



Map: GIS Cluster/Municipal Demarcation Board

MUNICIPAL DEMARCATION BOARD REVIEWS

Municipal boundaries

FOR THE 2016 LOCAL ELECTIONS

Following the delimitation in 2009 and 2010 of wards in which successful local elections were held on 18 May 2011, the Municipal Demarcation Board (MDB) has commenced a review of municipal boundaries.

It envisages finalising this process in 2013, after which wards will be delimited for the 2016 local elections.

The determination and redetermination of municipal boundaries is one of the key functions of the MDB. Others include delimiting wards for local elections, categorising and demarcating metropolitan areas, declaring district management areas, and assessing the capacity of district and local municipalities to perform their functions.

The Board visited all municipalities within the district area affected by proposed changes in August and September 2011, with a view to briefing municipal councillors and officials on the role of the MDB and seeking their inputs and cooperation in order to finalise the redetermination of municipal boundaries within the set time frames.

Depending on the inputs from municipalities, provinces and other stakeholders, changes to municipal boundaries may range from minor technical alignments of the boundaries between municipalities to major changes, which could include amalgamating some municipalities and demarcating new municipal areas. The closing date for inputs is 15 December 2011. Only after that date will the MDB be in a position to indicate the magnitude of the changes expected.

Thus far, some 500 minor changes have been identified with a view to improving municipal boundaries. Many entail the alignment of municipal boundaries to parent farm boundaries, to make it easier for municipalities to implement the Local Government: Property Rates Act of 2004. Other users of geographic information systems, such as StatsSA, may also benefit from this exercise.

When municipal boundaries are being redetermined, certain legal requirements must be adhered to. Though the MDB has the power to change municipal boundaries on its own initiative, it prefers a local consultative process before considering requests for such changes. Requests for changes to municipal boundaries must be submitted to the MDB by either the national minister or an MEC responsible for local government in a province. Municipalities may also request the MDB to change municipal boundaries. However, a municipality requesting a redetermination must do so with the concurrence of any other municipality affected by the proposed redetermination.

Persons or institutions wishing to propose changes to municipal boundaries can start the process by consulting the municipalities involved. This allows the affected municipalities to consider the implications of the proposed boundary change properly, to consult stakeholders such as the affected communities, traditional authorities and magistrates, and other persons or institutions that may have an interest in the matter, and to submit to the MDB a motivated request.

Once a request has been received, the MDB maps the proposal for further consultation. All proposals received before or on 15 December 2011 will be mapped, and the MDB will embark on a second round of visits and consultation as part of the formal processes laid out in the legislation.

The MDB will, as the first step in the legal process, publish notices in newspapers to communicate its intention to consider the proposed boundary changes. A certain period, which must not be less than 21 days, will be allowed for the submission of views and representations to the MDB. All submissions will be duly considered against the criteria provided for in the Demarcation Act. When boundaries for metropolitan areas are considered, the criteria provided for in section 2 of the Structures Act are also applicable. The MDB may even conduct formal investigations or arrange public meetings before redetermining the boundaries.

Municipalities and stakeholders that propose

major changes to municipal boundaries can expect the MDB to request detailed motivation and data. The Demarcation Act authorises the MDB to require such information to be furnished.

This process will be followed by the formal redetermination of the municipal boundaries in terms of the Demarcation Act. The redetermination notice, together with maps of the affected municipal area, will then be published in the relevant *Provincial Gazette* for objections. The Act places the onus on aggrieved persons to object, and such objections must reach the offices of the MDB within 30 days of publication of the redetermination notice.

Minor changes to municipal boundaries will normally take effect on the commencement date of the municipal financial year following the date of publication of the redetermination notice. Major changes will only take effect on the date of the next local elections in 2016.

It is important to note that the MDB has no mandate to deal with provincial boundaries. Proposals affecting provincial boundaries should be addressed to the Department of Cooperative Governance and the Department of Justice. These boundaries can only be changed through amendments to the Constitution, and such legislation must be passed by the National Assembly with a supporting vote of at least two thirds of its members, and also by the National Council of Provinces with a supporting vote of at least six provinces.

It is in the interests of municipalities and other stakeholders to take note of current activities of the MDB, and to participate in them whenever the opportunity arises. The MDB website (www.demarcation.org.za) contains a wealth of information including circulars, the MDB programme up to 2016, proposed changes already being attended to and maps.

The closing dates for the submission of requests for boundary changes is 15 December 2011. This will allow the MDB to finalise all proposed changes to municipal boundaries by 2013, after which wards will be delimited in the new municipal boundaries for the 2016 local elections.

Late submissions for changes to municipal boundaries will only be considered after the 2016 local elections.

The MDB's plans and programme are based on the current legal framework. Should this framework be affected by amendments to legislation or any new legislation, the MDB will review its activities to ensure that they comply with such legislation.



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