

Please note that most Acts are published in English and another South African official language. Currently we only have capacity to publish the English versions. This means that this document will only contain even numbered pages as the other language is printed on uneven numbered pages.



# GOVERNMENT GAZETTE

OF THE REPUBLIC OF SOUTH AFRICA

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STATE PRESIDENT'S OFFICE

KANTOOR VAN DIE STAATSPRESIDENT

No. 1422.

3 July 1985

No. 1422.

3 Julie 1985

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. 92 of 1985: Physical Planning Amendment Act, 1985.

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.

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: 5  
“‘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: 10  
“‘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. 15 102 of 1982);’.”

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

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: 20  
“(e) no land situated—  
(i) outside an area of jurisdiction referred to in section 6 (2) (b) (i); or

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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]**.” 10

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.”; 20
- (b) by the substitution for paragraph (d) of subsection (12) of the following paragraph:
- “(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:
- “(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 40 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);”.

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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:**”;

(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”;

(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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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 5 restrictions upon the use of land for certain purposes unless reserved for use for such purposes; and for other matters incidental thereto.”

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 10 the State President by proclamation in the *Gazette*.

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