



MUNICIPAL DEMARCATION BOARD

304 Orient Street, Arcadia, 0083
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- To:** All Mayors of Metropolitan, District and Local Municipalities
All Speakers of Metropolitan, District and Local Municipalities
All Municipal Managers of Metropolitan, District and Local Municipalities
All MECs responsible for Local Government
Provincial Houses of Traditional Leaders
Department of Justice/Magistrates
- cc:** Minister of Cooperative Governance and Traditional Affairs
Department of Co-operative Governance
All Premiers of Provinces
National House of Traditional leaders
Department of Traditional Affairs
Department of Justice/Magistrates
SALGA
Members of the MDB Boundary, Powers and Functions Committee
Members of the Local Elections Technical Committee
National Treasury
StatsSA
IEC
Political Parties represented in Parliament
SANCO
Other stakeholders

Dear Sir/Madam,

CIRCULAR 3/2012: REDETERMINATION OF MUNICIPAL BOUNDARIES IN TERMS OF SECTION 26 OF THE LOCAL GOVERNMENT: MUNICIPAL DEMARCATION ACT, 1998: INVITATION TO SUBMIT VIEWS AND REPRESENTATION TO THE MUNICIPAL DEMARCATION BOARD

The purpose of this circular is to provide further information on the current demarcation process, and to seek assistance from stakeholders.

Following Circulars 1/2011, 2/2011, 1/2012 and 2/2012 issued by the Municipal Demarcation Board ("the Board"), this serves to inform you, in terms of section 26 (1) of the Local Government: Municipal Demarcation Act, 1998, that the Board has published section 26 notices in the following national and regional newspapers:

Newspaper	Date of publication
Daily Sun	09 Nov 2012
Sowetan	09 Nov 2012
Sunday Son	11 Nov 2012
The New Age	16 Nov 2012

The Star	14 Nov 2012
Beeld	16 Nov 2012
	20 Nov 2012
Alberton Record	14 Nov 2012
Ilanga	15 Nov 2012
	26 Nov 2012
Isolezwe	15 Nov 2012
	26 Nov 2012
Mercury	15 Nov 2012
	23 Nov 2012
Witness	16 Nov 2012
The Herald	15 Nov 2012
Dispatch	15 Nov 2012
Cape Argus	15 Nov 2012
Die Burger	16 Nov 2012
DFA	15 Nov 2012
Volksblad	16 Nov 2012

Section 26 of the Local Government: Municipal Demarcation Act, 1998 provides as follows:

26 Public notification of determination of municipal boundaries

(1) Before the Board considers any determination of a municipal boundary in terms of section 21, it must publish a notice in a newspaper circulating in the area concerned-

- (a) stating the Board's intention to consider the matter; and*
- (b) inviting written representations and views from the public within a specified period (which may not be shorter than 21 days).*

(2) When the Board publishes a notice it must convey by radio or other appropriate means of communication the contents of the notice in the area concerned.

(3) The Board must send by registered post, electronic means or by hand a copy of the notice to-

- (a) the MEC for local government in the province concerned;*
- (b) each municipality that will be affected by the Board's consideration of the matter;*
- (c) the magistrate concerned if any magisterial district is affected; and*
- (d) the provincial House of Traditional Leaders concerned established by provincial legislation in terms of section 212 (2) (a) of the Constitution if the boundary of a traditional authority is affected,*

and invite them to submit written representations or their views on the matter to the Board within the period determined in terms of subsection (1).

The Board already complied with these provisions.

All other stakeholders, and interested individuals, organisations and institutions have also been invited in the notice to submit written representations or views on the matters referred to in the notice to the Board **before or on 10 December 2012**.

Representations and views must be based on the criteria provided for in Sections 24 and 25 of the Municipal Demarcation Act, 1998, and in the case of metropolitan areas, also Section 2 of the Municipal Structures Act, 1998. To ensure that applicable information is submitted to the Board, the attached **Form E** can be used in this regard.

Provisional maps can be downloaded from the Board's web-site (www.demarcation.org.za), or can be obtained by sending an email to fazel@demarcation.org.za or a fax to 012-3422480. In case of a discrepancy between the descriptions in the notices and the maps, the maps will prevail.

Affected municipalities are requested to consult all affected communities before submitting their written views and representation to the Board.

The relevant reference number (DEM/Map number) must please be quoted in any correspondence with the Board.

To ensure that information on the proposed redeterminations reaches all stakeholders it would be appreciated if you could assist by posting the notice on your premises and, where possible, the notices can also be displayed at any other appropriate public places such as police stations, the magistrate's offices, offices of traditional leaders, taxi and bus terminals, pension pay points, shopping malls in the affected areas. It will also be appreciated if this circular could be circulated through ward committees, CDW's, youth volunteers and other community based structures to ensure wide accessibility by the broader community.

Municipal Managers are requested to acknowledge receipt of this circular and to confirm that they have acceded to the request contained in the preceding paragraph, and that they have also distributed this circular to all members of their municipal councils.

The Board would like to stress that no decisions have been taken as yet on the proposals received and under consideration. Final decisions will only be taken early next year and accordance with the indicative programme, which is attached here in.

As indicated in the section 26 notices written views and representation are to reach the offices of the MDB by not later than 10 December 2012. No extension will be given as it will delay the MDB's process, and adversely affects its timeframes for the completion of this project.

After the 10 December 2012 closing date, the MDB will consider all views and representation received. The Board will then decide to either re-determine the boundaries, or to further investigate some cases, or to hold public meetings for some cases. It is envisaged that section 21 notices will be published in Provincial Gazettes by April 2013. Stakeholders and other interested persons and parties will then have an opportunity to object to the proposed redeterminations within a period of 30 days from the date the Provincial Gazette is published. The period for objections will thus lapse around the end of April 2013 or early in May 2013. The section 21 process will be the last opportunity for participation in the Boundary redetermination process. The MDB will consider all objections received within the 30 day period, before finalizing the redetermination process by either confirming, varying, or withdrawing its redeterminations.

Your participation in the section 26 and section 21 processes is essential, and will be welcomed and appreciated.

Regards

A handwritten signature in black ink, consisting of a large, stylized 'L' shape with a horizontal crossbar and a vertical stem, followed by a smaller, less distinct mark.

LANDIWE J MAHLANGU
CHAIRPERSON: MUNICIPAL DEMARCATION BOARD
27 November 2012

**APPENDIX 1
FORM E**

SUBMISSION OF VIEWS AND REPRESENTATION TO THE MUNICIPAL DEMARCATION BOARD IN TERMS OF SECTION 26 OF THE LOCAL GOVERNMENT: MUNICIPAL DEMARCATION ACT, 1998.

IMPORTANT

1. This form should be completed when you wish to respond to the notice published in newspapers in terms of section 26 of the Demarcation Act, 1998.
2. Provide all the information required in section A.
3. Provide the proposal (DEM) number, delete either “is supported” or “is NOT supported”, and provide a summary of your motivation in section B. (Please refer to annexure D of Circular 2/2011 for the type of motivation required).
4. Describe the impact of the proposal in section C.
5. Provide motivation as per the objectives provided for in section 24 of the Demarcation Act, 1998, in Section D
6. Provide motivation as per the factors provided for in section 25 of the Demarcation Act, 1998, in Section E
7. In case of a metropolitan area provide motivation as per the criteria in section 2 of the Structures Act, 1998, in Section F.
8. Provide in section G an overview of your consultations that convinced you to submit views and representations to the MDB.
9. Provisional maps of the proposals received are available on the MDB website www.demarcation.org.za
10. This form, together with any supporting documents, should be submitted to the MDB by emailed (info@demarcation.org.za) or by fax (012-3422480) before or on 10 December 2012.

SECTION A: YOUR DETAILS

YOUR NAME:.....

NAME OF THE ORGANISATION/INSTITUTION/MUNICIPALITY.....

TELEPHONE AND ADDRESS:.....

YOUR POSITION:.....

YOUR EMAIL ADDRESS:.....

YOUR CELL PHONE NUMBER:.....

YOUR FAX NUMBER:

I have been duly authorised by:

.....(insert name of municipality/person/institution) to submit views and representation to the MDB as provided for in section 26 of the Demarcation Act, 1998.

SIGNATURE:.....

DATE:.....

SECTION B: INDICATE DEM NUMBER AND SUPPORT FOR THE PROPOSAL, OR NOT

I hereby inform the MDB that the proposal under reference number **DEM.....**
is supported / is NOT supported.

MOTIVATION (Provide a summary of the reasons why the proposal is supported or NOT supported.)

ADVANTAGES AND DISADVANTAGES OF PROPOSAL

ADVANTAGES	DISADVANTAGES

SECTION C: IMPACTS

Describe the impact of the proposal on ALL the municipalities that may be affected by the proposal with, amongst others, specific reference to the following key issues:

- Mention the name of municipality affected by your proposal (mention demarcation code)

- Estimated impact on the budgets of the affected municipalities:.....

- Estimated impact on the equitable share of the affected municipalities:.....
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- Estimated impact on the any grants that the affected municipalities receive from national and provincial governments:.....
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- Estimated impact on the tax base of the affected municipalities:.....
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- Estimated impact on the infrastructure of the affected municipalities:.....
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- Estimated impact on the grading of the affected municipalities:.....
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- Estimated impact on the number of councillors of the affected municipalities:
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- Estimated impact on the administrations and human resources of the affected municipalities:.....
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- Estimated impact on the transfer of assets and liabilities between the affected municipalities:.....
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SECTION D: DEMARCATION OBJECTIVES: SECTION 24

24(a) (i)	How will the proposed redetermination enable the provision of a democratic and accountable government for the local communities?
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24(a) (ii)	How will the proposed redetermination enable the provision of services to the communities in an equitable and sustainable manner?
24(a) (iii)	How will the proposed redetermination enable the promotion of social and economic development in the affected municipalities?
24(a) (iv)	How will the proposed redetermination enable a safe and healthy environment in the affected municipalities?
24(b)	How will the proposed redetermination enable effective local government in the affected municipalities?
24(c)	How will the proposed redetermination enable integrated development in the affected municipalities?

SECTION E: FACTORS TO BE TAKEN INTO ACCOUNT: SECTION 25

25(a) How will the proposed redetermination affect the interdependence of people, communities and economies as indicated by:	
Demographic data	<ul style="list-style-type: none"> ✓ Number of people in the area ✓ Estimate population after the boundary change
Patterns of human settlement	<ul style="list-style-type: none"> ✓ Current patterns of the Human settlement ✓ Expected Human Settlement

Migration	<ul style="list-style-type: none"> ✓ Indicate the existing migration patterns ✓ Indicate the expected migration patterns
Employment	
Commuting and dominant transport movements	
Spending	
Amenities, recreational facilities and infrastructure	
Infrastructure	
Commercial and industrial linkages	

25(b) Describe how the proposed redetermination will impact on the need for cohesive, integrated and unfragmented areas?

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25(d) Indicate the impact on the sharing and distribution of financial and administrative resources .

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25(e) Describe how the proposed redetermination will impact on other boundaries (provincial boundaries, other municipal boundaries, magisterial boundaries, ward boundaries, voting district boundaries, enumerator area boundaries; health boundaries, police areas, transport etc):

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25(f) & 25(g) Describe the impact of the proposed redetermination on the areas of traditional rural communities?

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25(h) What will be the impact of the proposed boundary change on the existing and expected land use, social, economic and transport planning?

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25(i) How will the proposed boundary redetermination impact on the promotion and co-ordination of national, provincial and local programmes, projects and services?

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25(j) Indicate which topographical, environmental and physical characteristics of the area will be affected negatively or positively?

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25(l) Describe as to how the proposed redetermination will affect the rationalisation of municipalities and the achievement of the objectives of efficient, effective and sustainable service delivery, financial viability and macro-economic stability?

SECTION F: ADDITIONAL INFORMATION REQUIRED FOR THE DEMARCATION AND CATEGORISATION OF METROPOLITAN AREAS (section 2 of the Structures Act, 1998)

2(a) Motivate your view why, or why not, the area should be regarded as a conurbation and a category A municipality area in terms of the following criteria:	
(i) movement of people, goods, and services	
(ii) extensive development	

(iii) multiple business districts and industrial areas	
2(b) a centre of economic activity with a complex and diverse economy	
2(c) a single area for which integrated development planning is desirable	
2(d) having strong interdependent social and economic linkages between its constituent Units	

SECTION G: CONSULTATION

Provide a brief overview of your consultative process before you decided to submit this form:

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