



# STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

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REPUBLIC OF SOUTH AFRICA

# GOVERNMENT GAZETTE

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KANTOOR VAN DIE EERSTE MINISTER

OFFICE OF THE PRIME MINISTER

No. 654.

27 Maart 1981.

No. 654.

27 March 1981.

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

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

No. 51 van 1981: Wysigingswet op Omgewingsbeplanning, 1981.

No. 51 of 1981: Environment Planning Amendment Act, 1981.

Act No. 51, 1981

ENVIRONMENT PLANNING AMENDMENT ACT, 1981

**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 Environment Planning Act, 1967, so as to insert definitions of "Department", "Director-General", "natural resource", "nature area", "processing" and "quarry"; to amend certain other definitions; to authorize the Minister, after consultation with certain other Ministers, to reserve land for the purpose of the utilization of natural resources or as nature areas; to make different provision relating to guide plans; to exclude certain land situated within controlled areas from the provisions applicable to controlled areas; to make provision for the issue of certain permits by persons authorized thereto by the Minister; to authorize the Minister to direct a person who opened a quarry without the required authority to restore the land in question; to limit the acts the performance of which may be authorized by permit; to make provision for the delegation by the Minister or Administrator of a province of certain powers; to provide that certain provisions of the Act shall apply also to the State; and to make provision for the assignment of the administration of any provision of the Act to any Minister or the Administrator of a province; and to provide for incidental matters.

*(Afrikaans text signed by the State President.)*  
*(Assented to 3 March 1981.)*

**BE IT ENACTED** by the State President and the House of Assembly 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.

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

(a) by the insertion after the definition of "controlled area" of the following definitions:

"'Department', in relation to any provision of this Act,

means the Department or Office of State or provincial administration administered by the Minister or Administrator to whom the administration of that provision has been assigned by a proclamation issued under section 13B;

"'Director-General', in relation to any provision of this Act, means the head of the Department or Office of State administered by the Minister or Administrator to whom the administration of that provision has been assigned by a proclamation issued under section 13B;"

(b) by the substitution for the definition of "guide plan" of the following definition:

"'guide plan' means a draft guide plan approved in terms of section 6A **[(8)] (10)**;"

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- (c) by the substitution for the definition of Minister of the following definition:

“Minister”, in relation to any provision of this Act, means the Minister [of Planning and the Environment] or Administrator to whom the administration of that provision has been assigned by proclamation issued under section 13B;”

- (d) by the deletion of the definition of “natural area”;

- (e) by the insertion after the definition of “Minister” of the following definitions:

“‘natural resource’ means any raw material obtained from nature and includes soil, air, water and minerals;

‘nature area’ means any area which could be utilized in the interests of and for the benefit and enjoyment of the public in general and for the reproduction, protection or preservation of wild animal life, wild vegetation or objects of geological, ethnological, historical or other scientific interest;

‘processing’, in relation to a mineral, means all processes through which a mineral is put, after having been removed from the earth, in order to refine it or to render it suitable for a specific purpose or to make the extraction of an element possible; and includes the recovery, concentration, refinement or conversion thereof;

‘quarry’ means any open excavation made with the intention of searching for or removing any soil, sand, gravel, stone or clay;”

Substitution of section 2 of Act 88 of 1967, as amended by section 2 of Act 73 of 1975.

2. The following section is hereby substituted for section 2 of the principal Act:

“Zoning, subdivision and use of land for industrial purposes.

2. (1) Without the prior written approval of the Minister—

(a) no town planning scheme or any amendment thereof which provides for the zoning for industrial purposes of land not zoned for such purposes, may be approved;

(b) no land zoned for industrial purposes may be subdivided; [and]

(c) no industrial township may be established; and

(d) no permission may be granted by a local authority for the use for industrial purposes of land to which a town planning scheme relates and which has not been zoned for industrial purposes, or any building on such land.

(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.

(3) Any condition imposed by the Minister under subsection (2) shall, according to the circumstances, be incorporated in the town planning scheme concerned or in the conditions of title of the land concerned or in the conditions of establishment of the industrial township concerned.

[(4) The provisions of subsection (1) (b) and (c) shall not apply in respect of a guide plan area.]”

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Substitution of section 4 of Act 88 of 1967, as substituted by section 4 of Act 73 of 1975.

3. The following section is hereby substituted for section 4 of the principal Act:

- “Reservation of land for particular purposes.
4. (1) The Minister may after consultation with the Minister of Agriculture and Fisheries, the Minister of Mineral and Energy Affairs and the Minister of Water Affairs, Forestry and Environmental Conservation and the Administrator of the province concerned by notice in the *Gazette* reserve **[any] the land [specified] defined in such notice—** 5  
**[for one or more of the following purposes, namely—** 10  
 (a) water works as defined in section 1 of the Water Act, 1956 (Act No. 54 of 1956);  
 (b) railway stations and junctions;  
 (c) railway shunting yards;  
 (d) air- and sea-ports; 15  
 (e) thermic-power stations and hydro-electric power stations;  
 (f) nuclear installations;  
 (g) roads, railways and power lines;  
 (h) recreation and tourist attractions; 20  
 (i) natural areas;  
 (j) processing of minerals otherwise than contemplated in paragraph (k);  
 (k) brickworks, potteries, stone crushing, stone quarries, sand-pits, clay-pits, gravel quarries or 25 soil quarries;  
 (l) defence;  
 (m) any other purpose determined by the State President by proclamation in the *Gazette*.]  
 (a) for the utilization of a specific natural resource; 30  
or  
 (b) as a nature area.

[(2) The Minister may under subsection (1) prescribe conditions subject to which any land shall be used for the purpose for which it has been reserved.] 35

[(3) (2) As from the date of the relevant notice issued in terms of subsection (1), no person shall, except under the authority of a permit, use any land **[specified] defined in the notice for any purpose other than the particular purpose [specified in the notice or the purpose] for which it was lawfully being used [at] immediately prior to that date.** 40

[(4) (3) Any servitude registered against or condition contained in the title deed of land, shall be suspended in so far as it prohibits or restricts the use 45 of such land for the particular purpose for which it has been reserved in terms of subsection (1) or authorized by permit in terms of section 8 (1) (a) (i) or [(iA)] (ii).

[(5) Subsections (1), (2) and (3) shall not apply in 50 respect of a guide plan area.]”

Substitution of section 6 of Act 88 of 1967, as amended by section 5 of Act 73 of 1975.

4. The following section is hereby substituted for section 6 of the principal Act:

- “Restriction upon use of land in controlled area.
6. (1) Subject to subsection (2), no person shall, except under the authority of a permit and in 55 accordance with the conditions specified therein [—  
 (a) subdivide land in a controlled area; or  
 (b) grant to any person the right to an undivided share in land in a controlled area; or

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(c) use [such] land in a controlled area for a purpose for which it was not being used [on] immediately prior to the date as from which the area concerned was or is declared a controlled area or part of a controlled area. 5

(2) Subsection (1) shall not apply in respect of—

(a) any area, immovable property, building, land or premises which is the subject of a proclamation issued or deemed to have been issued in terms of section 19, 23, 24 or 25 of the Group Areas Act, 1966 (Act No. 36 of 1966); 10

(b) [the subdivision of, or the granting of a right to an undivided share in, land—

(i) devolving by inheritance, provided no portion or undivided share assigned to any person is less than that to which he would be entitled in accordance with the provisions of the testamentary disposition concerned or by intestate succession; or 15

(ii) in pursuance of an order of court made before the date on which the area concerned was or is declared a controlled area or part of a controlled area; or 20

(iii) if a lawful contract for the granting of an undivided share was entered into or the surveyor completed the survey and submitted his subdivisional diagram and survey records for examination and approval by the surveyor-general concerned prior to the date with effect from which the area concerned was or is declared a controlled area or part of a controlled area;] 25 30

the use of land—

(i) situated in the area of jurisdiction of a municipal council, city council, town council, village council, village management council, local board, or health committee, and land forming part of, in the Province of the Cape of Good Hope, a local area established under section 8 (1) (g) of the Divisional Councils Ordinance, 1976 (Ordinance No. 18 of 1976 of the Province of the Cape of Good Hope), and, in the Province of Natal, a development area as defined in section 1 of the Development and Services Board Ordinance, 1941 (Ordinance No. 20 of 1941 of the Province of Natal), and, in the Province of Transvaal, an area in respect of which a local area committee has been established under section 21 (1) of the Transvaal Board for the Development of Peri-Urban Areas Ordinance, 1943 (Ordinance No. 20 of 1943 of the Province of Transvaal); or 35 40 45 50

(ii) for agricultural or forestry purposes or for purposes incidental thereto, or for purposes of a road or railway; 55

(c) [the use of land—

(i) which is subject to a town planning scheme in operation or binding under any law or an amendment thereof; or 60

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- (ii) for agricultural, forestry, or pastoral purposes or for purposes of a road or railway or purposes incidental to such purposes;
- (d) the subdivision of or the granting of a right to an undivided share in or] the use of land for prospecting or mining for base minerals or for any other purpose for which authority, permission or consent is required in terms of any other law or condition contained in the title deed of the land [except the use of land for the purposes of a business or the erection of a dwelling in connection with mining or prospecting activities];
- (d) the use of land for a business within a Black residential area, as defined in section 1 of the Blacks (Urban Areas) Consolidation Act, 1945 (Act No. 25 of 1945);
- (e) land—
- (i) which has been reserved for the utilization of a particular natural resource or as a nature area;
- (ii) which is situated within a guide plan area.
- (3) The provisions of subsection (2) (c) shall not apply in respect of the use of land—
- (a) for the erection of a dwelling or the conduct of a business in connection with mining or prospecting activities;
- (b) the purposes of any other business.”

Substitution of section 6A of Act 88 of 1967, as inserted by section 6 of Act 73 of 1975.

5. The following section is hereby substituted for section 6A of the principal Act:

“Guide plans.

- 6A. (1) (a) The Minister may, after consultation with the Minister of Agriculture and Fisheries and the Administrator of the province concerned, by notice in the *Gazette* establish a committee, to be known as a guide plan committee, to compile [for the future development of an area defined in such notice,] a draft guide plan in which [the requirements for such development and the use of land are determined] guide lines for the future spatial development of the area defined in the notice are laid down.
- (b) Such plan can determine that land may be utilized for a specific purpose only or, with the consent of the Minister or Administrator or a specified other authority, according to the provisions of the plan, also for such other purposes for which provision is made by the plan.
- (2) (a) A guide plan committee shall consist of—[so many members as the Minister may deem fit to appoint, and they shall be appointed so as to represent—]
- (i) persons representing the following:
- [(a)] (aa) The Department [of Planning and the Environment] and any such other Department of State as; in the opinion of the Minister, should be represented on the committee;
- [(b)] (bb) every provincial administration concerned;
- [(c)] (cc) every local authority and every administration board referred to in section 2 of the Black Affairs Administration

Act, 1971 (Act No. 45 of 1971),  
whose area of jurisdiction falls wholly  
or partly within the area concerned;

(dd) every institution which in the opinion  
of the Minister should be represented  
on the council; and

(ii) [and may include] any other person or  
persons who, in the opinion of the Minister,  
[is] are capable of rendering assistance in  
the compilation of the guide plan in  
question.

(b) The Minister shall determine the membership  
of a guide plan committee and he shall deter-  
mine in respect of every department, adminis-  
tration, authority or institution represented on  
that committee, the number of representatives.

(c) The members of a guide plan committee shall  
be appointed by the Director-General.

(3) The Minister may appoint an investigating  
committee consisting of a chairman, assisted by two  
assessors, to assist the Director-General in evaluat-  
ing representations referred to in subsection (6).

[(3)] (4) (a) Any person, including a local author-  
ity, who has any interest in a draft guide plan  
may submit, for inclusion in such plan, propos-  
als in writing to the committee concerned  
within 60 days of the date of a relevant notice  
in terms of subsection (1) or such longer period  
as may from time to time be allowed by the  
chairman of such committee on written applica-  
tion lodged with him before the expiration of  
the said period of 60 days or any such longer  
period allowed, as the case may be.

(b) Any such proposals by a local authority shall be  
so submitted through the provincial administra-  
tion concerned.

[(4) With effect from the date of a notice in terms  
of subsection (1) and until the date of a relevant  
notice in the *Gazette* in terms of subsection (9) or  
until the date of a notice withdrawing such first-  
mentioned notice, as the case may be, all the powers  
of the Minister of Agriculture under the Subdivision  
of Agricultural Land Act, 1970 (Act No. 70 of 1970),  
in respect of any land in the area to which the draft  
guide plan in question relates, shall vest in the  
Minister.]

(5) After consideration of any proposals submit-  
ted in terms of subsection (4) the committee  
concerned shall institute such investigations as it  
may deem necessary and thereafter submit to the  
[Secretary] Director-General a draft guide plan in  
respect of the area in question or from time to time  
draft guide plans in respect of specified portions of  
such area.

(6) After a draft guide plan has in terms of  
subsection (5) been submitted to the [Secretary]  
Director-General he shall make copies thereof avail-  
able for inspection in his office, the office of the  
officer in charge of the local government section of  
the provincial administration concerned and the  
office of any local authority concerned, and shall  
publish twice in an English and in an Afrikaans  
newspaper circulating in the area to which such plan  
relates, a notice to the effect that such plan is so  
available for inspection and inviting interested per-  
sons to submit to him in writing, within a period of  
60 days from a date specified in the notice, any

representations that they may wish to make in connection with the said plan.

(7) After the [Secretary] Director-General has considered any representations submitted to him in terms of subsection (6) [and has] he may institute 5  
or cause to be instituted such further investigation  
as he may [have deemed fit, he shall submit the draft  
guide plan together with such representations and his  
comments thereon, to the Administrator concerned 10  
for his comments thereon within a period determined  
by the Minister.] deem necessary and he may  
request the investigating committee to advise him in  
respect of any matter.

(8) (a) The investigating committee may in order to comply with any request referred to in subsection (7) convene a meeting in the prescribed manner. 15

(b) All persons who submitted representations in terms of subsection (6) in respect of the matter which is investigated, shall, if they so request, be afforded the opportunity of submitting evidence to the investigating committee in support of such representations. 20

(c) The investigating committee may for the purposes of any investigation conducted by it, interrogate any person who in its opinion is capable of giving information in connection with the matter which is being investigated. 25

(9) After receipt of the advice of the investigating committee, the Director-General shall submit to the Administrator such advice, all comments and representations received in connection with the draft guide plan, as well as his own comments thereon, and the Administrator shall submit his comments to the Minister within 60 days or such longer period as 30  
the Minister may determine. 35

[(8)] (10) After receipt of the comments of the  
Administrator in terms of subsection [(7)] (9) or the  
expiry of the period [mentioned therein,] which may  
be determined by the Minister, whichever occurs 40  
first, the [Secretary] Director-General shall submit  
the draft guide plan, any such representations  
received in connection therewith, any such com-  
ments received, the advice of the investigating  
committee and his own comments on such plan to 45  
the Minister, who may [if he thinks fit,] approve the  
draft guide plan, with or without any amendments.

[(9)] (11) If the Minister has approved a draft  
guide plan as contemplated in subsection [(8)] (10),  
he shall cause copies of the guide plan to be made 50  
available for inspection in the offices mentioned in  
subsection (6), and shall by notice in the Gazette and  
in an English and in an Afrikaans newspaper  
circulating in the area concerned make known that a  
guide plan has been approved by him in respect of 55  
the area defined in such notice and that copies  
thereof are so available for inspection.

[(10)] (12) With effect from the date of a notice in  
the Gazette in terms of subsection [(9)] (11)—

[(a) all land in the guide plan area concerned, other 60  
than land reserved in terms of the guide plan  
concerned for agricultural purposes, shall be  
deemed to have been excluded in terms of  
paragraph (f) of the definition of "agricultural



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land" in section 1 of the Subdivision of Agricultural Land Act, 1970 (Act No. 70 of 1970), from the provisions of that Act;]

[(b)] (a) no town planning scheme which is binding on that date may be amended in such a way that, and no new such scheme may be introduced in which, provision is made for the zoning of land for a purpose which is inconsistent in the opinion of the Administrator is not consistent with the guide plan concerned;

[(c)] (b) no person shall use any land in the guide plan area concerned for a purpose other than the purpose for which it is zoned in terms of a town planning scheme binding or becoming binding in that area or for a purpose other than a purpose for which it was being used on immediately prior to that date: Provided that land to which no such scheme relates may, with the approval of the Administrator, be used for any purpose determined by the guide plan or for any other purpose which in the opinion of the Administrator is consistent with the guide plan concerned.

[(d)] (c) no permission shall in terms of any other law (including a) town planning scheme be given for the use of land in the guide plan area concerned for a purpose inconsistent which in the opinion of the Administrator is not consistent with the guide plan concerned;

(d) no permission shall be granted in terms of any other law for the 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.

(13) (a) After a guide plan has been approved the Administrator concerned shall for the area to which the guide plan relates, or any portion of such area, cause to be compiled a plan or plans in which the use of land determined in the guide plan is indicated in greater detail, and the Administrator shall submit such plan or plans to the Minister for his approval.

(b) If the Minister approves the plan or plans submitted under paragraph (a), the Administrator shall cause to be published in the provincial gazette concerned a notice in which it is made known that the plan or plans have been so approved and that copies thereof are available for inspection in the office of the officer in charge of the local government section of the provincial administration concerned and in the office of every local authority concerned.

(14) After the Minister has approved a guide plan, the Administrator or the Director-General may submit any uncertainty as to the use of land which has been determined in respect of any land in the guide plan area, to the Minister for a decision, and the decision of the Minister shall be final.

(15) The provisions of paragraphs (b), (c) and (d) of subsection (12) shall not apply in respect of—

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- (a) any right of any person to prospect for or to mine any precious metals, base minerals, precious stones or natural oil, or the use of any land for prospecting or mining purposes, or for purposes connected therewith; 5
- (b) the use of land in terms of any right or permission granted in terms of the Precious Stones Act, 1964 (Act No. 73 of 1964), or the Mining Rights Act, 1967 (Act No. 20 of 1967): Provided that any such right or permission for purposes not connected with prospecting or mining, shall be granted only after consultation with the Minister. 10

(16) Any guide plan committee established under subsection (1) before the commencement of the Environment Planning Amendment Act, 1981, but which at such commencement has not completed its functions, shall continue to exist, but shall complete its functions in accordance with the provisions of this Act as amended by the said Amendment Act. 15 20

(17) The provisions of this Act, as they existed before the commencement of the Environment Planning Amendment Act, 1981, shall continue to apply to—

- (a) any guide plan approved before such commencement; and 25
- (b) draft guide plans which at such commencement were already made available in terms of subsection (6):

Provided that all land determined in terms of such guide plan for the purposes of a brickworks or sand washing or a pottery or stone crushing or a quarry or for the processing of any mineral in any other manner, shall be subject to the provisions of this Act as amended by the said Amendment Act: Provided further that all amendments of any guide plan shall be made in accordance with the provisions of this Act as amended by the said Amendment Act. 30 35

(18) Notwithstanding the provisions of subsection (17) all land situated within a guide plan area which was excluded from the operation of the Subdivision of Agricultural Land Act, 1970 (Act No. 70 of 1970), by reason only of the provisions of this section as they existed before the commencement of the Environment Planning Amendment Act, 1981, shall as from such commencement be subject to the first-mentioned Act. 40 45

**[(11) (19) [If the Minister deems it expedient to do so, he may amend or withdraw a guide plan if in regard to such amendment or withdrawal the requirements prescribed by this Act in regard to the approval of a draft guide plan have been complied with.] The Minister may at the request of any person by notice in the *Gazette* amend or withdraw a guide plan: Provided that before it may be amended or withdrawn—** 50 55

- (a) an investigation determined by him shall be instituted; and
- (b) the comments of the Minister of Agriculture and Fisheries and the Administrator concerned shall be obtained. 60

**[(12) If land on either side of a road, railway line, water work or power line is in terms of a guide plan zoned for different uses thereof, the route of such road, railway line, water work or power line as finally determined in terms of the guide plan, shall be**

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the boundary between the land on either side thereof.]

[(13)] (20) The Minister may make regulations—

- (a) as to the holding of meetings by a committee or investigating committee, including the quorum and procedure at such meetings;
- (b) prescribing the powers and duties of a committee in connection with the performance of its functions, as well as the remuneration and allowances payable to the members of a committee or any investigating committee who are not in the full-time employment of the State or any local authority: Provided that any regulation relating to remuneration and allowances shall only be made with the concurrence of the Minister of Finance.

(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 any other law, permission or authority is required for such use, such permission or authority has been obtained.”

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

6. Section 6B of the principal Act is hereby amended—

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

“(1) Notwithstanding the provisions of section 6 (2) [(d)] (c) or any other law, no person shall, except under the authority of a permit, use any land—

- (a) for the purposes of a brickworks or brick making or pottery or stone crushing or sand washing; or
- (b) unless by or under the direct control or supervision of any provincial administration, the Railway Administration or the National Transport Commission referred to in the Transport (Coordination) Act, 1948 (Act No. 44 of 1948); for the construction of a public road or railway line, for the purposes of a [stone quarry, sand-pit, clay-pit, gravel quarry or soil] quarry; or
- (c) for processing any mineral in any other manner, unless such land [is reserved under section 4 (1) or zoned in terms of a guide plan for that purpose or], subject to the provisions of subsection (2), [is] has immediately prior to the commencement of the Physical Planning and Utilization of Resources Amendment Act, 1975 (Act No. 73 of 1975), lawfully been used for that purpose.”;

- (b) by the substitution for subsection (3) of the following subsection:

“(3) No application for a permit for the purposes of subsection (1) for the use of any land involving the processing of any minerals [in a manner contemplated in subsection (1)(c),] shall be granted by the Minister or any person authorized by him unless he has consulted the Minister of [Mines] Mineral and Energy Affairs or any person authorized by him.”;

- (c) by the addition of the following subsection:

“(4) The Minister may direct any person who uses land for a quarry in conflict with subsection (1), to close that quarry and to restore such land, before a specified date, to the satisfaction of the Minister, and may, if such person fails to do so, cause steps to be taken for the restoration of the land, and may recover the costs connected therewith from such person.”

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Substitution of section 8 of Act 88 of 1967, as amended by section 8 of Act 73 of 1975.

7. The following section is hereby substituted for section 8 of the principal Act:

- “Issue of permits.
8. (1) The Minister may in his discretion—
- (a) direct that a permit (to be signed by an officer designated thereto by him) be issued subject to such conditions as he may determine, authorizing—
- (i) the use of land specified in a notice issued in terms of section 4 (1) for a purpose other than [the particular purpose specified in the notice or] the purpose for which the land was being lawfully used at the date of such notice; or
- [(iA)] (ii) the use of any particular land for a brickworks or brick making or sand washing or a pottery or stone crushing or a [stone] quarry, [sand-pit, clay-pit, gravel quarry or soil quarry] or for the processing of any mineral in any other manner; or
- [(ii) the subdivision of land in a controlled area; or
- (iii) the acquisition of an undivided share in land in a controlled area; or]
- [(iv)] (iii) the use of land in a controlled area for a purpose for which it was not being used at the date as from which the area concerned was or is declared a controlled area or part of a controlled area;
- (b) direct that [the conditions of a permit be amended or that the] a permit shall be available only for a portion of the land in respect of which it has been issued.
- (2) The Minister may—
- (a) at the request of the owner of land on whose application a permit has been issued under this section or of his successor in title, revoke or amend such permit; or
- (b) if any land in respect of which a permit has been issued, is used contrary to a condition subject to which the permit has been issued, after not less than one month's notice, revoke the permit.”

Amendment of section 9 of Act 88 of 1967, as amended by section 9 of Act 73 of 1975.

8. Section 9 of the principal Act is hereby amended by the substitution for subsections (2) and (4) of the following subsections, respectively:

“(2) The Minister or Administrator may, subject to such conditions as he may determine, delegate to any officer (with a rank not lower than that of under-secretary) in the Department [of Planning and the Environment] any of his powers under section [3 (5)] 6A (3), (9), (12) (a), (b), (c) or (d), (13) or (15) (b) or 8.

(4) Any [person] applicant for a permit who is aggrieved by a decision by virtue of a delegation under this section may at any time within 60 days after the date of such decision appeal to the Minister.”

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

9. Section 11 of the principal Act is hereby amended by the substitution for paragraph (a) of subsection (1) of the following paragraph:

“(a) contravenes section 3 (1), 4 [(3)] (2), 6 (1), 6A [(10)] (c) (12) (b), 6B (1) or (2), or fails to comply with a direction under section 6B (4); or”.

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Insertion of sections 13A and 13B in Act 88 of 1967.

10. The following sections are hereby inserted in the principal Act after section 13:

"State bound.

**13A.** The provisions of sections 4 and 6A shall bind the State, except in so far as criminal liability is concerned.

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Admini-  
stration  
of Act.

**13B.** The State President may by proclamation in the *Gazette* assign the administration of any provision of this Act to any Minister or the Administrator of a province."

Substitution of "Secretary" in Act 88 of 1967.

11. The principal Act is hereby amended by the substitution 10 for the word "Secretary", wherever it occurs, of the word "Director-General".

Substitution of section 15 of Act 88 of 1967, as substituted by section 14 of Act 73 of 1975.

12. The following section is hereby substituted for section 15 of the principal Act:

"Short title.

**15.** This Act shall be called the **[Environment]** 15 **Physical Planning Act, 1967.**"

Short title.

13. This Act shall be called the Environment Planning Amendment Act, 1981.