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OFFICE OF THE PRIME MINISTER

KANTOOR VAN DIE EERSTE MINISTER

No. 1467.

6 July 1983

No. 1467.

6 Julie 1983

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

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

No. 87 of 1983: Physical Planning Amendment Act, 1983.

No. 87 van 1983: Wysigingswet op Fisiese Beplanning, 1983.

Act No. 87, 1983

PHYSICAL PLANNING AMENDMENT ACT, 1983

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 the power of a guide plan committee in relation to the determination in a draft guide plan of the purposes for which land may be utilized; to delete certain unnecessary definitions; to provide for the establishment of subcommittees of a guide plan committee and the designation of the chairman of a guide plan committee and of any subcommittee thereof; to discharge any Administrator from the obligation to cause certain plans to be compiled in relation to a guide plan except when he is requested by the Minister to cause such plans to be compiled; to empower the Minister to determine the remuneration and allowances of a member of a guide plan committee or any subcommittee thereof or of an investigating committee; to do away with a certain exception in relation to the use of certain land in the province the Cape of Good Hope for the purposes of a quarry; to extend the power of the Minister to grant exemptions; to further regulate the power of the Minister to delegate certain powers; and to delete a certain obsolete expression; and to provide for incidental matters.

*(Afrikaans text signed by the State President.)
(Assented to 27 June 1983.)*

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 and amended by section 1 of Act 104 of 1977 and section 1 of Act 51 of 1981.

1. Section 1 of the Physical Planning Act, 1967 (hereinafter referred to as the principal Act), is hereby amended by the deletion of the definition of "processing", where it occurs after the definition of "quarry", and of the definitions of "Secretary" and "use of land".

Amendment of section 6A of Act 88 of 1967, as inserted by section 6 of Act 73 of 1975 and substituted by section 5 of Act 51 of 1981.

2. Section 6A of the principal Act is hereby amended—
(a) by the substitution for paragraph (c) of subsection (2) of the following paragraph: 10
"(c) The Director-General or an officer in the Department designated by him, shall appoint the members of a committee, and shall designate one of such members as chairman of such committee.";

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- (b) by the addition to the said subsection (2) of the following paragraph:
- “(d) (i) A committee may at any time establish one or more subcommittees to investigate and report to the committee upon any matter falling within the duties, functions and powers of the committee. 5
- (ii) The members of a subcommittee referred to in subparagraph (i) shall be appointed by the committee and may consist wholly or partly of persons who are not members of the committee. 10
- (iii) The committee shall designate one of the members of the subcommittee concerned as chairman of such subcommittee.”; 15
- (c) by the substitution for paragraph (a) of subsection (13) of the following paragraph:
- “(a) After a guide plan has been approved the Administrator concerned may or, if requested by the Minister, shall for the area to which [the] a guide plan relates, or any portion of such area, cause to be compiled as soon as possible or, if requested by the Minister, within a period determined by the Minister at the time of his request, a plan or plans in which the use of land determined in the guide lines of the guide plan is indicated in greater detail, and the Administrator shall submit such plan or plans to the Minister for his approval.” 20 25
- (d) by the addition to the said subsection (13) of the following paragraph: 30
- “(c) If the Administrator concerned fails to cause the said plan or plans to be compiled within the period determined by the Minister under paragraph (a) or such a longer period as the Minister may allow, the Minister may cause such plan or plans to be compiled, and any plan or plans so compiled shall for the purposes of this section be deemed to have been compiled by the Administrator concerned.” 35
- (e) by the substitution for subsection (20) of the following subsection: 40
- “(20) The Minister may make regulations—
- (a) as to the holding of meetings by a committee, subcommittee or investigating committee, including the quorum for and procedure at such meetings;
- (b) prescribing the powers and duties of a committee or subcommittee 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].”; and 45 50
- (f) by the insertion after subsection (20) of the following subsection: 55
- “(20A) The remuneration and allowances of a member of a committee, subcommittee or investigating committee who is not in the full-time employment of the State or a local authority, shall be determined either in general or in any particular case by the Minister with the concurrence of the Minister of Finance.” 60

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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 and amended by section 6 of Act 51 of 1981.

3. Section 6B of the principal Act is hereby amended by the substitution for subsection (2) of the following subsection:

- “(2) Notwithstanding the provisions of subsection (1), no person shall from the commencement of the Environment Planning Amendment Act, 1977, except under the authority of a permit, so use land [(except land reserved under section 4 (1) or zoned in terms of a guide plan for any purpose referred to in subsection (1))] which—
- (a) was used immediately prior to 3 November 1976 in terms of approval granted under section 199 of the Divisional Council's Ordinance, 1952 (Ordinance No. 15 of 1952), of the province the Cape of Good Hope, as a quarry, as defined in that Ordinance; or
- (b) was used immediately prior to 27 August 1976 in terms of approval granted under section 183 of the Municipal Ordinance, 1974 (Ordinance No. 20 of 1974), of the province the Cape of Good Hope, as a quarry, as defined in that Ordinance,
- other than in accordance with the conditions which were in force in respect of the relevant approval so granted.”.

Substitution of section 7 of Act 88 of 1967, as substituted by section 4 of Act 104 of 1977.

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

“Exemptions.

7. The Minister may by notice in the *Gazette*, on such conditions as he may determine and in so far as he may deem expedient, exempt—
- (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), 4 (2), 6 (1) or 6B (1) or (2);
- (b) any town planning scheme from the provisions of section 2 (1) (a);
- (c) any person from any or all the provisions of section 2 (1) (c) or (d),
- and may in like manner at any time withdraw such exemption.”.

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

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

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

- “(1) (a) The Minister may, subject to such conditions as he may determine, delegate to an officer (with a rank not lower than that of [under-secretary] assistant-director) in the Department [of Planning and the Environment] any of his powers under section 2 [(2)] or 3 [(3)] to be exercised by that officer in consultation with officers (with a similar rank) of whom one each shall be nominated by the Ministers of Labour, of Plural Relations and Development, of Economic Affairs, of Indian Affairs, of Coloured, Rehoboth and Nama Relations, of Health and of Water Affairs, respectively].
- (b) The officer referred to in paragraph (a) shall exercise the powers so referred to, with the concurrence of officers in the government service—
- (i) of whom one each shall be nominated by the Ministers of Internal Affairs, of Community Development, of Health and Welfare, of Manpower, of Industries, Commerce and Tourism, of Environment Affairs and Fisheries, of Co-operation and Development, and of

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Constitutional Development and Planning, respectively, or by an officer authorized by him: Provided that, if a Minister mentioned in this subparagraph is the Minister to whom the administration of the relevant provision has been assigned under section 13B, no officer shall be nominated by him in terms of this subparagraph; and

- (ii) each of whom holds a rank not lower than that of assistant-director or a corresponding rank; and

- (b) by the substitution for subsection (4) of the following subsection:

“(4) Any person from whom approval is required under section 2 or 3 or any 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 12 of Act 88 of 1967, as substituted by section 6 of Act 104 of 1977.

6. Section 12 of the principal Act is hereby amended by the deletion of the words “of Planning and the Environment”, wherever they occur.

Short title.

7. This Act shall be called the Physical Planning Amendment Act, 1983.