

PROVINCE OF WESTERN CAPE

PROVINSIE WES-KAAP

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Friday, 25 February 2011

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**PROVINCIAL NOTICES**

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.

P.N. 58/2011

25 February 2011

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

In terms of 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), I further amend the Overberg District Municipality (DC3) Establishment Notice, Provincial Notice 492/2000, published in the Provincial Gazette Extraordinary No. 5591 dated 22 September 2000 (the principal Notice), as set out in the Schedule.

In this notice "principal Notice" means the Overberg District Municipality (DC3) Establishment Notice, Provincial Notice 492/2000 published in the Provincial Gazette Extraordinary No. 5591 dated 22 September 2000, as amended by Provincial Notice 678/2000 published in the Provincial Gazette Extraordinary No. 5643 dated 4 December 2000, Provincial Notice 459/2002 published in the Provincial Gazette Extraordinary No. 5969 dated 19 December 2002, Provincial Notice 187/2003 published in the Provincial Gazette Extraordinary No. 6021 dated 28 May 2003, Provincial Notice 157/2005 published in the Provincial Gazette No. 6257 dated 29 April 2005, Provincial Notice 14/2006 published in Provincial Gazette Extraordinary No. 6334 dated 3 January 2006 and Provincial Notice 120/2008 published in the Provincial Gazette No. 6511 dated 28 March 2008.

Dated this 23rd day of February 2011.

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

**SCHEDULE**

**1. Section 2 of the Schedule to 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 District Municipality, as reflected in the map appearing in Provincial Notice 69/2000 published in Provincial Gazette Extraordinary No. 5431 dated 3 March 2000 (a copy of the map is republished in Annexure "1" to this Schedule). Those boundaries were amended by Provincial Notice 165/2000 published in Provincial Gazette Extraordinary No. 5469 dated 5 May 2000, Provincial Notice 364/2003 published in Provincial Gazette Extraordinary No.6081 dated 5 November 2003 read with Provincial Notice 146/2004 published in Provincial Gazette No. 6153 dated 30 July 2004 and Provincial Notice 163/2008 published in Provincial Gazette 6518 dated 29 April 2008 read with Provincial Notice 263/2008 published in Provincial Gazette 6547 dated 25 July 2008.
- (2) (a) On 10 March 2000, the Municipal Demarcation Board, acting in terms of section 6 of the Municipal Structures Act, declared the areas reflected in maps no. 3 and 4 published in Government Gazette No. 21617 dated 29 September 2000 as District Management Area (WCDMA2) and District Management Area (WCDMA3), respectively. (A copy of map no. 4 is republished in Annexure "2A" to this Schedule and a copy of map no. 3 is republished in Annexure "2A" of the Cape Winelands District Municipality Establishment Notice published in Provincial Notice 486/2000 dated 22 September 2000.)
- (b) The declaration of the District Management Area (WCDMA3) and District Management Area (WCDMA2) have been withdrawn by General Notice 1022/2008 published in Government Gazette 31353 dated 19 August 2008.
- (c) The municipal boundaries of the District Municipality and the Swellendam Municipality (WCO34) have been re-determined by the Demarcation Board, as reflected in map number DC3 and map number DC3 WCO34, published under Provincial Notice 163/2008 in Provincial Gazette Extraordinary 6518 dated 29 April 2008, read with Provincial Notice 263/2008 published in Provincial Gazette 6547 dated 25 July 2008, to include a portion of the District Management Area (WCDMA2) whose declaration was withdrawn as set out in paragraph (b).
- (d) The municipal boundaries of the Cape Agulhas Municipality (WCO33) have been re-determined by the Demarcation Board as reflected in map number DC3 WCO33, published under Provincial Notice 163/2008 in Provincial Gazette Extraordinary 6518 dated 29 April 2008, read with Provincial Notice 263/2008 published in Provincial Gazette 6547 dated 25 July 2008, to include the area of the former District Management Area (WCDMA3), whose declaration was withdrawn as set out in paragraph (b).
- (e) Transitional measures to facilitate the implementation of the changes referred to in paragraphs (b), (c) and (d) are set out in Annexure 3 to the Schedule."

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

"8. The Municipal Council of the District Municipality has 21 (twenty-one) councillors, as determined by the Provincial Minister in Provincial Notice 261/2009 published in Provincial Gazette Extraordinary No. 6646 dated 31 July 2009, of whom-

- (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 whom -
- (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 represents the Swellendam Municipality (WCO34).”.

**3. The following Annexure is inserted in the Schedule to the principal Notice after Annexure 2A:**

**“ANNEXURE 3**

*Transitional measures to facilitate the disestablishment of District Management Area WCDMA3 and part of District Management Area WCDMA2 and the incorporation of the areas concerned in superseding municipalities*

**Definitions**

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

“**District Municipality**” in relation to—

- (a) the former District Management Area (WCDMA2), means the Cape Winelands District Municipality (DC2);
- (b) the former District Management Area (WCDMA3), means the Overberg District Municipality (DC3);

“**DMA**” in relation to—

- (a) the former District Management Area (WCDMA3), means the area which has been incorporated into the Cape Agulhas Municipality (WCO33) as set out in section 2(2)(d) of the Schedule to the principal Notice;
- (b) the former District Management Area (WCDMA2), means the area which has been incorporated into the Overberg District Municipality (DC3) and Swellendam Municipality (WCO34) as set out in section 2(2)(c) of the Schedule to the principal Notice;

“**effective date**” means the date of the first general election of municipal councils after the publication of the Overberg District Municipality (DC3) Establishment Fifth Amendment Notice;

“**municipal function**” in relation to-

- (a) the superseding Overberg District Municipality (DC3), means a function referred to in section 84(1) of the Municipal Structures Act;
- (b) the superseding Swellendam Municipality (WCO34) and the superseding Cape Agulhas Municipality (WCO33), means a function referred to in section 84(2) of the Municipal Structures Act and section 16C(a) of the Schedule to the principal Notice; and

“**superseding municipality**” in relation to-

- (a) the former District Management Area (WCDMA3), means the Cape Agulhas Municipality (WCO33);
- (b) the portion of the District Management Area (WCDMA2) referred to in section 2(2)(c) of the Schedule to the principal Notice, means the Overberg District Municipality (DC3) and Swellendam Municipality (WCO34).

**Transitional measures**

2.(1) Subject to sections 14 and 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 municipalities in respect of the DMA:

- (a) Due to the fact that the District Municipality has performed all the municipal functions in the DMA, it is necessary to ensure the transfer of the staff members and assets of the District Municipality associated with the performance of municipal functions in the DMA to the superseding municipalities to ensure that the superseding municipalities are able to perform those functions in respect of the DMA included within their respective municipal areas.
- (b) The District Municipality and the superseding municipalities must engage in a consultative process with each other and their staff members to determine which staff members are to be transferred from the District Municipality to the superseding municipalities to enable the superseding municipalities to fulfil the municipal functions in respect of the DMA. A written agreement must be entered into between the District Municipality and the superseding municipalities setting out the agreement in respect of the transfer and allocation of staff members.
- (c) The following guidelines may be followed in reaching an agreement in respect of the transfer and allocation of staff:
  - (i) A staff member of the District Municipality associated exclusively with municipal functions which, from the effective date, are to be carried out by a superseding municipality may be transferred to that superseding municipality;
  - (ii) a staff member of the District Municipality associated with municipal functions which, from the effective date, are to be performed by the District Municipality and one or more superseding municipalities or by more than one superseding 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 municipal function 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 municipalities; and
  - (iv) the municipalities concerned may by agreement determine the extent of a staff member’s time towards municipal functions of either the District Municipality or a superseding municipality.
- (d) When a staff member is transferred to a superseding 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 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 municipality as if with the District Municipality.
- (f) An employee that is transferred to the superseding 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 superseding municipality is the human resource policies and procedures applicable to an employee transferred to that municipality, 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 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 municipalities in respect of the DMA:
- (a) The transfer and distribution between the District Municipality and the superseding municipalities of financial, movable, immovable, corporeal and incorporeal assets of the District Municipality associated with municipal functions which from the effective date are to be carried out by more than one of the superseding municipalities within or in respect of the DMA, must be effected on an equitable basis between the superseding municipalities and by having regard to the utilisation of the assets, the nature thereof and the purpose served by the assets concerned. The transfer and distribution must be determined by way of a written agreement between the District Municipality and the respective superseding municipalities.
- (b) The transfer and distribution between the District Municipality and a superseding municipality of financial, movable, immovable, corporeal and incorporeal assets of the District Municipality associated with functions which from the effective date are to be carried out by the District Municipality and that superseding municipality within or in respect of the DMA, must be effected on an equitable basis between the District Municipality and the superseding municipality and by having regard to the utilisation of the assets, the nature thereof and the purpose served by the assets concerned. The transfer and distribution must be determined by way of a written agreement between the District Municipality and the superseding municipality.
- (c) All financial, movable, immovable, corporeal and incorporeal assets of the District Municipality associated exclusively with municipal functions which from the effective date are to be carried out by one of the superseding municipalities within or in respect of the DMA, must be transferred to that superseding municipality, unless otherwise agreed to between the District Municipality and that superseding municipality.
- (d) The District Municipality must continue to spend allocations made to it in terms of the annual Division of Revenue Act in respect of municipal functions in a DMA for the 2011/12 financial year as if that area had not been incorporated into the superseding municipalities, unless the municipalities concerned have entered into a written agreement that ensures that-
- (i) the area and superseding municipality concerned are not negatively affected; or
- (ii) the budget attached to a local municipal function to be carried out by any superseding municipality within or in respect of the DMA is available to the superseding municipality concerned.
- (e) As soon as practicable after the effective date each superseding municipality must, in respect 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.
- (f) All liabilities of the District Municipality associated with a municipal function which from the effective date is to be carried out within or in respect of the DMA by the District Municipality and any of the superseding municipalities must be shared equitably between the District Municipality and the superseding municipality concerned, taking into account the nature of the liability, the cause thereof and the availability of funds to settle the liability. A written agreement must be entered into between the District Municipality and the superseding municipality concerned, setting out how the liabilities are to be shared.
- (g) All liabilities of the District Municipality associated with a municipal function which from the effective date is to be carried out within or in respect of the DMA by more than one of the superseding municipalities must be shared equitably between the superseding municipalities, taking into account the nature of the liability, the cause thereof and the availability of funds to settle the liability. A written agreement must be entered into between the District Municipality and the superseding municipalities, setting out how the liabilities are to be shared.
- (h) All liabilities of the District Municipality associated exclusively with a municipal function which from the effective date is to be carried out by one of the superseding municipalities within or in respect of the DMA, must be transferred to that superseding municipality, unless otherwise agreed to between the District Municipality and that superseding municipality.
- (i) All records required by the superseding municipalities to perform the municipal functions within or in respect of the DMA must be supplied by the District Municipality to the respective superseding municipalities within 90 days from the effective date.
- (j) Written agreements may be entered into between the District Municipality and the superseding 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 municipal function which from the effective date is to be carried out within or in respect of the DMA by the District Municipality and one or more of the superseding municipalities, or by one or more of the superseding municipalities, the arrangements regarding the transfer and distribution of staff members, assets and liabilities associated with that function must be agreed to in accordance with this Annexure. The District Municipality and the respective superseding 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), a superseding municipality is the successor in law of the District Municipality in respect of matters associated with municipal functions to be carried out by that superseding municipality within or in respect of the DMA included in its area;
  - (ii) 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 the DMA included in its area.
- (5) The following transitional measures apply in relation to by-laws and resolutions:
- (a) Any by-law in force in the DMA immediately before the effective date remains of full force subject to any amendment or repeal by the superseding municipality concerned.
  - (b) In the application of such a by-law in or in respect of the DMA, unless inconsistent with the context or clearly inappropriate, a reference in any such by-law to:-
    - (i) the District Municipality or its predecessor, must be construed as a reference to the superseding municipality; and
    - (ii) a structure or functionary of the District Municipality, must be construed as a reference to the corresponding structure or functionary of the superseding municipality.
  - (c) Subject to this Annexure, any-
    - (i) resolution taken;
    - (ii) notice, certificate or other document issued;
    - (iii) direction, approval, consent or authority given;
    - (iv) exemption, licence, 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 municipalities, and continue to apply in or in respect of the DMA pending its review and rationalisation in terms of section 15 of the Municipal Structures Act.
  - (d) Any staff member of the District Municipality 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 municipality in accordance with this Annexure.
  - (e) Any statutory plan relating to municipal functions and in force in respect of the DMA immediately before the effective date, remains in force until it is amended, varied or repealed by the superseding municipality concerned.
- (6) The following principles apply to the agreements to be entered into between the District Municipality and the superseding municipalities in terms of this Annexure:
- (a) The District Municipality and the superseding municipality concerned must 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 that are parties to an agreement must ensure that the agreement 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 that are parties to an agreement may at any time agree to amend the agreement, which amendment must be reduced to writing and signed by all the parties to the agreement.
  - (f) The District Municipality must keep every original signed agreement in a safe place and must ensure that any superseding municipality who is a party to an agreement receives a copy of the agreement. That copy must be kept in safe place by that superseding municipality.
  - (g) If the municipalities cannot reach an agreement within 90 days from the effective date on any of the matters in respect of which an agreement is required, the matter must be resolved in terms of item 3.

#### Settlement of disputes

3. (1)(a) Where a dispute arises out of or in connection with the application of this Annexure, the District Municipality and superseding municipality concerned (the municipalities) may by agreement follow the mediation or arbitration procedure, or mediation and arbitration procedure, as set out in subitems (2) to (16).

- (b) Paragraph (a) does not detract from the right of the District Municipality or any superseding municipality to institute any proceedings in any court of competent jurisdiction.
- (2) Any dispute arising out of or in connection with the application of this Annexure may be referred by agreement between the municipalities to mediation.
- (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 is an independent and suitably qualified person agreed upon between the municipalities or, failing agreement, nominated in terms of subitem (5).
- (5) If agreement cannot be reached regarding the selection of a Mediator within three business days after the municipalities agreed to refer the matter to mediation, the municipal managers of the municipalities must in writing inform the chairperson of the provincial organisation for the Western Cape recognised in terms of section 2(1)(b) of the Organised Local Government Act, 1997 (Act 52 of 1997). That chairperson must within three days of being so informed, nominate the Mediator.
- (6) The Mediator must, after consultation with the municipalities, determine whether the municipalities are to make their representations in writing or orally or both in writing and orally. The Mediator may be guided by the mutual reasonable desire of the municipalities regarding the form of the representations. The municipalities may not be legally represented before the Mediator.
- (7) The municipalities must make their representations within seven business days from notification by the Mediator of the required form of their representations. The Mediator must within seven business days of the making of the representations express in writing an opinion on the matter and furnish each of the municipalities 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 within three days of receiving the copy of the opinion informs the other municipality in writing that it does not accept the opinion. In such event, the municipality must refer the dispute to arbitration in accordance with subitem (11). The opinion of the Mediator does not prejudice the rights of either party in any manner in the event of the dispute proceeding to court or to arbitration.
- (9) The Mediator must determine, and apportion liability for, the costs of the mediation.
- (10) The amount of the costs is due and payable to the Mediator on presentation of his or her written account.
- (11) Any dispute arising out of or in connection with this Annexure may be referred by agreement between the municipalities to arbitration.
- (12) The arbitration must be held at a place to be agreed upon between the municipalities and otherwise in accordance with the Arbitration Act, 1965 (Act 42 of 1965). If possible, the arbitration must be concluded within 12 days of the matter being referred to arbitration.
- (13) The Arbitrator is, if the matter in dispute is-
- (a) primarily a legal matter, a practising Senior Advocate of the Cape Bar; or
  - (b) any other matter, an independent and suitably qualified person,
- agreed upon between the municipalities or, failing agreement, nominated in terms of subitem (14)(b).
- (14) If agreement cannot be reached on whether the matter in dispute falls under subitem (13)(a) or (13)(b), or on a particular Arbitrator, within three days after the municipalities agreed to refer the dispute to arbitration, the municipal managers of the municipalities must in writing inform the chairperson of the provincial organisation for the Western Cape recognised in terms of section 2(1)(b) of the Organised Local Government Act, 1997. That chairperson must within three days of being so informed, as the case may be-
- (a) determine whether the matter in dispute falls under subitem 13(a) or 13(b); or
  - (b) nominate the Arbitrator.
- (15) The Arbitrator must give his or her decision within five days after the completion of the arbitration. The Arbitrator must determine, and apportion liability for, the costs of the mediation.
- (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.

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P.N. 59/2011

25 February 2011

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

In terms of section 16 of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998), I hereby further amend the Theewaterskloof Municipality (WCO31) Establishment Notice, Provincial Notice 493/2000 published in Provincial Gazette 5591 dated 22 September 2000 (the principal Notice) as set out in the Schedule.

In this notice "principal Notice" means the Theewaterskloof Municipality (WCO31) Establishment Notice, Provincial Notice 493/2000 published in Provincial Gazette 5591 dated 22 September 2000, as amended by Provincial Notice 679/2000 published in the Provincial Gazette Extraordinary No. 5643 dated 4 December 2000, Provincial Notice 460/2002 published in the Provincial Gazette Extraordinary No. 5969 dated 19 December 2002, Provincial Notice 188/2003 published in the Provincial Gazette Extraordinary No. 6021 dated 28 May 2003, Provincial Notice 157/2005 published in the Provincial Gazette Extraordinary No. 6257 dated 29 April 2005, Provincial Notice 15/2006 published in the Provincial Gazette Extraordinary No. 6334 dated 3 January 2006 and Provincial Notice 121/2008 published in the Provincial Gazette No. 6511 dated 28 March 2008.

Dated this 23rd day of February 2011.

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

**SCHEDULE****Amendment of the Schedule to the 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 dated 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 dated 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.

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P.N. 60/2011

25 February 2011

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

In terms of section 16 of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998), I hereby further amend the Overstrand Municipality (WCO32) Establishment Notice, Provincial Notice 494/2000 published in Provincial Gazette 5591 dated 22 September 2000 (the principal Notice) as set out in the Schedule.

In this notice "principal Notice" means the Overstrand Municipality (WCO32) Establishment Notice, Provincial Notice 494/2000 published in Provincial Gazette 5591 dated 22 September 2000, as amended by Provincial Notice 680/2000 published in the Provincial Gazette Extraordinary No. 5643 dated 4 December 2000, Provincial Notice 461/2002 published in the Provincial Gazette Extraordinary No. 5969 dated 19 December 2002, Provincial Notice 189/2003 published in the Provincial Gazette Extraordinary No. 6021 dated 28 May 2003, Provincial Notice 16/2006 published in the Provincial Gazette Extraordinary No. 6334 dated 3 January 2006 and Provincial Notice 122/2008 published in the Provincial Gazette No. 6511 dated 28 March 2008.

Dated this 23rd day of February 2011.

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

**SCHEDULE****Amendment of the Schedule of the 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 dated 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.

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P.N. 61/2011

25 February 2011

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

In terms of 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), I hereby further amend the Cape Agulhas Municipality (WCO33) Establishment Notice, Provincial Notice 495/2000 published in the Provincial Gazette Extraordinary No. 5591 dated 22 September 2000 (the principal Notice) as set out in the Schedule.

In this notice "principal Notice" means the Cape Agulhas Municipality (WCO33) Establishment Notice, Provincial Notice 495/2000 published in the Provincial Gazette Extraordinary No. 5591 dated 22 September 2000, as amended by Provincial Notice 681/2000 published in the Provincial Gazette Extraordinary No. 5643 dated 4 December 2000, Provincial Notice 462/2002 published in the Provincial Gazette Extraordinary No. 5969 dated 19 December 2002, Provincial Notice 190/2003 published in the Provincial Gazette Extraordinary No. 6021 dated 28 May 2003, Provincial Notice 157/2005 published in Provincial Gazette Extraordinary No. 6257 dated 29 April 2005, Provincial Notice 17/2006 published in the Provincial Gazette Extraordinary No. 6334 dated 3 January 2006 and Provincial Notice 123/2008 published in the Provincial Gazette No. 6511 dated 28 March 2008.

Dated this 23rd day of February 2011.

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

**SCHEDULE****Amendment of the Schedule of the 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 dated 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 dated 30 January 2004 read with Provincial Notice 146/2004 published in Provincial Gazette No. 6153 dated 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 dated 29 April 2008 read with Provincial Notice 263/2008 published in Provincial Gazette No. 6547 dated 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 dated 4 May 2000 and 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 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.

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

In terms of 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), I hereby further amend the Swellendam Municipality (WCO34) Establishment Notice, Provincial Notice 496/2000 published in the Provincial Gazette Extraordinary No. 5591 dated 22 September 2000 (the principal Notice) as set out in the Schedule.

In this notice "principal Notice" means the Swellendam Municipality (WCO34) Establishment Notice, Provincial Notice 496/2000 published in the Provincial Gazette Extraordinary No. 5591 dated 22 September 2000, as amended by Provincial Notice 682/2000 published in the Provincial Gazette Extraordinary No. 5643 dated 4 December 2000, Provincial Notice 463/2002 published in the Provincial Gazette Extraordinary No. 5969 dated 19 December 2002, Provincial Notice 191/2003 published in the Provincial Gazette Extraordinary No. 6021 dated 28 May 2003, Provincial Notice 157/2005 published in Provincial Gazette Extraordinary No. 6257 dated 29 April 2005, Provincial Notice 18/2006 published in the Provincial Gazette Extraordinary No. 6334 dated 3 January 2006 and Provincial Notice 124/2008 published in the Provincial Gazette No. 6511 dated 28 March 2008.

Dated this 23rd day of February 2011.

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

**SCHEDULE****Amendment of the Schedule to the 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 dated 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 dated 5 May 2000 and Provincial Notice 364/2003 published in Provincial Gazette No. 6081 dated 5 November 2003 read with Provincial Notice 146/2004 published in Provincial Gazette No. 6153 dated 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 dated 29 April 2008, read with Provincial Notice 263/2008 published in Provincial Gazette No. 6547 dated 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 dated 4 May 2000 and 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 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**

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



