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STATE PRESIDENT'S OFFICE

KANTOOR VAN DIE STAATSPRESIDENT

No. 1422.

3 July 1985

It is hereby notified that the State President has assented to the following Act which is hereby published for general information:—

No. 92 of 1985: Physical Planning Amendment Act, 1985.

No. 1422.

3 Julie 1985

Hierby word bekend gemaak dat die Staatspresident sy goedkeuring gegee het aan die onderstaande Wet wat hierby ter algemene inligting gepubliseer word:—

No. 92 van 1985: Wysigingswet op Fisiese Beplanning, 1985.

Act No. 92, 1985

PHYSICAL PLANNING AMENDMENT ACT, 1985

GENERAL EXPLANATORY NOTE:

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

Words underlined with solid line indicate insertions in existing enactments.

ACT

To amend the Physical Planning Act, 1967, so as to extend control over the use of land for industrial purposes to land situated outside certain areas of jurisdiction, and land situated within such areas of jurisdiction but to which no town planning scheme relates; to abolish control over the establishment and extension of factories; to empower the Director-General as defined in the said Act, or an officer designated by him, to extend on application the period within which representations in connection with a draft guide plan may be submitted; to prohibit the granting, in terms of the said Act, of approval or authority for any use of land that in the opinion of the Administrator is inconsistent with a guide plan concerned; to render any approval or authority required by the said Act an additional requirement for the use of land in accordance with an approved guide plan; to remove the restriction contemplated in section 6B (1) of the said Act on the use of land for the purposes of a brickworks or a pottery; and to make further provision in connection with the officers in the government service whose concurrence is required for the exercise of certain delegated powers; and to provide for matters connected therewith.

(English text signed by the State President.)
(Assented to 20 June 1985.)

BE IT ENACTED by the State President and the Parliament of the Republic of South Africa, as follows:—

Amendment of section 1 of Act 88 of 1967, as substituted by section 1 of Act 73 of 1975 and amended by section 1 of Act 104 of 1977, section 1 of Act 51 of 1981 and section 1 of Act 87 of 1983.

Amendment of section 2 of Act 88 of 1967, as substituted by section 2 of Act 51 of 1981.

1. Section 1 of the Physical Planning Act, 1967 (hereinafter referred to as the principal Act), is hereby amended—

(a) by the insertion after the definition of “guide plan area” of the following definition:

“‘industrial activities’ means the establishment or carrying on of a factory;”; and

(b) by the substitution for the definition of “local authority” of the following definition:

“‘local authority’ means any institution or body contemplated in section 84 (1) (f) of the [Republic of South Africa Constitution] Provincial Government Act, 1961 (Act No. 32 of 1961) or in section 2 of the Black Local Authorities Act, 1982 (Act No. 102 of 1982);”. 10 15

2. Section 2 of the principal Act is hereby amended—

(a) by the deletion in subsection (1) of the word “and” at the end of paragraph (c);

(b) by the addition to subsection (1) of the following paragraph:

“(e) no land situated—

(i) outside an area of jurisdiction referred to in section 6 (2) (b) (i); or

ALGEMENE VERDUIDELIKENDE NOTA:

[] Woorde in vet druk tussen vierkantige hake dui skappings uit bestaande verordenings aan.

 Woorde met 'n volstreep daaronder, dui invoegings in bestaande verordenings aan.

WET

Tot wysiging van die Wet op Fisiese Beplanning, 1967, ten einde beheer oor die gebruik van grond vir nywerheidsdoeleindes uit te brei na grond geleë buite sekere regsgebiede, en grond geleë binne sodanige regsgebiede maar waarop geen dorpsbeplanningskema betrekking het nie; beheer oor die oprigting en uithreiding van fabriek af te skaf; die Direkteurgeneraal soos in genoemde Wet omskryf, of 'n beampte deur hom aangewys, te magtig om op aansoek die tydperk waarbinne vertoë in verband met 'n ontwerp-gidsplan voorgelê kan word, te verleng; die verlening, ingevolge genoemde Wet, van goedkeuring of magtiging vir die gebruik van grond wat na die oordeel van die Administrateur onbestaanbaar met 'n betrokke gidsplan is, te verbied; enige goedkeuring of magtiging by genoemde Wet vereis, as bykomende vereiste te stel vir die gebruik van grond ooreenkomstig 'n goedgekeurde gidsplan; die beperking beoog in artikel 6B (1) van genoemde Wet op die gebruik van grond vir die doeleindes van 'n steenmakery of 'n pottebakkerij op te hef; en verdere voorsiening te maak in verband met die beamptes in die staatsdiens wie se instemming vereis word vir die uitoefening van sekere gedelegeerde bevoegdhede; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

*(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 20 Junie 1985.)*

DAAR WORD BEPAAL deur die Staatspresident en die Parlement van die Republiek van Suid-Afrika, soos volg:—

1. Artikel 1 van die Wet op Fisiese Beplanning, 1967 (hieronder die Hoofwet genoem), word hierby gewysig—
 - 5 (a) deur na die omskrywing van "natuurlike hulpbron" die volgende omskrywing in te voeg:

"nywerheidsaktiwiteite" die oprigting of bedryf van 'n fabriek;"; en
 - 10 (b) deur die omskrywing van "plaaslike bestuur" deur die volgende omskrywing te vervang:

"plaaslike bestuur" 'n instelling of liggaam in artikel 84 (1) (f) van die [Grondwet van die Republiek van Suid-Afrika] Wet op Provinsiale Bestuur, 1961 (Wet No. 32 van 1961) of in artikel 2 van die Wet op Swart Plaaslike Bestuur, 1982 (Wet No. 102 van 1982), bedoel;".
- 15 2. Artikel 2 van die Hoofwet word hierby gewysig—
 - (a) deur in subartikel (1) die woord "en" aan die einde van paragraaf (c) te skrap;
 - 20 (b) deur die volgende paragraaf by subartikel (1) te voeg:

"(e) mag geen grond geleë—

 - (i) buite 'n regsgebied bedoel in artikel 6 (2) (b) (i); of

Wysiging van artikel 1 van Wet 88 van 1967, soos vervang deur artikel 1 van Wet 73 van 1975 en gewysig deur artikel 1 van Wet 104 van 1977, artikel 1 van Wet 51 van 1981 en artikel 1 van Wet 87 van 1983.

Wysiging van artikel 2 van Wet 88 van 1967, soos vervang deur artikel 2 van Wet 51 van 1981.

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- (ii) within such area of jurisdiction but to which no town planning scheme relates, shall be used for industrial activities."; and
- (c) by the substitution for subsection (2) of the following subsection: 5
- "(2) The Minister may in his discretion withhold or grant his approval referred to in subsection (1), and if he grants it, he may impose such conditions as he may deem fit **[including conditions in connection with labour, housing, the consumption of water, or any other matter which in his opinion is relevant]**."

Repeal of section 3 of Act 88 of 1967, as amended by section 3 of Act 73 of 1975 and section 2 of Act 104 of 1977.

3. Section 3 of the principal Act is hereby repealed.

Amendment of section 6A of Act 88 of 1967, as inserted by section 6 of Act 73 of 1975, substituted by section 5 of Act 51 of 1981 and amended by section 2 of Act 87 of 1983 and section 2 of Act 104 of 1984.

4. Section 6A of the principal Act is hereby amended—

- (a) by the addition to subsection (6) of the following paragraph, the existing subsection becoming paragraph (a): 15
- "(b) The Director-General or an officer in the Department designated by him may, on written application lodged with the Director-General before the expiration of the period of 60 days referred to in paragraph (a) or of any period extended under this paragraph, extend the relevant period from time to time.";
- (b) by the substitution for paragraph (d) of subsection (12) of the following paragraph: 20
- "(d) no approval or authority in terms of this Act and no permission in terms of any other law shall be granted [in terms of any other law] for [the] any use of land situated within the guide plan area concerned which in the opinion of the Administrator is not consistent with the guide plan concerned;" 30
- and
- (c) by the substitution for subsection (21) of the following subsection: 40
- "(21) The provisions of any guide plan approved in terms of subsection (10) or the plan or plans referred to in subsection (13) shall not confer upon any person the authority to use the land in question in accordance with those provisions unless, if in terms of this Act or any other law, permission, approval or authority is required for such use, such permission, approval or authority has been obtained."

Amendment of section 6B of Act 88 of 1967, as inserted by section 6 of Act 73 of 1975, substituted by section 3 of Act 104 of 1977 and amended by section 6 of Act 51 of 1981 and section 3 of Act 87 of 1983.

5. Section 6B of the principal Act is hereby amended by the substitution for paragraph (a) of subsection (1) of the following paragraph:

- "(a) for the purposes of **[a brickworks or] any brick making [or pottery]** or stone crushing or sand washing; or". 45

Amendment of section 7 of Act 88 of 1967, as substituted by section 4 of Act 87 of 1983.

6. Section 7 of the principal Act is hereby amended by the substitution for paragraph (a) of the following paragraph:

- "(a) any land, any class of land or any particular use of land from any or all of the provisions of section 2 (1) (b) or 50. (e), 4 (2), 6 (1) or 6B (1) or (2);". 50

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(ii) binne so 'n regsgebied maar waarop geen dorpsaanleg- of dorpsbeplanningskema betrekking het nie, vir nywerheidsaktiwiteite gebruik word nie."; en

5 (c) deur subartikel (2) deur die volgende subartikel te vervang:

10 "(2) Die Minister kan sy in subartikel (1) bedoelde goedkeuring na goeiddunke weerhou of verleen, en as hy dit verleen, kan hy die voorwaardes opleë wat hy goedvind **[met inbegrip van voorwaardes in verband met arbeid, behuising, waterverbruik, of enige ander aangeleentheid wat na sy oordeel ter sake is].**"

3. Artikel 3 van die Hoofwet word hierby herroep.

Herroeping van artikel 3 van Wet 88 van 1967, soos gewysig deur artikel 3 van Wet 73 van 1975 en artikel 2 van Wet 104 van 1977.

15 4. Artikel 6A van die Hoofwet word hierby gewysig—

(a) deur die volgende paragraaf by subartikel (6) te voeg, terwyl die bestaande subartikel paragraaf (a) word:

20 "**(b)** Die Direkteur-generaal of 'n beampte in die Departement deur hom aangewys, kan, op skriftelike aansoek by die Direkteur-generaal ingedien voor verstryking van die tydperk van 60 dae bedoel in paragraaf (a) of van enige kragtens hierdie paragraaf verlengde tydperk, die betrokke tydperk van tyd tot tyd verleng."

Wysiging van artikel 6A van Wet 88 van 1967, soos ingevoeg deur artikel 6 van Wet 73 van 1975, vervang deur artikel 5 van Wet 51 van 1981 en gewysig deur artikel 2 van Wet 87 van 1983 en artikel 2 van Wet 104 van 1984.

25 (b) deur paragraaf (d) van subartikel (12) deur die volgende paragraaf te vervang:

30 "**(d)** mag geen goedkeuring of magtiging ingevolge hierdie Wet en geen toestemming ingevolge 'n ander wet verleen word nie vir enige gebruik van grond in die betrokke gidsplangebied geleë wat na die oordeel van die Administrateur nie met die betrokke gidsplan bestaanbaar is nie"; en

(c) deur subartikel (21) deur die volgende subartikel te vervang:

35 "(21) Die bepalings van 'n gidsplan ingevolge subartikel (10) goedgekeur of die plan of planne in subartikel (13) vermeld, verleen nie aan enigiemand die bevoegdheid om die betrokke grond ooreenkomstig daardie bepalings te gebruik nie tensy, indien ingevolge hierdie Wet of enige ander wet toestemming, goedkeuring of magtiging vir sodanige gebruik vereis word, sodanige toestemming, goedkeuring of magtiging verkry is."

45 5. Artikel 6B van die Hoofwet word hierby gewysig deur paragraaf (a) van subartikel (1) deur die volgende paragraaf te vervang:

"(a) vir die doeleindes van 'n **[steenmakery of] baksteenmakery [of pottebakkerie]** of klipbrekery of sandwasery; of".

Wysiging van artikel 6B van Wet 88 van 1967, soos ingevoeg deur artikel 6 van Wet 73 van 1975, vervang deur artikel 3 van Wet 104 van 1977 en gewysig deur artikel 6 van Wet 51 van 1981 en artikel 3 van Wet 87 van 1983.

50 6. Artikel 7 van die Hoofwet word hierby gewysig deur paragraaf (a) deur die volgende paragraaf te vervang:

"(a) enige grond, enige kategorie grond of enige bepaalde grondgebruik van engeen van of al die bepalings van artikel 2 (1) (b) of (e), 4 (2), 6 (1) of 6B (1) of (2);"

Wysiging van artikel 7 van Wet 88 van 1967, soos vervang deur artikel 4 van Wet 87 van 1983.

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Amendment of section 8 of Act 88 of 1967, as substituted by section 7 of Act 51 of 1981 and amended by section 3 of Act 104 of 1984.

7. Section 8 of the principal Act is hereby amended by the substitution in subsection (1) for subparagraph (ii) of paragraph (a) of the following subparagraph:

“(ii) the use of any particular land for **[a brickworks or] any** brick making or sand washing **[or a pottery]** or stone crushing or a quarry, or for the processing of any mineral in any other manner; or”.

Amendment of section 9 of Act 88 of 1967, as amended by section 9 of Act 73 of 1975, section 8 of Act 51 of 1981 and section 5 of Act 87 of 1983.

8. Section 9 of the principal Act is hereby amended—

(a) by the deletion in paragraph (a) of subsection (1) of the expression “or 3”;

(b) by the substitution in subparagraph (i) of paragraph (b) of subsection (1) for the words preceding the proviso of the following words:

“of whom one each shall be nominated by the Ministers **[of Internal Affairs, of Community Development, of]** who administer the Departments of Health and Welfare, Agricultural Economics and Marketing, **[of]** Manpower, Mineral and Energy Affairs, Environment Affairs, **[of Industries, Commerce and Tourism, of Environment Affairs and Fisheries, of]** Trade and Industry, Co-operation and Development, **[and of]** Constitutional Development and Planning, Water Affairs, Local Government, Housing and Works of the Administration: House of Assembly, Local Government, Housing and Agriculture of the Administration: House of Representatives, and Local Government, Housing and Agriculture of the Administration: House of Delegates, respectively, or by an officer authorized by **[him]** the Minister concerned:”; and

(c) by the deletion in subsection (4) of the expression “or 3”.

Amendment of section 9A of Act 88 of 1967, as inserted by section 10 of Act 73 of 1975.

9. Section 9A of the principal Act is hereby amended by the deletion in subsection (1) of the figure “3”.

Amendment of section 11 of Act 88 of 1967, as substituted by section 11 of Act 73 of 1975 and amended by section 5 of Act 104 of 1977 and section 9 of Act 51 of 1981.

10. Section 11 of the principal Act is hereby amended—

(a) by the substitution for paragraph (a) of subsection (1) of the following paragraph:

“(a) contravenes section 2 (1) (e), **[3 (1),]** 4 (2), 6 (1), 6A (12) (b), 6B (1) or (2), or fails to comply with a direction under section 6B (4); or”; and

(b) by the deletion in paragraph (b) of subsection (1) of the expression “3 (3)”.

Amendment of section 12 of Act 88 of 1967, as substituted by section 6 of Act 104 of 1977 and amended by section 6 of Act 87 of 1983 and section 4 of Act 104 of 1984.

11. Section 12 of the principal Act is hereby amended by the deletion of subsections (2) and (3).

Substitution of long title of Act 88 of 1967, as substituted by section 13 of Act 73 of 1975.

12. The following long title is hereby substituted for the long title of the principal Act:

“ACT

To promote co-ordinated environment planning and the utilization of the Republic's resources, and for those purposes to provide for control of the zoning and subdivision of land for industrial purposes **[and of the es-**

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7. Artikel 8 van die Hoofwet word hierby gewysig deur in subartikel (1) subparagraaf (ii) van paragraaf (a) deur die volgende subparagraaf te vervang:
- 5 “(ii) die gebruik van bepaalde grond vir ’n **[steenmakery of baksteenmakery of sandwassery [of pottebakkerie]** of klipbrekery of ’n groef of vir die verwerking van enige mineraal op ’n ander wyse; of”.
8. Artikel 9 van die Hoofwet word hierby gewysig—
- 10 (a) deur in paragraaf (a) van subartikel (1) die uitdrukking “of 3” te skrap;
- (b) deur in subparagraaf (i) van paragraaf (b) van subartikel (1) die woorde wat die voorbehoudsbepaling voorafgaan deur die volgende woorde te vervang:
- 15 “van wie een elk benoem word deur **[onderskeidelik]** die Ministers **[van Binnelandse Aangeleenthede, van Gemeenskapsontwikkeling, van]** wat onderskeidelik die Departemente van Gesondheid en Welsyn, Landbou-ekonomie en -bemarking, **[van]** Mannekrag, Minerale- en Energiesake, **[van Nywerheidswese]** Handel en Nywerheid, Omgewingsake, **[en Toerisme, van Omgewingsake en Visserye, van]** Samewerking en Ontwikkeling, **[en van]** Staatkundige Ontwikkeling en Beplanning, Waterwese, Plaaslike Bestuur, Behuising en
- 20 Werke van die Administrasie: Volksraad, Plaaslike Bestuur, Behuising en Landbou van die Administrasie: Raad van Verteenwoordigers, en Plaaslike Bestuur, Behuising en Landbou van die Administrasie: Raad van Afgevaardigdes administreer, of
- 25 deur ’n beamppte deur **[hom]** die betrokke Minister gemagtig;” en
- 30 (c) deur in subartikel (4) die uitdrukking “of 3” te skrap.
9. Artikel 9A van die Hoofwet word hierby gewysig deur in subartikel (1) die syfer “3” te skrap.
10. Artikel 11 van die Hoofwet word hierby gewysig—
- 35 (a) deur paragraaf (a) van subartikel (1) deur die volgende paragraaf te vervang:
- 40 “(a) artikel 2 (1) (e), **[3 (1)]** 4 (2), 6 (1), 6A (12) (b), 6B (1) of (2) oortree, of versuim om aan ’n bevel ingevolge artikel 6B (4) te voldoen; of”; en
- (b) deur in paragraaf (b) van subartikel (1) die uitdrukking “3 (3)” te skrap.
11. Artikel 12 van die Hoofwet word hierby gewysig deur subartikels (2) en (3) te skrap.
12. Die lang titel van die Hoofwet word hierby deur die volgende lang titel vervang:
- “WET
- Tot bevordering van gekoördineerde omgewingsbeplanning en benutting van die Republiek se hulpbronne, en om vir daardie doeleindes voorsiening te maak vir beheer oor die sonering en onderverdeling van grond vir ny-

Wysiging van artikel 8 van Wet 88 van 1967, soos vervang deur artikel 7 van Wet 51 van 1981 en gewysig deur artikel 3 van Wet 104 van 1984.

Wysiging van artikel 9 van Wet 88 van 1967, soos gewysig deur artikel 9 van Wet 73 van 1975, artikel 8 van Wet 51 van 1981 en artikel 5 van Wet 87 van 1983.

Wysiging van artikel 9A van Wet 88 van 1967, soos ingevoeg deur artikel 10 van Wet 73 van 1975.

Wysiging van artikel 11 van Wet 88 van 1967, soos vervang deur artikel 11 van Wet 73 van 1975 en gewysig deur artikel 5 van Wet 104 van 1977 en artikel 9 van Wet 51 van 1981.

Wysiging van artikel 12 van Wet 88 van 1967, soos vervang deur artikel 6 van Wet 104 van 1977 en gewysig deur artikel 6 van Wet 87 van 1983 en artikel 4 van Wet 104 van 1984.

Vervanging van lang titel van Wet 88 van 1967, soos vervang deur artikel 13 van Wet 73 van 1975.

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establishment or extension of factories]; for the reservation of land for use for specific purposes; for the establishment of controlled areas; for restrictions upon the subdivision and use of land in controlled areas; for the compilation and approval of guide plans; and for restrictions upon the use of land for certain purposes unless reserved for use for such purposes; and for other matters incidental thereto.” 5

Short title and commencement.

13. (1) This Act shall be called the Physical Planning Amendment Act, 1985, and shall come into operation on a date fixed by the State President by proclamation in the *Gazette*. 10

(2) Different dates may be so fixed in respect of different provisions of this Act.

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5 werheidsdoeleindes **[en oor die oprigting of uitbreiding
van fabriekes]**; vir die voorbehoud van grond vir ge-
bruik vir bepaalde doeleindes; vir die instelling van be-
heerde gebiede; vir beperkings op die onderverdeling
10 en gebruik van grond in beheerde gebiede; vir die
opstel en goedkeuring van gidsplanne; en vir beper-
kings op die gebruik van grond vir sekere doeleindes
tensy dit vir gebruik vir dié doeleindes voorbehoud is;
en vir ander aangeleenthede wat daarmee in verband
staan.”.

13. (1) Hierdie Wet heet die Wysigingswet op Fisiese Beplan-
ning, 1985, en tree in werking op 'n datum wat die Staatspres-
ident by proklamasie in die *Staatskoerant* bepaal.

Kort titel en inwer-
kingtreding.

15 (2) Verskillende datums kan aldus bepaal word ten opsigte
van verskillende bepalings van hierdie Wet.

