

REPUBLIC OF SOUTH AFRICA

**RE-DETERMINATION OF THE
BOUNDARIES OF CROSS-
BOUNDARY MUNICIPALITIES
BILL**

*(As introduced in the National Assembly as a section 75 Bill; explanatory summary of Bill
published in Government Gazette No. 27531 of 25 April 2005)
(The English text is the official text of the Bill)*

(MINISTER FOR PROVINCIAL AND LOCAL GOVERNMENT)

[B 12—2005]

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GENERAL EXPLANATORY NOTE:

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

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

BILL

To authorise the re-determination of the boundaries of certain cross-boundary municipalities; to amend the Local Government: Cross-boundary Municipalities Act, 2000; and to provide for matters connected therewith.

PREAMBLE

WHEREAS the re-determination of the boundaries of cross-boundary municipalities must be authorised with the concurrence of the legislatures of the provinces involved;

AND WHEREAS the re-determination of the boundaries of cross-boundary municipalities must be authorised by national legislation;

BE IT THEREFORE ENACTED by the Parliament of the Republic of South Africa, as follows:—

Authorisation of re-determination of boundaries of cross-boundary municipalities

1. Subject to section 2(a) of the Local Government: Cross-boundary Municipalities Act, 2000 (Act No. 29 of 2000), the re-determination of the boundaries of the municipalities referred to in the Schedule, is hereby authorised. 5

Amendment of Schedule to Act 29 of 2000 as amended by section 2 of Act 69 of 2000

2. The Local Government: Cross-boundary Municipalities Act, 2000 (Act No. 29 of 2000), is hereby amended by the substitution for the Schedule of the following Schedule: 10

“SCHEDULE

Provinces	Municipal area	
North West and Northern Cape	Local municipality CBLC1 identified by Map No. 9 of the Schedule to Notice 207 of 2000 (North West) and Map No. 9 of the Schedule to Notice 99 of 2000 (Northern Cape), respectively	5
Mpumalanga and Gauteng	Local municipality CBLC2 identified by Map No. 10 of the Schedule to Notice 291 of 2000 (Mpumalanga), and Map No. 10 of the Schedule to Notice 6574 of 2000 (Gauteng), respectively, as amended by Map DEM120 of the Schedule to Notice 2913 of 2003 (Gauteng) and the Schedule to Notice 252 of 2003 (Mpumalanga), and Map DEM676 of the Schedule to Notice 3661 of 2003 (Gauteng) and the Schedule to Notice 325 of 2003 (Mpumalanga)	10 15
Mpumalanga and [Northern Province] <u>Limpopo</u>	Local municipality CBLC3 identified by Map No. 11 of the Schedule to Notice 291 of 2000 (Mpumalanga), and Map No. 11 of the Schedule to Notice 288 of 2000 (Northern Province), respectively	20
Mpumalanga and [Northern Province] <u>Limpopo</u>	Local municipality CBLC4 identified by Map No. 12 of the Schedule to Notice 204 of 2000 (Mpumalanga), and Map No. 12 of the Schedule to Notice 205 of 2000 (Northern Province), respectively, as amended by Map DEM075 of the Schedule to Notice 214 of 2003 (Limpopo) and the Schedule to Notice 370 of 2003 (Mpumalanga), and Map DEM512 of the Schedule to Notice 187 of 2003 (Limpopo) and the Schedule to Notice 325 of 2003 (Mpumalanga)	25 30
Mpumalanga and [Northern Province] <u>Limpopo</u>	Local municipality CBLC5 identified by Map No. 13 of the Schedule to Notice 291 of 2000 (Mpumalanga), and Map No. 13 of the Schedule to Notice 288 of 2000 (Northern Province), respectively, as amended by Map DEM512 of the Schedule to Notice 187 of 2003 (Limpopo) and the Schedule to Notice 325 of 2003 (Mpumalanga), and Map DEM968 of the Schedule to Notice 187 of 2003 (Limpopo) and the Schedule to Notice 325 of 2003 (Mpumalanga)	35 40 45
Mpumalanga and [Northern Province] <u>Limpopo</u>	Local municipality CBLC6 identified by Map No. 14 of the Schedule to Notice 204 of 2000 (Mpumalanga), and Map No. 14 of the Schedule to Notice 205 of 2000 (Northern Province), respectively	50
North West and Northern Cape	Local municipality CBLC7 identified by Map No. 15 of the Schedule to Notice 297 of 2000 (North West), and Map No. 15 of the Schedule to Notice 129 of 2000 (Northern Cape), respectively	55
North West and Gauteng	Local municipality CBLC8 identified by Map No. 16 of the Schedule to Notice 207 of 2000 (North West), and Map No. 16 of the Schedule to Notice 4822 of 2000 (Gauteng), respectively	

Provinces	Municipal area	
North West and Northern Cape	District municipality CBDC1 identified by Map No. 3 of the Schedule to Notice 297 of 2000 (North West), and Map No. 3 of the Schedule to Notice 129 of 2000 (Northern Cape), respectively, as amended by Map DEM025 of the Schedule to Notice 2 of 2004 (Northern Cape) and the Schedule to Notice 11 of 2004 (North West), and Map DEM070 of the Schedule to Notice 51 of 2002 (Northern Cape) and the Schedule to Notice 272 of 2002 (North West)	5 10
Mpumalanga and Gauteng	District municipality CBDC2 identified by Map No. 4 of the Schedule to Notice 291 of 2000 (Mpumalanga), and Map No. 4 of the Schedule to Notice 6574 of 2000 (Gauteng), respectively, as amended by Map DEM062 of the Schedule to Notice 221 of 2002 (North West) and the Schedule to Notice 805 of 2002 (Mpumalanga) and the Schedule to Notice 1270 of 2002 (Gauteng), and Map DEM063 of the Schedule to Notice 1269 of 2002 (Gauteng) and the Schedule to Notice 220 of 2002 (North West) and the Schedule to Notice 804 of 2002 (Mpumalanga), and Map DEM120 of the Schedule to Notice 2913 of 2003 (Gauteng) and the Schedule to Notice 252 of 2003 (Mpumalanga), and Map DEM676 of the Schedule to Notice 3661 of 2003 (Gauteng) and the Schedule to Notice 325 of 2003 (Mpumalanga), and Map DEM1018 of the Schedule to Notice 3661 of 2003 (Gauteng) and the Schedule to Notice 375 of 2003 (North West) and the Schedule to Notice 325 of 2003 (Mpumalanga)	15 20 25 30
Mpumalanga and [Northern Province] <u>Limpopo</u>	District municipality CBDC3 identified by Map No. 5 of the Schedule to Notice 291 of 2000 (Mpumalanga), and Map No. 5 of the Schedule to Notice 288 of 2000 (Northern Province), respectively, as amended by Map DEM075 of the Schedule to Notice 214 of 2003 (Limpopo) and the Schedule to Notice 370 of 2003 (Mpumalanga)	35
Mpumalanga and [Northern Province] <u>Limpopo</u>	District municipality CBDC4 identified by Map No. 6 of the Schedule to Notice 204 of 2000 (Mpumalanga), and Map No. 6 of the Schedule to Notice 205 of 2000 (Northern Province), respectively	40
North West and Gauteng	District municipality CBDC8 identified by Map No. 7 of the Schedule to Notice 297 of 2000 (North West), and Map No. 7 of the Schedule to Notice 6574 of 2000 (Gauteng), respectively, as amended by Map DEM711 of the Schedule to Notice 3661 of 2003 (Gauteng) and the Schedule to Notice 375 of 2003 (North West), and Map DEM1024 of the Schedule to Notice 3661 of 2003 (Gauteng) and the Schedule to Notice 375 of 2003 (North West)	45 50
North West and Northern Cape	District municipality DC9 identified by Map No. 8 of the Schedule to Notice 297 of 2000 (North West), and Map No. 8 of the Schedule to Notice 129 of 2000 (Northern Cape), respectively, as amended by Map DEM071 of the Schedule to Notice 67 of 2002 (Northern Cape) and the Schedule to Notice 371 of 2002 (North West)	55 60

Provinces	Municipal area
Mpumalanga and Gauteng	<p>Metropolitan municipality [East Rand] <u>Ekurhuleni</u> identified by Map No. 1 of the Schedule to Notice No. 291 of 2000 (Mpumalanga) and Map No. 1 of the Schedule to Notice 6574 of 2000 (Gauteng) respectively, as amended by Map DEM021 of the Schedule to Notice 104 of 2003 (Gauteng), and Map DEM676 of the Schedule to Notice 3661 of 2003 (Gauteng) and the Schedule to Notice 325 of 2003 (Mpumalanga), and Map DEM719 of the Schedule to Notice 3661 of 2003 (Gauteng) and the Schedule to Notice 325 of 2003 (Mpumalanga), and Map DEM722 of the Schedule to Notice 3661 of 2003 (Gauteng) and the Schedule to Notice 325 of 2003 (Mpumalanga), and Map DEM723 of the Schedule to Notice 3661 of 2003 (Gauteng) and the Schedule to Notice 325 of 2003 (Mpumalanga)</p>
North West and Gauteng	<p>Metropolitan municipality [Pretoria] <u>Tshwane</u> identified by Map No. 2 of the Schedule to Notice 297 of 2000 (North West), and Map No. 2 of the Schedule to Notice 6574 of 2000 (Gauteng), respectively, as amended by Map DEM050 of the Schedule to Notice 2674 of 2002 (Gauteng) and the Schedule to Notice 271 of 2002 (North West), and Map DEM062 of the Schedule to Notice 1270 of 2002 (Gauteng) and the Schedule to Notice 221 of 2002 (North West) and the Schedule to Notice 805 of 2002 (Mpumalanga), and Map DEM063 of the Schedule to Notice 1269 of 2002 (Gauteng) and the Schedule to Notice 220 of 2002 (North West) and the Schedule to Notice 804 of 2002 (Mpumalanga), and Map DEM1012 of the Schedule to Notice 3661 of 2003 (Gauteng) and the Schedule to Notice 375 of 2003 (North West), and Map DEM1023 of the Schedule to Notice 3661 of 2003 (Gauteng) and the Schedule to Notice 375 of 2003 (North West), and Map DEM1018 of the Schedule to Notice 375 of 2003 (North West) and the Schedule to Notice 325 of 2003 (Mpumalanga) and the Schedule to Notice 3661 of 2003 (Gauteng)</p>

Short title

3. This Act is called the Re-determination of the Boundaries of Cross-boundary Municipalities Act, 2005.

SCHEDULE*(Section 1)*

Local municipality CBLC2	
Local municipality CBLC4	
Local municipality CBLC5	5
District municipality CBDC1	
District municipality CBDC2	
District municipality CBDC3	
District municipality CBDC8	
District municipality DC9	10
Metropolitan municipality Ekurhuleni	
Metropolitan municipality Tshwane	

**MEMORANDUM ON THE OBJECTS OF THE RE-DETERMINATION
OF THE BOUNDARIES OF CROSS-BOUNDARY MUNICIPALITIES
BILL, 2005**

1. Section 2 of the Local Government: Cross-boundary Municipalities Act, 2000 (Act No. 29 of 2000) (“the Act”), authorises the re-determination of the boundaries of cross-boundary municipalities—
 - (a) with the concurrence of the legislatures of the provinces involved; and
 - (b) if the re-determination is authorised by national legislation.
2. The purpose of the Bill is to authorise the re-determination of the boundaries of certain cross-boundary municipalities in accordance with section 2(b) of the Act. Authorisation must be given to effectively provide for the ward delimitation process. The proposed re-determinations are set out hereunder.
3. **MPUMALANGA AND GAUTENG**

3.1 CHANGE TO BOUNDARIES OF CBLC2

The municipal boundaries of Thembisile Local Municipality (MP315), Nkangala District Municipality (DC31), Kungwini Local Municipality (CBLC2) and Metsweding District Municipality (CBDC2) are re-determined by including the farms Rooipoort (440JR), Vlakfontein (453JR) and Vaalplaas (463JR), comprising the traditional authority of Sokhulumi, in the municipal area of Kungwini (CBLC2) and Metsweding (CBDC2) and by excluding those areas from the municipal areas of Thembisile (MP315) and Nkangala (DC31).

The municipal boundaries of the Metropolitan municipality Ekurhuleni, Kungwini Local Municipality (CBLC2) and Metsweding District Municipality (CBDC2) are re-determined by aligning the current municipal boundary with the Surveyor-General cadastre affecting portions of the farm Tweefontein.

3.2 CHANGE TO BOUNDARIES OF CBDC2 (SEE ALSO CBLC2)

The municipal boundaries of the Metropolitan municipality Tshwane, Nokeng Tsa Taemane Local Municipality (GT02b1) and Metsweding District Municipality (CBDC2) are re-determined by excluding Portions 4, 22 and 23 of the farm Doornpoort No. 295 JR, a portion of the farm Haakdoornlaagte No. 277 JR and a portion of the farm Pylpunt No. 276 JR from the municipal area of Tshwane and by including those areas in the municipal areas of Nokeng Tsa Taemane (GT02b1) and Metsweding District Municipality (CBDC2).

The municipal boundaries of the Metropolitan municipality Tshwane, Nokeng Tsa Taemane Local Municipality (GT02b1) and Metsweding District Municipality (CBDC2) are re-determined by aligning the current municipal boundary with the southern boundary of the Stanza Bopape settlement.

3.3 CHANGE TO BOUNDARIES OF METROPOLITAN MUNICIPALITY EKURHULENI (SEE ALSO CBLC2)

The municipal boundaries of the Metropolitan municipality Johannesburg and the Metropolitan municipality Ekurhuleni are re-determined by excluding the township Commercial Extension 9 from the municipal area of the Metropolitan municipality Johannesburg and by including the above-mentioned extension in the municipal area of the Metropolitan municipality Ekurhuleni, and by aligning the current municipal boundary with the Surveyor-General cadastre affecting Portion 38 of Erf No. 107 Elandspark, portions of Farm 35 and portions of Farm 15 and Farm 1.

4. MPUMALANGA AND LIMPOPO

4.1 CHANGE TO BOUNDARIES OF CBLC4 AND CBDC3

The municipal boundaries of Thembisile Local Municipality (MP315), Greater Groblersdal Local Municipality (CBLC4), Sekhukune District Municipality (CBDC3) and Nkangala District Municipality (DC31) are re-determined by excluding the farm Vreemdeling No. 65 JS from the area of Thembisile (MP315) and Nkangala (DC31) and including it in the municipal area of Greater Groblersdal (CBLC4) and Sekhukune (CBDC3).

The municipal boundaries of Greater Tubatse Local Municipality (CBLC5) and Greater Groblersdal Local Municipality (CBLC4) are re-determined by aligning the current municipal boundary with the Surveyor-General cadastre affecting the settlement north of Lakau.

4.2 CHANGE TO BOUNDARIES OF CBLC5 (SEE ALSO CBLC4)

The municipal boundaries of Fetakgomo Local Municipality (NP03A3) and Greater Tubatse Local Municipality (CBLC5) are re-determined to align the current municipal boundary with the Surveyor-General cadastre affecting portions of the farm Quartzhill.

5. NORTH WEST AND NORTHERN CAPE

5.1 CHANGE TO BOUNDARIES OF CBDC1

The municipal boundaries of Kagisano Local Municipality (NW391), Bophirima District Municipality (DC39), Moshaweng Local Municipality (NW1a1) and Kgalagadi District Municipality (CBDC1) are re-determined by including Bagabareki TA as well as farms Thurso 310 IL, Frome 317 IL, Shepton 322 IL and Rockley 322 IL in the municipal area of Moshaweng Local Municipality (NW1a1) and Kgalagadi District Municipality (CBDC1).

The municipal boundaries of Tsantsabane Local Municipality (NC085), Siyanda District Municipality (DC8), Gamagara Local Municipality (NC01b1) and Kgalagadi District Municipality (CBDC1) are re-determined by excluding the Allotment Area of Olifantshoek from the municipal area of Tsantsabane (NC085) and Siyanda (DC8); excluding the farms Hartley No. 573, Cox No. 571 and Murray No. 570 (forming part of the District Management Area NCDMA08) from the municipal area of Siyanda (DC8); and by including the Allotment Area and the above-mentioned farms in the municipal areas of Gamagara (NC01b1) and Kgalagadi (CBDC1).

5.2 CHANGE TO BOUNDARIES OF DC9

The municipal boundaries of Kgatelopele Local Municipality (NC086), Siyanda District Municipality (DC8) and Frances Baard District Municipality (DC9) are re-determined by excluding an area comprising farms from the municipal areas of Kgatelopele (NC086) and Siyanda (DC8), and by including the area in the municipal area of Frances Baard (DC9) as part of the District Management Area NCDMA09.

6. NORTH WEST AND GAUTENG

6.1 CHANGE TO BOUNDARIES OF CBDC8

The municipal boundaries of Emfuleni Local Municipality (GT421), Sedibeng District Municipality (DC42), Westonaria Local Municipality (GT414) and West Rand District Municipality (CBDC8) are re-determined by aligning the current municipal boundary with the Surveyor-General cadastre affecting portions of the farm Kalbasfontein.

The municipal boundaries of West Rand District Municipality (CBDC8) and Metropolitan municipality Tshwane are re-determined by aligning the current municipal boundary with the outer boundaries of portions of the farms Rhenosterspruit and Riverside Estate.

6.2 CHANGE TO BOUNDARIES OF METROPOLITAN MUNICIPALITY TSHWANE (SEE ALSO CBDC2)

The municipal boundaries of Moretele Local Municipality (NW371), Bojanala Platinum District Municipality (DC37) and the Metropolitan municipality Tshwane are re-determined by excluding a portion of Portion 8 of the farm Boschplaas 091 (JR) from the municipal areas of Moretele Local Municipality (NW371) and Bojanala Platinum District Municipality (DC37) and by including the portion in the municipal area of the Metropolitan municipality Tshwane.

The municipal boundaries of the Metropolitan municipality Tshwane, Madibeng Local Municipality (NW372) and Bojanala Platinum District Municipality (DC37) are re-determined by aligning the current municipal boundary with the Surveyor-General cadastre affecting Bakgatla Ba Mmakau TA.

The municipal boundaries of the Metropolitan municipality Tshwane, Moretele Local Municipality (NW371) and Bojanala Platinum District Municipality (DC37) are re-determined by aligning the current municipal boundary with the Surveyor-General cadastre, by incorporating a portion of Winterveld into the Metropolitan municipality Tshwane and a portion of the farm Kromkuil into Moretele Local Municipality (NW371).

7. BODIES/ORGANISATIONS CONSULTED

- The Municipal Demarcation Board
- Independent Electoral Commission
- MECs for Local Government in Provinces
- Premiers of affected Provinces
- South African Local Government Association (SALGA)
- The Bill was published for public comment in terms of section 154(2) of the Constitution.

8. FINANCIAL IMPLICATIONS FOR STATE

None.

9. IMPLICATIONS FOR PROVINCES

The concurrence of the legislatures of the affected provinces is also required before the re-determination of boundaries can be finalised.

10. IMPLICATIONS FOR MUNICIPALITIES

The Bill has an impact on municipalities in that it changes the boundaries of cross-boundary municipalities, thereby affecting neighbouring municipalities.

11. PARLIAMENTARY PROCEDURE

- 11.1** The State Law Advisers and the Department of Provincial and Local Government are of the opinion that this Bill must be dealt with in accordance with the procedure established by section 75 of the Constitution. The Bill does not fall within a functional area listed in Schedule 4 of the Constitution, nor does it provide for legislation envisaged in the sections referred to in section 76(3) of the Constitution.

11.2 The State Law Advisers are of the opinion that it is not necessary to refer this Bill to the National House of Traditional Leaders in terms of section 18(1)(a) of the Traditional Leadership and Governance Framework Act, 2003 (Act No. 41 of 2003), since it does not contain provisions pertaining to customary law or customs of traditional communities.

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