaslike regering in die Wes-Kaap:
 - (a) bepaal of die vraag in dispuut onder subitem 13(a) of 13(b) val; of
 - (b) die Arbitrer binne sewe dae nadat die munisipaliteite nie ooreenstem nie, aanstel.
 - (15) Die Arbitrer moet sy of haar besluit binne vyf dae na die voltooiing van die arbitrasie gee. Die Arbitrer mag vasstel dat die kostes van die arbitrasie deur een of die ander of al die munisipaliteite by die arbitrasie betaal moet word.
 - (16) Die Arbitrer se besluit is finaal en bindend en mag 'n bevel van die Wes-Kaapse Hooggeregshof gemaak word met die aansoek deur enige munisipaliteit by die arbitrasie.

4. Korttitel en inwerkingtreding

Hierdie Kennisgewing word die Overberg Distriksmunisipaliteit (DC3) Instellingskennisgewing Vyfde Wysigingskennisgewing genoem en tree inwerking vanaf die datum van die volgende algemene verkiesing van munisipale rade.

PN. 466/2010

9 December 2010

LOCAL GOVERNMENT: MUNICIPAL STRUCTURES ACT, 1998**(ACT 117 OF 1998)****THE THEEWATERSKLOOF MUNICIPALITY (WCO31) ESTABLISHMENT FIFTH AMENDMENT NOTICE**

By virtue of the powers vested in me by section 16 of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998), as amended, I hereby give notice of the fifth amendment of the Theewaterskloof Municipality (WCO31) Establishment Notice, Provincial Notice 493 published in Provincial Gazette 5591 dated 22 September 2000 (the Principal Notice), as amended by Provincial Notice 679 published in the Provincial Gazette Extraordinary No. 5643 dated 4 December 2000, Provincial Notice 460 published in the Provincial Gazette Extraordinary No. 5969 dated 19 December 2002, Provincial Notice 188 published in the Provincial Gazette Extraordinary No. 6021 dated 28 May 2003, Provincial Notice 157 published in the Provincial Gazette Extraordinary No. 6257 dated 29 April 2005, Provincial Notice 15 published in the Provincial Gazette Extraordinary No. 6334 dated 3 January 2006 and Provincial Notice 121 published in the Provincial Gazette No. 6511 dated 28 March 2008 on the terms set out in the Schedule hereto.

Dated this day of 2010.

**AW BREDELL, PROVINCIAL MINISTER OF LOCAL GOVERNMENT,
ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING**

SCHEDULE**Amendment of principal Notice****1. The following subsection is substituted for subsection 2(1) of the principal Notice:–**

“2.(1) On 3 March 2000 the Municipal Demarcation Board, acting in terms of section 21 of the Municipal Demarcation Act, determined the boundaries of the Local Municipality, as reflected in the map appearing in Provincial Notice 69/2000 published in Provincial Gazette Extraordinary No. 5431 of 3 March 2000 (a copy of the map is republished in Annexure “1” to this Schedule) and amended by Provincial Notices 178/2006 and 179/2006 published in Provincial Gazette Extraordinary No. 6358 dated 22 May 2006 read with Provincial Notice 209/2008 published in Provincial Gazette No. 6530 dated 6 June 2008.”

2. The following subsections are substituted for subsections 8(1) and (2) of the principal Notice:–

“8.(1) The Municipal Council of the Municipality has 25 (twenty five) councillors, as determined by the Provincial Minister in Provincial Notice 164/2000 published in Provincial Gazette Extraordinary No. 5468 of 4 May 2000, repealed by Provincial Notice 100/2004 published in Provincial Gazette Extraordinary No. 6137 dated 8 June 2004 and Provincial Notice 261/2009 published in Provincial Gazette Extraordinary No 6646 dated 31 July 2009, of which 13 (thirteen) are ward councillors and 12 (twelve) are proportionally elected councillors.

(2) The Municipality has 13 (thirteen) wards.

Short title and commencement

3. This Notice is called the Theewaterskloof Municipality (WCO31) Establishment Fifth Amendment Notice and has effect from the date of the next general election of municipal councils.

PK. 466/2010

9 Desember 2010

WET OP PLAASLIKE REGERING: MUNISIPALE STRUKTURE, 1998**(WET 117 VAN 1998)****DIE MUNISIPALITEIT THEEWATERSKLOOF (WCO31) INSTELLINGSKENNIGGEWING VYFDE WYSIGINGSKENNIGGEWING**

Uit hoofde van die gesag aan my verleen by artikel 16 van die Wet op Plaaslike Regering: Munisipale Strukture, 1998 (Wet 117 van 1998), soos gewysig, gee ek hierby kennis van die vyfde wysiging van die Munisipaliteit Theewaterskloof (WCO31) Instellingskennisgewing, Provinsiale Kennisgewing 493 gepubliseer in Provinsiale Koerant 5591 van 22 September 2000 (die Hoofkennisgewing), soos gewysig deur Provinsiale Kennisgewing 679 gepubliseer in Buitengewone Provinsiale Koerant Nr. 5643 van 4 Desember 2000, Provinsiale Kennisgewing 460 gepubliseer in Buitengewone Provinsiale Koerant Nr. 5969 van 19 Desember 2002, Provinsiale Kennisgewing 188 gepubliseer in die Buitengewone Provinsiale Koerant Nr. 6021 van 28 Mei 2003, Provinsiale Kennisgewing 157 gepubliseer in die Buitengewone Provinsiale Koerant Nr. 6257 van 29 April 2005, Provinsiale Kennisgewing 15 gepubliseer in die Buitengewone Provinsiale Koerant Nr. 6334 van 3 Januarie 2006 en Provinsiale Kennisgewing 121 gepubliseer in die Provinsiale Koerant Nr. 6511 van 28 Maart 2008 op die voorwaardes wat in die Bylaag hiervan uiteengesit word.

Gedateer op hierdie dag van 2010.

**AW BREDELL, PROVINSIALE MINISTER VAN PLAASLIKE REGERING,
OMGEWINGSKE EN ONTWIKKELINGSBEPLANNING****BYLAAG****Wysiging van Hoofkennisgewing****1. Die volgende subartikel vervang subartikel 2(1) van die hoofkennisgewing:--**

“2.(1) Op 3 Maart 2000 het die Munisipale Afbakeningsraad, wat ingevolge artikel 21 van die Munisipale Afbakeningswet handel, die grense van die Munisipaliteit bepaal, soos aangetoon op die kaart wat voorkom in Provinsiale Kennisgewing 69/2000 gepubliseer in Buitengewone Provinsiale Koerant Nr. 5431 van 3 Maart 2000 (‘n kopie word herpubliseer in Aanhangsel “1” tot die Bylaag) en gewysig deur Provinsiale Kennisgewings 178/2006 en 179/2006 gepubliseer in Buitengewone Provinsiale Koerant Nr. 6358 van 22 Mei 2006 saamgelees met Provinsiale Kennisgewing 209/2008 gepubliseer in Provinsiale Koerant Nr. 6530 van 6 Junie 2008.”

2. Die volgende subartikels vervang subartikels 8(1) en (2) in die hoofkennisgewing:--

“8.(1) Die Munisipale Raad van die Munisipaliteit het 25 (vyf-en-twintig) raadslede, soos deur die Provinsiale Minister bepaal in Provinsiale Kennisgewing 164/2000 gepubliseer in Buitengewone Provinsiale Koerant Nr. 5468 van 4 Mei 2000, en herroep is deur Provinsiale Kennisgewing 100/2004 gepubliseer in Buitengewone Provinsiale Koerant Nr. 6137 van 8 Junie 2004 en Provinsiale Kennisgewing 261/2009 gepubliseer in Buitengewone Provinsiale Koerant Nr. 6646 van 31 Julie 2009, waarvan 13 (dertien) wyksraadslede is en 12 (twaalf) proporsioneel verkose raadslede is.

(2) Die Munisipaliteit het 13 (dertien) wyke.

Korttitel en inwerkingstreding

3. Hierdie Kennisgewing word die Munisipaliteit Theewaterskloof (WCO31) Instellingskennisgewing Vyfde Wysigingskennisgewing genoem en tree in werking op die datum van die volgende algemene verkiesing van munisipale rade.

PN. 467/2010

9 December 2010

LOCAL GOVERNMENT: MUNICIPAL STRUCTURES ACT, 1998**(ACT 117 OF 1998)****THE OVERSTRAND MUNICIPALITY (WCO32) ESTABLISHMENT FIFTH AMENDMENT NOTICE**

By virtue of the powers vested in me by section 16 of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998), as amended, I hereby give notice of the fifth amendment of the Overstrand Municipality (WCO32) Establishment Notice, Provincial Notice 494 published in Provincial Gazette 5591 dated 22 September 2000 (the Principal Notice), as amended by Provincial Notice 680 published in the Provincial Gazette Extraordinary No. 5643 dated 4 December 2000, Provincial Notice 461 published in the Provincial Gazette Extraordinary No. 5969 dated 19 December 2002, Provincial Notice 189 published in the Provincial Gazette Extraordinary No. 6021 dated 28 May 2003, Provincial Notice 16 published in the Provincial Gazette Extraordinary No. 6334 dated 3 January 2006 and Provincial Notice 122 published in the Provincial Gazette No. 6511 dated 28 March 2008 on the terms set out in the Schedule hereto.

Dated this day of 2010.

**AW BREDELL, PROVINCIAL MINISTER OF LOCAL GOVERNMENT,
ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING**

SCHEDULE**Amendment of principal Notice****1. The following subsections are substituted for subsections 8(1) and (2) of the principal Notice:—**

“8.(1) The Municipal Council of the Municipality has 25 (twenty five) councillors, as determined by the Provincial Minister in Provincial Notice 164/2000 published in Provincial Gazette Extraordinary No. 5468 of 4 May 2000, repealed by Provincial Notice 100/2004 published in Provincial Gazette Extraordinary No. 6137 dated 8 June 2004 and Provincial Notice 261/2009 published in Provincial Gazette Extraordinary No. 6646 dated 31 July 2009, of which 13 (thirteen) are ward councillors and 12 (twelve) are proportionally elected councillors.

(2) The Municipality has 13 (thirteen) wards.”

Short title and commencement

2. This Notice is called the Overstrand Municipality (WCO32) Establishment Fifth Amendment Notice and has effect from the date of the next general election of municipal councils.

PK. 467/2010

9 Desember 2010

WET OP PLAASLIKE REGERING: MUNISIPALE STRUKTURE, 1998**(WET 117 VAN 1998)****DIE MUNISIPALITEIT OVERSTRAND (WCO32) INSTELLINGSKENNISGEWING VYFDE WYSIGINGSKENNISGEWING**

Uit hoofde van die gesag aan my verleen by artikel 16 van die Wet op Plaaslike Regering: Munisipale Strukture, 1998 (Wet 117 van 1998), soos gewysig, gee ek hierby kennis van die vyfde wysiging van die Munisipaliteit Overstrand (WCO32) Instellingskennisgewing, Provinsiale Kennisgewing 494 gepubliseer in Provinsiale Koerant Nr 5591 van 22 September 2000 (die Hoofkennisgewing), soos gewysig deur Provinsiale Kennisgewing 680 gepubliseer in die Buitengewone Provinsiale Koerant Nr. 5643 van 4 Desember 2000, Provinsiale Kennisgewing 461 gepubliseer in die Buitengewone Provinsiale Koerant Nr. 5969 van 19 Desember 2002, Provinsiale Kennisgewing 189 gepubliseer in die Buitengewone Provinsiale Kennisgewing Nr. 6021 van 28 Mei 2003, Provinsiale Kennisgewing 16 gepubliseer in die Buitengewone Provinsiale Koerant Nr. 6334 van 3 Januarie 2006 en Provinsiale Kennisgewing 122 gepubliseer in die Provinsiale Koerant Nr. 6511 van 28 Maart 2008 op die voorwaardes wat in die Bylaag hiervan uiteengesit word.

Gedateer op hierdie dag van 2010.

**AW BREDELL, PROVINSIALE MINISTER VAN PLAASLIKE REGERING,
OMGEWINGSKE EN ONTWIKKELINGSBEPLANNING**

BYLAAG**Wysiging van Hoofkennisgewing****1. Die volgende subartikels vervang subartikels 8(1) en (2) in die hoofkennisgewing:–**

“8.(1) Die munisipale Raad van die Munisipaliteit het 25 (vyf-en-twintig) raadslede, soos deur die Provinsiale Minister bepaal in Provinsiale Kennisgewing 164/2000 wat in Buitengewone Provinsiale Koerant Nr. 5468 van 4 Mei 2000 gepubliseer is en herroep is deur Provinsiale Kennisgewing 100/2004 wat in Provinsiale Koerant Nr. 6137 van 8 June 2004 gepubliseer is en Provinsiale Kennisgewing 261/2009 gepubliseer in Buitengewone Provinsiale Koerant Nr. 6646 van 31 Julie 2009, waarvan 13 (dertien) wyksraadslede is en 12 (twaalf) proporsioneel verkose raadslede is.

(2) Die Munisipaliteit het 13 (dertien) wyke.”

Korttitel en inwerkingstreding

2. Hierdie Kennisgewing word die Munisipaliteit Overstrand (WCO32) Instellingskennisgewing Vyfde Wysigingskennisgewing genoem en tree in werking op die datum van die volgende algemene verkiesing van munisipale rade.

PN. 468/2010

9 December 2010

LOCAL GOVERNMENT: MUNICIPAL STRUCTURES ACT, 1998**(ACT 117 OF 1998)****THE CAPE AGULHAS MUNICIPALITY (WCO33) ESTABLISHMENT FIFTH AMENDMENT NOTICE**

By virtue of the powers vested in me by section 16, read with sections 6(3)(b)(ii), 12, 14 and 17 of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998), as amended, I hereby give notice of the fifth amendment of the Cape Agulhas Municipality (WCO33) Establishment Notice, Provincial Notice 495 published in the Provincial Gazette Extraordinary No. 5591 dated 22 September 2000 (the Principal Notice), as amended by Provincial Notice 681 published in the Provincial Gazette Extraordinary No. 5643 dated 4 December 2000, Provincial Notice 462 published in the Provincial Gazette Extraordinary No. 5969 dated 19 December 2002, Provincial Notice 190 published in the Provincial Gazette Extraordinary No. 6021 dated 28 May 2003, Provincial Notice 157 published in Provincial Gazette Extraordinary No. 6257 dated 29 April 2005, Provincial Notice 17 published in the Provincial Gazette Extraordinary No. 6334 dated 3 January 2006 and Provincial Notice 123 published in the Provincial Gazette No. 6511 dated 28 March 2008 on the terms set out in the Schedule hereto.

Dated this day of 2010.

**AW BREDELL, PROVINCIAL MINISTER OF LOCAL GOVERNMENT,
ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING**

SCHEDULE**1. Section 2 of the principal Notice is amended by the substitution for subsection (1) of the following subsection:**

“2.(1) On 3 March 2000 the Municipal Demarcation Board, acting in terms of section 21 of the Municipal Demarcation Act, determined the boundaries of the Municipality, as reflected in the map appearing in Provincial Notice 69/2000 published in Provincial Gazette Extraordinary No. 5431 of 3 March 2000 (a copy of the map is republished in Annexure “1” to this Schedule) and amended by Provincial Notice 17/2004 published in Provincial Gazette No. 6104 of 30 January 2004 read with Provincial Notice 146/2004 published in Provincial Gazette No. 6153 of 30 July 2004, Provincial Notices 178/2006 and 179/2006 published in Provincial Gazette Extraordinary No. 6358 dated 22 May 2006 read with Provincial Notice 209/2008 published in Provincial Gazette No. 6530 dated 6 June 2008 and includes the area of the former WCDMA3 as published in Provincial Notice 163/2008 published in Provincial Gazette No. 6518 of 29 April 2008 read with Provincial Notice 263/2008 published in Provincial Gazette No. 6547 of 25 July 2008. (See Annexure 2 for Transitional Measures)”.

2. The following section is substituted for section 8 of the principal Notice:

“8.(1) The Municipal Council of the Municipality has 9 (nine) councillors, as determined by the Provincial Minister in Provincial Notice 164/2000 published in Provincial Gazette Extraordinary No. 5468 of 4 May 2000 and repealed by Provincial Notice 261/2009 published in Provincial Gazette Extraordinary No 6646 dated 31 July 2009, of which 5 (five) are ward councillors and 4 (four) are proportionally elected councillors.

(2) The Municipality has 5 (five) wards.”

3. The following Annexure is inserted in the principle Notice after Annexure 1:**“ANNEXURE 2**

Transitional Measures to facilitate the disestablishment of the District Management Area (WCDMA3)

Definitions

1. In this Annexure, unless inconsistent with the context—

“**DMA**” means the District Management Area set out in section 2(1) of this Schedule; and

“**effective date**” means the date of the next general election of municipal councils.

Transitional measures

2. Subject to section 14, read with section 16, of the Municipal Structures Act, the transitional measures to regulate and facilitate the consequences of the inclusion of the DMA into the Local Municipality are as set out in the Fifth Amendment Notice of the District Municipality Notice, published together with this notice.”

4. Short title and commencement

This Notice is called the Cape Agulhas Municipality (WCO33) Establishment Fifth Amendment Notice and has effect from the date of the next general election of municipal councils.

PK. 468/2010

9 Desember 2010

WET OP PLAASLIKE REGERING: MUNISIPALE STRUKTURE, 1998**(WET 117 VAN 1998)****DIE MUNISIPALITEIT KAAPAGULHAS (WCO33) INSTELLINGSKENNIGSEWING VYFDE WYSIGINGSKENNIGSEWING**

Uit hoofde van die gesag aan my verleen by artikel 16, saamgelees met artikels 6(3)(b)(ii), 12, 14 en 17 van die Wet op Plaaslike Regering: Munisipale Strukture, 1998 (Wet 117 van 1998), soos gewysig, gee ek hierby kennis van die vyfde wysiging van die Munisipaliteit Kaap Agulhas (WCO33) Instellingskennisgewing, Provinsiale Kennisgewing 495 gepubliseer in die Buitengewone Provinsiale Koerant Nr. 5591 van 22 September 2000 (die Hoofkennisgewing), soos gewysig deur Provinsiale Kennisgewing 681 gepubliseer in die Buitengewone Provinsiale Koerant Nr. 5643 van 4 Desember 2000, Provinsiale Kennisgewing 462 gepubliseer in die Buitengewone Provinsiale Koerant Nr. 5969 van 19 Desember 2002, Provinsiale Kennisgewing 190 gepubliseer in die Buitengewone Provinsiale Koerant Nr. 6021 van 28 Mei 2003, Provinsiale Kennisgewing 157 gepubliseer in Buitengewone Provinsiale Koerant Nr. 6257 van 29 April 2005, Provinsiale Kennisgewing 17 gepubliseer in die Buitengewone Provinsiale Koerant Nr. 6334 van 3 Januarie 2006 en Provinsiale Kennisgewing 123 gepubliseer in die Provinsiale Koerant Nr. 6511 van 28 Maart 2008 op die voorwaardes wat in die Bylaag hiervan uiteengesit word.

Gedateer op hierdie dag van 2010

**AW BREDELL, PROVINSIALE MINISTER VAN PLAASLIKE REGERING,
OMGEWINGSKE EN ONTWIKKELINGSBEPLANNING****BYLAAG****Wysiging van Hoofkennisgewing****1. Die volgende subartikel vervang subartikel 2(1) van die hoofkennisgewing:**

“2.(1) Op 3 Maart 2000 het die Munisipale Afbakeningsraad, wat ingevolge artikel 21 van die Munisipale Afbakeningswet handel, die grense van die Munisipaliteit bepaal, soos aangetoon op die kaart wat voorkom in Provinsiale Kennisgewing 69/2000 gepubliseer in Buitengewone Provinsiale Koerant Nr. 5431 van 3 Maart 2000 (’n kopie word herpubliseer in Aanhangsel “1” tot die Bylaag) en gewysig deur Provinsiale Kennisgewing 17/2004 gepubliseer in Provinsiale Koerant Nr. 6104 van 30 Januarie 2004 saamgelees met Provinsiale Kennisgewing 146/2004 gepubliseer in Provinsiale Koerant Nr. 6153 van 30 Julie 2004, Provinsiale Kennisgewings 178/2006 en 179/2006 gepubliseer in Buitengewone Provinsiale Koerant Nr. 6358 van 22 Mei 2006 saamgelees met Provinsiale Kennisgewing 209/2008 gepubliseer in Provinsiale Koerant Nr. 6530 van 6 Junie 2008 en sluit in die area van die voormalige WCDMA3 soos gepubliseer in Provinsiale Kennisgewing 163/2008 gepubliseer in Provinsiale Koerant Nr. 6518 van 29 April 2008 saamgelees met Provinsiale Kennisgewing 263/2008 gepubliseer in Provinsiale Koerant Nr. 6547 van 25 Julie 2008. (Sien Aanhangsel 2 vir Oorgangsmaatreëls).”

2. Die volgende subartikels vervang subartikels 8(1) en (2) in die hoofkennisgewing:–

“8.(1) Die Munisipale Raad van die Munisipaliteit het 9 (nege) raadslede, soos deur die Provinsiale Minister bepaal in Provinsiale Kennisgewing 164/2000 gepubliseer in Buitengewone Provinsiale Koerant Nr. 5468 van 4 Mei 2000 en herroep deur Provinsiale Kennisgewing 261/2009 gepubliseer in Buitengewone Provinsiale Koerant Nr. 6646 van 31 Julie 2009, waarvan 5 (vyf) wyksraadslede is en 4 (vier) proporsioneel verkose raadslede is.
(2) Die Munisipaliteit het 5 (vyf) wyke.”

3. Die volgende Aanhangsel word in die Hoofkennisgewing ingevoeg na Aanhangsel 1:**“AANHANGSEL 2***Oorgangsmaatreëls om die afskaffing van die Distriksbestuurgebied (WCDMA3) te fasiliteer***Definisies**

- In hierdie Aanhangsel, tensy dit teenstrydig is met die konteks –
“**DBG**” beteken die Distriksbestuurgebied soos uiteengesit in artikel 2(1) van hierdie Skedule; en
“**effektiewe datum**” beteken die datum van die volgende algemene verkiesing van munisipale rade.

Oorgangsmaatreëls

- Onderhewig aan artikel 14, geles met artikel 16, van die Wet op Plaaslike Regering: Munisipale Strukture, is die oorgangsmaatreëls om die gevolge van die insluiting van die DBG in die plaaslike Munisipaliteit te reguleer en fasiliteer, uiteengesit in die Vyfde Wysigingskennisgewing van die Distriksmunisipaliteit Kennisgewing, wat saam met hierdie kennisgewing gepubliseer is.”

4. Korttitel en inwerkingtreding

Hierdie Kennisgewing word die Munisipaliteit Kaap Agulhas (WCO33) Instellingskennisgewing Vyfde Wysigingskennisgewing genoem en tree in werking vanaf die datum van die volgende algemene verkiesing van munisipale rade.

PN. 469/2010

9 December 2010

LOCAL GOVERNMENT: MUNICIPAL STRUCTURES ACT, 1998**(ACT 117 OF 1998)****THE SWELLENDAM MUNICIPALITY (WCO34) ESTABLISHMENT FIFTH AMENDMENT NOTICE**

By virtue of the powers vested in me by section 16, read with sections 6(3)(b)(ii), 12, 14 and 17 of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998), as amended, I hereby give notice of the fifth amendment of the Swellendam Municipality (WCO34) Establishment Notice, Provincial Notice 496 published in the Provincial Gazette Extraordinary No. 5591 dated 22 September 2000 (the Principal Notice), as amended by Provincial Notice 682 published in the Provincial Gazette Extraordinary No. 5643 dated 4 December 2000, Provincial Notice 463 published in the Provincial Gazette Extraordinary No. 5969 dated 19 December 2002, Provincial Notice 191 published in the Provincial Gazette Extraordinary No. 6021 dated 28 May 2003, Provincial Notice 157 published in Provincial Gazette Extraordinary No. 6257 dated 29 April 2005, Provincial Notice 18 published in the Provincial Gazette Extraordinary No. 6334 dated 3 January 2006 and Provincial Notice 124 published in the Provincial Gazette No. 6511 dated 28 March 2008 on the terms set out in the Schedule hereto.

Dated this day of 2010.

**AW BREDELL, PROVINCIAL MINISTER OF LOCAL GOVERNMENT,
ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING**

SCHEDULE**Amendment of principal Notice****1. Section 2 of the principal Notice is amended by the substitution for subsection (1) of the following subsection:**

“2.(1) On 3 March 2000 the Municipal Demarcation Board, acting in terms of section 21 of the Municipal Demarcation Act, determined the boundaries of the Municipality, as reflected in the map appearing in Provincial Notice 69/2000 published in Provincial Gazette Extraordinary No. 5431 of 3 March 2000 (a copy of the map is republished in Annexure “1” to this Schedule) and amended by Provincial Notice 165/2000 published in Provincial Gazette No. 5469 of 5 May 2000 and Provincial Notice 364/2003 published in Provincial Gazette No. 6081 of 5 November 2003 read with Provincial Notice 146/2004 published in Provincial Gazette No. 6153 of 30 July 2004 and includes part of the area of the former WCDMA2 as published in Provincial Notice 163/2008 published in Provincial Gazette No. 6518 of 29 April 2008 read with Provincial Notice 263/2008 published in Provincial Gazette No. 6547 of 25 July 2008. (See Annexure 2 for Transitional Measures).”

2. The following section is substituted for section 8 of the principal Notice:

“8.(1) The Municipal Council of the Municipality has 9 (nine) councillors, as determined by the Provincial Minister in Provincial Notice 164/2000 published in Provincial Gazette Extraordinary No. 5468 of 4 May 2000 and repealed by Provincial Notice 261/2009 published in Provincial Gazette Extraordinary No 6646 dated 31 July 2009, of which 5 (five) are ward councillors and 4 (four) are proportionally elected councillors.
(2) The Municipality has 5 (five) wards.”

3. The following Annexure is inserted in the principle Notice after Annexure 1:**“ANNEXURE 2**

Transitional Measures to facilitate the disestablishment of the District Management Area (WCDMA2)

Definitions

- In this Annexure, unless inconsistent with the context—
“**DMA**” means the District Management Area set out in section 2(1) of this Schedule; and
“**effective date**” means the date of the next general election of municipal councils.

Transitional measures

- Subject to section 14, read with section 16, of the Municipal Structures Act, the transitional measures to regulate and facilitate the consequences of the partial inclusion of the DMA into the Local Municipality are as set out in the Seventh Amendment Notice of the Cape Winelands District Municipality Notice, published on the same date as this notice.”

4. Short title and commencement

This Notice is called the Swellendam Municipality (WCO34) Establishment Fifth Amendment Notice and has effect from the date of the next general election of municipal councils.

PK. 469/2010

9 Desember 2010

WET OP PLAASLIKE REGERING: MUNISIPALE STRUKTURE, 1998**(WET 117 VAN 1998)****DIE MUNISIPALITEIT SWELLENDAM (WCO34) INSTELLINGSKENNIGGEWING VYFDE WYSIGINGSKENNIGGEWING**

Uit hoofde van die gesag aan my verleen by artikel 16, saamgelees met artikels 6(3)(b)(ii), 12, 14 en 17 van die Wet op Plaaslike Regering: Munisipale Strukture, 1998 (Wet 117 van 1998), soos gewysig, geen ek hierby kennis van die vyfde wysiging van die Munisipaliteit Swellendam (WCO34) Instellingskennigging, Provinsiale Kennisgewing 496 gepubliseer in die Buitengewone Provinsiale Koerant Nr. 5591 van 22 September 2000 (die Hoofkennigging), soos gewysig deur Provinsiale Kennisgewing 682 gepubliseer in die Buitengewone Provinsiale Koerant Nr. 5643 van 4 Desember 2000, Provinsiale Kennisgewing 463 gepubliseer in die Buitengewone Provinsiale Koerant Nr. 5969 van 19 Desember 2002, Provinsiale Kennisgewing 191 gepubliseer in die Buitengewone Provinsiale Koerant Nr. 6021 van 28 Mei 2003, Provinsiale Kennisgewing 157 gepubliseer in die Buitengewone Provinsiale Koerant Nr. 6257 van 29 April 2005, Provinsiale Kennisgewing 18 gepubliseer in die Buitengewone Provinsiale Koerant Nr. 6334 van 3 Januarie 2006 en Provinsiale Kennisgewing 124 gepubliseer in die Provinsiale Koerant Nr. 6511 van 28 Maart 2008 op die voorwaardes wat in die Bylaag hiervan uiteengesit word.

Gedateer op hierdie dag van 2010.

**AW BREDELL, PROVINSIALE MINISTER VAN PLAASLIKE REGERING,
OMGEWINGSKAKE EN ONTWIKKELINGSBEPLANNING****BYLAAG****Wysiging van Hoofkennigging****1. Die volgende subartikel vervang subartikel 2(1) van die hoofkennigging:**

“2.(1) Op 3 Maart 2000 het die Munisipale Afbakeningsraad, wat ingevolge artikel 21 van die Munisipale Afbakeningswet handel, die grense van die Munisipaliteit bepaal, soos aangetoon op die kaart wat voorkom in Provinsiale Kennisgewing 69/2000 gepubliseer in Buitengewone Provinsiale Koerant Nr. 5431 van 3 Maart 2000 (’n kopie word herpubliseer in Aanhangsel “1” tot die Bylaag) en gewysig deur Provinsiale Kennisgewing 165/2000 gepubliseer in Provinsiale Koerant Nr. 5469 van 5 Mei 2000 en Provinsiale Kennisgewing 364/2003 gepubliseer in Provinsiale Koerant Nr. 6081 van 5 November 2003 saamgelees met Provinsiale Kennisgewing 146/2004 gepubliseer in Provinsiale Koerant Nr. 6153 van 30 Julie 2004 en sluit in gedeelte van die voormalige WCDMA2 soos gepubliseer in Provinsiale Kennisgewing 163/2008 gepubliseer in Provinsiale Koerant Nr. 6518 van 29 April 2008 saamgelees met Provinsiale Kennisgewing 263/2008 gepubliseer in Provinsiale Koerant Nr. 6547 van 25 Julie 2008. (Sien Aanhangsel 2 vir Oorgangsmatreëls).”

2. Die volgende subartikels vervang subartikels 8(1) en (2) in die hoofkennigging:--

“8.(1) Die Munisipale Raad van die Munisipaliteit het 9 (nege) raadslede, soos deur die Provinsiale Minister bepaal in Provinsiale Kennisgewing 164/2000 gepubliseer in Buitengewone Provinsiale Koerant Nr. 5468 van 4 Mei 2000 en herroep deur Provinsiale Kennisgewing 261/2009 gepubliseer in Buitengewone Provinsiale Koerant Nr. 6646 van 31 Julie 2009, waarvan 5 (vyf) wyksraadslede is en 4 (vier) proporsioneel verkose raadslede is.
(2) Die munisipaliteit het 5 (vyf) wyke.”

3. Die volgende Aanhangsel word in die Hoofkennigging ingevoeg na Aanhangsel 1:**“AANHANGSEL 2**

Oorgangsmatreëls om die afskaffing van die Distriksbestuurgebied (WCDMA2) te fasiliteer

Definisies

- In hierdie Aanhangsel, tensy dit teenstrydig is met die konteks –
“**DBG**” beteken die Distriksbestuurgebied soos uiteengesit in artikel 2(1) van hierdie Skedule; en
“**effektiewe datum**” beteken die datum van die volgende algemene verkiesing van munisipale rade.

Oorgangsmatreëls

- Onderhewig aan artikel 14, gelees met artikel 16, van die Wet op Plaaslike Regering: Munisipale Strukture, is die oorgangsmatreëls om die gevolge van die gedeeltelike insluiting van die DBG in die plaaslike Munisipaliteite te reguleer en fasiliteer, uiteengesit in die Sewende Wysigingskennigging van die Kaapse Wynland Distriksmunisipaliteit Kennisgewing, wat op dieselfde datum as hierdie kennigging gepubliseer is.”

4. Korttitel en inwerkingtreeding

Hierdie Kennisgewing word die Munisipaliteit Swellendam (WCO34) Instellingskennigging Vyfde Wysigingskennigging genoem en tree in werking vanaf die datum van die volgende algemene verkiesing van munisipale rade.

