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REPUBLIC OF SOUTH AFRICA

# GOVERNMENT GAZETTE

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# STAATSKOERANT

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No. 13370

STATE PRESIDENT'S OFFICE

KANTOOR VAN DIE STAATSPRESIDENT

No. 1519.

12 July 1991

No. 1519.

12 Julie 1991

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 gegee het aan die onderstaande Wet wat hierby ter algemene inligting gepubliseer word:—

No. 125 of 1991: Physical Planning Act, 1991

No. 125 van 1991: Wet op Fisiese Beplanning, 1991

# ACT

To promote the orderly physical development of the Republic, and for that purpose to provide for the division of the Republic into regions, for the preparation of national development plans, regional development plans, regional structure plans and urban structure plans by the various authorities responsible for physical planning, and for matters connected therewith.

(English text signed by the State President.)  
(Assented to 27 June 1991.)

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

## CHAPTER I

### APPLICATION OF ACT

#### Definitions

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1. In this Act, unless the context indicates otherwise—
- (i) "Administrator" means the administrator of a province acting in consultation with the other members of the executive committee for that province; (i)
  - (ii) "committee" means any planning committee or any investigating committee; (x) 10
  - (iii) "Department" means the Department of Planning, Provincial Affairs and National Housing; (vi)
  - (iv) "Departmental Head", in relation to any provision of this Act which applies to or is connected with— 15
    - (a) a national development plan or a regional development plan, means the Director-General;
    - (b) a regional structure plan, means the director-general of the provincial administration in question; (vii)
  - (v) "development region" means any development region referred to in section 3(1)(a); (xv) 20
  - (vi) "Director-General" means the Director-General: Planning, Provincial Affairs and National Housing; (viii)
  - (vii) "draft plan", in relation to a policy plan, means a draft of that policy plan as referred to in section 7; (xiv) 25
  - (viii) "Gazette", in relation to any notice required to be published by a Planning Authority in the *Gazette*—
    - (a) where the Minister is the Planning Authority, means the *Gazette* of the Republic;
    - (b) where any Administrator is the Planning Authority, means the *Official Gazette* of the province in question; (xix) 30
  - (ix) "investigating committee" means an investigating committee established under section 12; (xiii)
  - (x) "local authority" means any institution or body established by or under any law for a particular area with a view to the performing of local government functions in respect of that area; (xvi) 35
  - (xi) "Minister" means the Minister of Planning, Provincial Affairs and National Housing; (xi)
  - (xii) "national development plan" means a national development plan referred to in section 4(1)(a); (xii) 40
  - (xiii) "plan" means a national development plan, a regional development plan, a regional structure plan or an urban structure plan; (xvii)
  - (xiv) "Planning Authority", in relation to any provision of this Act which applies to or is connected with—
    - (a) a national development plan or a regional development plan, means the Minister; 45
    - (b) a regional structure plan, means the Administrator concerned; (iii)

- (xv) "planning committee" means a planning committee established under section 7; (iv)
- (xvi) "planning region" means any planning region referred to in section 3(1)(b); (v)
- (xvii) "policy plan" means a national development plan, a regional development plan or a regional structure plan; (ii) 5
- (xviii) "prescribed" means prescribed by regulation; (xxv)
- (xix) "regional authority" means any regional services council established under section 3 of the Regional Services Councils Act, 1985 (Act No. 109 of 1985), or any joint services board established under section 4 of the KwaZulu and Natal Joint Services Act, 1990 (Act No. 84 of 1990); (xxii) 10
- (xx) "regional development plan" means a regional development plan referred to in section 4(1)(b); (xxi)
- (xxi) "regional structure plan" means a regional structure plan referred to in section 4(2); (xxiii) 15
- (xxii) "regulation" means a regulation made under section 33(1); (xviii)
- (xxiii) "responsible authority", in relation to an urban structure plan, means the responsible authority in respect of that urban structure plan as referred to in section 23; (xxiv)
- (xxiv) "this Act" includes a regulation; (ix) 20
- (xxv) "urban structure plan" means an urban structure plan referred to in section 22. (xx)

### General functions of Minister

2. (1) In order to achieve the objects of this Act, the Minister may by himself or in collaboration with or through any other Minister, any Administrator, any government, any regional or local authority or any other person do research or cause research to be done, institute any inquiry or cause any inquiry to be instituted or collect information or cause information to be collected, whether in the Republic or elsewhere, in connection with any matter which has or is likely to have an effect on the physical development of any area in the Republic, including— 30

- (a) the physical, social and economic characteristics of that area and, in so far as any neighbouring area has or is likely to have any effect on the physical development of that area, the physical, social and economic characteristics of any such neighbouring area; 35
- (b) the distribution, increase and movement and the urbanization of the population in that area;
- (c) the natural and other resources and the economic development potential of that area;
- (d) the existing and the planned infrastructure, such as water, electricity, communication networks and transport systems, in that area; 40
- (e) the general land utilization pattern;
- (f) the sensitivity of the natural environment.

(2) The Minister shall ensure that physical planning is promoted and co-ordinated on a national and regional basis. 45

### Development and planning regions

3. (1) For the purposes of this Act, the Minister may by notice in the *Gazette*—
- (a) divide the Republic into two or more development regions, describe the boundaries of each development region, and give a name to each development region; 50
- (b) divide a development region into two or more planning regions, describe the boundaries of each planning region, and give a name to each planning region.

(2) The Minister may at any time amend or withdraw a notice referred to in subsection (1) by like notice in the *Gazette*. 55

## CHAPTER II

## POLICY PLANS

*Introductory***Kinds of policy plans**

4. (1) Subject to the provisions of this Chapter, the Minister may cause— 5
- (a) a policy plan, to be known as a national development plan, to be prepared for the Republic; and
  - (b) a policy plan, to be known as a regional development plan, to be prepared for a development region or any portion of such region.
- (2) Subject to the provisions of this Chapter, the Administrator concerned may 10  
cause a policy plan, to be known as a regional structure plan, to be prepared for a planning region or any portion of such region.

**Objects of policy plans**

5. The objects of a policy plan shall be to promote the orderly physical development of the area to which that policy plan relates to the benefit of all its 15  
inhabitants.

**Contents of policy plans**

6. (1) A policy plan shall consist of broad guide-lines for the future physical development of the area to which that policy plan relates.
- (2) A policy plan may provide that land shall be used only for a particular 20  
purpose or, with the consent of the Minister, an Administrator or any other authority specified in the policy plan, also for the other purposes for which provision is made in the policy plan.

*Preparation of policy plans***Establishment of planning committees** 25

7. In order to cause a policy plan to be prepared, the Planning Authority concerned may by notice in the *Gazette* establish a planning committee to prepare a draft of that policy plan for such area as that Planning Authority may, having regard to the applicable provisions of section 4, describe in the notice.

**Constitution of planning committees** 30

8. (1) A planning committee shall consist of persons—
- (a) representing the following departments, administrations, authorities, organizations or institutions, namely—
    - (i) the Department and any other department of State which in the opinion of the Planning Authority should be represented on the 35  
planning committee;
    - (ii) in the case of a draft plan in respect of a national development plan, every provincial administration or, in the case of a draft plan in respect of a regional development plan or a regional structure plan, the provincial administration in question; 40
    - (iii) in the case of a draft plan in respect of a regional development plan, every regional authority whose region falls wholly or partly within the area in question or, in the case of a draft plan in respect of a regional structure plan, every regional authority and every local authority whose region or area of jurisdiction falls wholly or partly 45  
within the area in question;
    - (iv) any other organization or institution which in the opinion of the Planning Authority should be represented on the planning committee;

(b) who in the opinion of the Planning Authority are capable of rendering assistance in the preparation of the draft plan.

(2) The Planning Authority shall determine the membership of a planning committee, and shall in respect of every department, administration, authority, organization or institution required to be represented on such committee, determine the number of representatives. 5

(3) The Departmental Head shall appoint the members of a planning committee, and shall designate one of those members as the chairman of the planning committee.

#### Proposals for inclusion in draft plans 10

9. The Planning Authority shall by the same notice whereby a planning committee is established, or by a subsequent notice in the *Gazette*, invite interested persons to submit to that planning committee within a period specified in the notice, which period shall not be less than 30 days from the date of the notice, proposals in writing for inclusion in the draft plan. 15

#### Preparation of draft plans

10. (1) Before a planning committee prepares a draft plan, it shall consider any proposals submitted to it in accordance with section 9.

(2) A planning committee may make such investigation in connection with a draft plan, including the area to which the draft plan relates, as it may deem necessary, and for the purposes of such investigation it may in its discretion consult any department of State, provincial administration, regional or local authority or any person. 20

(3) After a planning committee has prepared a draft plan in respect of the area in question, it shall submit such plan to the Departmental Head. 25

#### Representations by interested persons

11. (1) After a draft plan has been submitted to him in terms of section 10(3), the Departmental Head shall—

(a) make copies of the draft plan available for inspection at the prescribed places; and 30

(b) publish twice in an Afrikaans and in an English newspaper circulating in the area to which the draft plan relates, a notice stating that such plan is available for inspection at the places specified in the notice and inviting interested persons to submit to him in writing within a period so specified, which period shall not be less than 21 days from the date of the last publication of the notice, any representations that they may wish to make in connection with the said plan. 35

(2) After having considered any representations submitted to him in accordance with subsection (1), the Departmental Head may make or cause to be made such further investigation in connection with the draft plan, including the area to which that draft plan relates, as he may deem necessary, and for the purposes of such investigation he may— 40

(a) refer any matter in connection with that draft plan to an investigating committee; or

(b) in his discretion consult any department of State, provincial administration, regional or local authority or any person. 45

#### Establishment of investigating committees

12. A Planning Authority may at the request of the Departmental Head establish an investigating committee to inquire into any matter referred to in section 11(2)(a), and to make recommendations to the Departmental Head in connection therewith. 50

#### Constitution of investigating committees

13. (1) An investigating committee shall consist of three members appointed by

the Planning Authority who in the opinion of the Planning Authority have particular knowledge concerning the matter which is being investigated.

(2) The Planning Authority shall designate one of the members of an investigating committee as the chairman of the investigating committee.

#### Notices of inquiries

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14. The chairman of an investigating committee shall—

- (a) by notice in an Afrikaans and in an English newspaper circulating in the area to which the inquiry relates, make known that the investigating committee will inquire into a matter specified in the notice at a date, time and place so specified, which date shall not be less than 14 days from the date of the notice; 10
- (b) cause to be served in the prescribed manner a copy of the notice to every person who has submitted representations in connection with the said matter in accordance with section 11(1)(b).

#### Approval of draft plans

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15. (1) The Departmental Head shall submit a draft plan, any comments or representations received by him in connection therewith, the recommendations of the investigating committee, if he has referred any matter in connection with the draft plan to an investigating committee, and his own comments on such plan to the Planning Authority concerned. 20

(2) (a) After having considered the draft plan and any comments, representations or recommendations submitted to it, the Planning Authority may, subject to paragraph (b), in its discretion approve such plan, with such amendments as it may deem necessary, as a policy plan.

(b) Where the Planning Authority required to exercise any power under paragraph (a)— 25

- (i) is the Minister, the State President may request him to act with the concurrence of, or after consultation with, such other Ministers as the State President may determine;
- (ii) is an Administrator, the Minister may request him to act with the concurrence of, or after consultation with, himself or such other Ministers as the Minister may determine. 30

(c) For the purposes of paragraph (b), the requirement that the Planning Authority shall act with the concurrence of, or after consultation with, a particular Minister shall, unless the Planning Authority or the Minister concerned has otherwise directed, be deemed to have been complied with if the Departmental Head has obtained the concurrence of, or has consulted with, the director-general concerned, as the case may be. 35

(3) If the Planning Authority has approved a draft plan as a policy plan under subsection (2), it shall— 40

- (a) cause copies of the policy plan to be made available for inspection at the prescribed places; and
- (b) by notice in the *Gazette* and in an Afrikaans and in an English newspaper circulating in the area to which the policy plan relates, make known that a policy plan has been approved by it in respect of the area described in the notice and that copies thereof are available for inspection at the places so specified. 45

#### *Commencement and rectification of policy plans*

#### Commencement of policy plans

16. A policy plan shall come into operation on the date on which the Planning Authority by notice in the *Gazette* in terms of section 15(3)(b) makes known that the policy plan has been approved by it or on such later date as the Planning Authority may determine by the notice. 50

**Removal of conflicts, ambiguities and administrative difficulties**

17. If the provisions of a policy plan are found to be in conflict with each other or to be ambiguous or to give rise to administrative difficulty in the application thereof in the area in question, the Planning Authority may by notice in the *Gazette* determine to what extent the relevant provisions shall apply in order to remove the conflict, ambiguity or administrative difficulty. 5

*Amendment, review and withdrawal of policy plans***Applications for amendment of policy plans**

18. (1) Any person who has an interest in a policy plan, or any department of State, provincial administration or regional or local authority, may apply in writing to the Planning Authority concerned for the amendment of the relevant policy plan. 10

(2) Such person, department of State, provincial administration or regional or local authority shall furnish such additional particulars in connection with his or its application as the Planning Authority may require. 15

**Amendment of policy plans**

19. (1) If a Planning Authority is of the opinion that it is in the interest of the future physical development of any area or that it is for any other reason desirable to amend a policy plan, it may of its own accord or on application in terms of section 18 direct the Departmental Head to prepare or cause to be prepared an amendment plan after consultation with such departments of State, provincial administrations, regional or local authorities or such persons as the Planning Authority may determine. 20

(2) The Departmental Head may summarily submit such amendment plan to the Planning Authority or, if he deems it fit under the circumstances, afford interested persons an opportunity to submit representations in connection with that amendment plan to him, in which case the provisions of sections 11 to 15(1) shall *mutatis mutandis* apply in respect of that amendment plan. 25

(3) After having considered the amendment plan and any comments, representations or recommendations submitted to it, the Planning Authority may in its discretion approve such plan, with such further amendments as it may deem necessary. 30

(4) The provisions of sections 15(3) and 16 shall *mutatis mutandis* apply in respect of an amendment plan approved under subsection (3).

**Review of policy plans** 35

20. (1) Policy plans shall be reviewed at such intervals as the Planning Authority may in respect of each policy plan determine.

(2) For the purposes of a review referred to in subsection (1) —

(a) a review plan shall be prepared; and

(b) the provisions of sections 7 to 16 shall *mutatis mutandis* apply in respect of such plan: 40

Provided that such plan shall be approved as a new policy plan under section 15(2)(a) and that the existing policy plan shall be deemed to have been withdrawn with effect from the date on which the new policy plan comes into operation in terms of section 16. 45

**Withdrawal of policy plans**

21. (1) Subject to the provisions of subsection (2), a Planning Authority may at any time by notice in the *Gazette* withdraw any policy plan.

(2) The provisions of section 15(2)(b) and (c) shall *mutatis mutandis* apply in respect of any power exercised by a Planning Authority under subsection (1). 50

## CHAPTER III

## URBAN STRUCTURE PLANS

**Urban structure plans**

22. Any Administrator may, subject to a regulation made by him under section 26(1), prepare or cause to be prepared an urban structure plan for the area or areas of jurisdiction of one or more local authorities, or any portion of such area or areas of jurisdiction, or for the region of a regional authority, or any portion of such region, within the province in question. 5

**Responsible authorities**

23. If an urban structure plan is prepared in respect of— 10
- (a) a single local authority, that local authority shall be the responsible authority in respect of that urban structure plan;
  - (b) two or more local authorities, the regional authority on which those local authorities are represented shall be the responsible authority in respect of that urban structure plan; and 15
  - (c) a regional authority, that regional authority shall be the responsible authority in respect of that urban structure plan.

**Contents of urban structure plans**

24. (1) An urban structure plan shall consist of guide-lines for the future physical development of the area to which that urban structure plan relates. 20
- (2) An urban structure plan may provide that land shall be used only for a particular purpose or, with the consent of the Minister, an Administrator or any other authority specified in the urban structure plan, also for the other purposes for which provision is made in the urban structure plan.

**Commencement of urban structure plans** 25

25. An urban structure plan, or any amendment or review thereof, shall come into operation on a date determined by or by virtue of the applicable regulation made under section 26(1)(c).

**Regulations relating to urban structure plans**

26. (1) Any Administrator may with the approval of the Minister by notice in the *Official Gazette* concerned make regulations not inconsistent with a provision of this Act as to— 30
- (a) the manner in which an urban structure plan is required or permitted to be prepared by any local authority, local authorities jointly, joint body or regional authority, or by that Administrator, including the recovery of any expenditure incurred by that Administrator in connection with the preparation of such plan when any such local authority, local authorities jointly, joint body or regional authority has failed to prepare such plan within the period determined by or under the applicable regulation; 35 40
  - (b) the amendment and review of such plan; 40
  - (c) the date of commencement of such plan or any amendment or review thereof;
  - (d) the removal of conflicts, ambiguities and administrative difficulties in the application of the provisions of such plan; 45
  - (e) the withdrawal of such plan;
  - (f) the powers, duties and functions of any local authority, local authorities jointly, joint body, regional authority, responsible authority or Minister responsible for local government; and



(g) in general, any matter which the Administrator may consider necessary or expedient to prescribe or regulate in order that the objects of this Chapter may be achieved.

(2) No approval shall be granted by the Minister in terms of subsection (1) unless he acts after consultation with every Minister responsible for local government and every other Administrator. 5

(3) For the purposes of subsection (2), the requirement that the Minister shall act after consultation with a particular Minister or Administrator shall, unless the Minister, or the Minister or Administrator concerned, has otherwise directed, be deemed to have been complied with if the Director-General has consulted with the director-general concerned. 10

## CHAPTER IV

### LEGAL CONSEQUENCES OF PLANS

#### Effects of regional and urban structure plans

27. (1) As from the date of commencement of a regional structure plan in terms of section 16 or an urban structure plan in terms of section 25— 15

(a) no town planning scheme which is binding on that date may be amended in such a way that, and no new town planning scheme may be introduced in which, provision is made for the zoning of land for a purpose which is not consistent with the regional structure plan or the urban structure plan, as the case may be; 20

(b) no person shall use any land in the area to which the regional structure plan or the urban structure plan, as the case may be, applies for a purpose other than the purpose for which it—

(i) was being used immediately before that date; or 25

(ii) is zoned in terms of a town planning scheme which is or may become binding in that area:

Provided that land to which no such scheme applies may with the consent of, in the case of the regional structure plan, the Administrator concerned or, in the case of the urban structure plan, the responsible authority be used for any purpose determined in the relevant plan or for any other purpose which in the opinion of that Administrator or responsible authority is consistent with the relevant plan; 30

(c) no permission, approval or authorization shall in terms of any law or in terms of any town planning scheme be given for the subdivision or use of land in the area to which the regional structure plan or the urban structure plan, as the case may be, applies for a purpose which is not consistent with the relevant plan; 35

(d) all land in the area to which the regional structure plan or the urban structure plan, as the case may be, applies, other than land which is agricultural land as defined in section 1 of the Subdivision of Agricultural Land Act, 1970 (Act No. 70 of 1970), and which in terms of the relevant plan may be used for agricultural purposes only, shall be excluded from the provisions of the said Act: Provided that without the prior written approval of the Minister of Agriculture, or an officer designated by him, no permission shall be granted in terms of any law for the subdivision of land which in terms of the relevant plan may be used for agricultural purposes as well as any other purpose. 40 45

(2) The provisions of subsection (1)(b) and (c) shall not apply in respect of any right of any person to prospect for or to mine any mineral as defined in section 1 of the Minerals Act, 1991, or the use of any land for prospecting or mining purposes, or for purposes connected therewith. 50

(3) For the purposes of subsection (1) "town planning scheme" includes any zoning scheme.

(4) As from the date of commencement of any amendment of a regional structure plan in terms of section 16, as applied by section 19(4), or any amendment or review of an urban structure plan in terms of section 25, the provisions of this section shall *mutatis mutandis* apply in respect of such amendment or review. 5

#### Mutual effect of plans

28. Any regional development plan, regional structure plan or urban structure plan, any regional structure plan or urban structure plan, and any urban structure plan, shall be valid so long and in so far only as it is not repugnant to or inconsistent with any national development plan, any regional development plan and any regional structure plan, respectively. 10

#### Permission in terms of other laws to use land

29. The provisions of a plan shall not enable any person to use the land in question in accordance with those provisions unless, if in terms of any other law permission, approval or authorization is required for such use, that permission, approval or authorization has been obtained. 15

#### Offences and penalties

30. (1) Any person who contravenes a provision of section 27(1)(b), or of that section as applied by section 27(4), shall be guilty of an offence and liable on conviction to a fine not exceeding R4 000 or to imprisonment for a period not exceeding one year or to both such fine and such imprisonment and, in the case of a continuing contravention, to a fine not exceeding R200 for every day during which the contravention continues. 20

(2) Whenever any person is convicted of an offence referred to in subsection (1), the court convicting him may summarily enquire into and determine the monetary value of any advantage which he may have gained in consequence of that offence, and, in addition to any other punishment that may be imposed in respect of that offence, impose on him a fine equal to the amount so determined or, in default of payment thereof, imprisonment for a period not exceeding one year. 25

(3) Notwithstanding anything to the contrary in any other law contained, a magistrate's court shall have jurisdiction to impose any penalty provided for in this section. 30

### CHAPTER V

#### MISCELLANEOUS

#### Allowances to members of committees 35

31. A member of a committee who is not in the full-time employment of the State may from money appropriated for that purpose by Parliament be paid such travelling and subsistence and other allowances in respect of the services rendered by him in connection with the affairs of the committee as the Planning Authority may, with the concurrence of the Minister of Finance, determine either in general or in any particular case. 40

#### Administrative work of committees

32. The administrative work incidental to the performance of the functions of a committee shall be performed by officers of the Department or the provincial administration in question, as the case may be, designated for that purpose by the Departmental Head concerned. 45

#### Regulations by Minister

33. (1) The Minister may make regulations as to any matter which he may consider necessary or expedient to prescribe or regulate in order that the objects of this Act may be achieved, including— 50

- (a) the making of surveys, the institution of inquiries and the collection of information with a view to the physical planning of any area;
  - (b) the evaluation, co-ordination and dissemination of any information collected by or under this Act;
  - (c) the powers, duties and functions of any authority which is in terms of this Act responsible for physical planning, including the implementation of a plan by any such authority; 5
  - (d) the convening of and the procedure and quorum at meetings of a planning committee;
  - (e) the investigation of a matter by an investigating committee and the procedure at such investigation; 10
  - (f) the powers, duties and functions of a planning or investigating committee and of the chairman or a member of such committee;
  - (g) any matter required or permitted to be prescribed in terms of this Act.
- (2) Different regulations may be made under subsection (1) in respect of different plans. 15

#### State bound

34. The provisions of this Act shall bind the State, including any provincial administration, except in so far as criminal liability is concerned.

#### Exclusion of self-governing territories

35. (1) Subject to the provisions of subsection (2), the provisions of this Act shall not apply to any area for which a legislative assembly has been established under the Self-governing Territories Constitution Act, 1971 (Act No. 21 of 1971): Provided that any such area may with the prior written approval of the government concerned be included in any national development plan. 20 25
- (2) If the Government of the Republic and the government of any such area agree thereto; the State President may, notwithstanding anything to the contrary contained in the said Act, by proclamation in the *Gazette*—
- (a) declare that this Act and any regulation made thereunder shall apply to that area to the extent stated in the declaration; 30
  - (b) amend or adapt this Act or any regulation made thereunder in order to regulate its application in that area;
  - (c) repeal or amend any law of the legislative assembly of that area in order to regulate any matter which, in his option, requires to be regulated in consequence of such application. 35

#### Repeal of laws

36. (1) Subject to the provisions of subsection (2)—
- (a) the provisions of the law mentioned in Schedule 1 are hereby repealed to the extent indicated in the third column of that Schedule;
  - (b) the provisions of the law mentioned in Schedule 2 are hereby repealed to the extent indicated in the third column of that Schedule; 40
  - (c) the provisions of the law mentioned in Schedule 3 are hereby repealed to the extent indicated in the third column of that Schedule; and
  - (d) the laws mentioned in Schedule 4 are hereby repealed to the extent indicated in the third column of that Schedule. 45
- (2) The provisions of—
- (a) paragraph (b) of subsection (1) shall come into operation on the date on which the Minerals Act, 1991, comes into operation;
  - (b) paragraph (c) of subsection (1) shall come into operation on a date fixed by the State President by proclamation in the *Gazette*; and 50
  - (c) paragraph (d) of subsection (1) shall come into operation on the date mentioned in paragraph (a) or on the date mentioned in paragraph (b), whichever is the later date.

**Transitional provisions**

37. (1) Notwithstanding the repeal by section 36(1)(a) of those provisions of the Physical Planning Act, 1967 (Act No. 88 of 1967), which relate to guide plans —
- (a) any guide plan committee which was established under any such provisions and has not yet completed the draft guide plan in question at the commencement of this Act, shall continue to exist and shall perform its functions as if the repeal had not been effected; 5
  - (b) any draft guide plan compiled by the said committee shall be dealt with as if the repeal had not been effected;
  - (c) any guide plan, irrespective of whether it was approved under any such provisions before or after the commencement of this Act, shall continue in force and shall apply in the area for which it was compiled as if the repeal had not been effected; and 10
  - (d) any such provisions which but for the repeal would have been applicable to the said guide plan, shall continue to be applicable to such guide plan as if the repeal had not been effected. 15
- (2) The Minister may at any time by notice in the *Gazette*—
- (a) declare—
    - (i) that the provisions of paragraphs (c) and (d) of subsection (1) shall with effect from a date specified in the notice cease to apply in respect of a guide plan so specified; 20
    - (ii) that such guide plan with effect from that date—
      - (aa) shall for the purposes of the provisions of this Act be deemed to be a regional structure plan which has in terms of those provisions been prepared for the area described in the notice; 25
      - or
      - (bb) shall for the purposes of the provisions of this Act or the applicable regulations referred to in section 26, irrespective of whether those regulations have already been made or not, be deemed to be an urban structure plan which has in terms of those regulations been prepared for the area described in the notice; and 30
    - (iii) if such guide plan is deemed under subparagraph (ii)(bb) to be an urban structure plan, that a regional authority or a local authority specified in the notice shall for the purposes of the provisions of this Act be deemed to be the responsible authority in respect of that urban structure plan; or 35
  - (b) withdraw a guide plan specified in the notice with effect from a date so specified. 40

**Short title and commencement**

38. This Act shall be called the Physical Planning Act, 1991, and shall come into operation on a date fixed by the State President by proclamation in the *Gazette*.

Act No. 125, 1991

PHYSICAL PLANNING ACT, 1991

**Schedule 1**  
**PROVISIONS OF LAW REPEALED (SECTION 36(1)(a))**

No. and year of law	Short title	Extent of repeal
Act No. 88 of 1967	Physical Planning Act, 1967	<ol style="list-style-type: none"> <li>1. The whole, except those sections referred to in paragraph 2 and the third column of Schedules 2 and 3.</li> <li>2. Sections 1, 7, 8, 9(2) to (4), 9A, 11, 12(1), 13, 13B and 14 in so far as those sections relate to—               <ol style="list-style-type: none"> <li>(a) the zoning, subdivision and use of land for industrial purposes;</li> <li>(b) guide plans; or</li> <li>(c) any matter incidental to a matter referred to in paragraph (a).</li> </ol> </li> </ol>

**Schedule 2**  
**PROVISIONS OF LAW REPEALED (SECTION 36(1)(b))**

No. and year of law	Short title	Extent of repeal
Act No. 88 of 1967	Physical Planning Act, 1967	<ol style="list-style-type: none"> <li>1. Sections 4 and 6B.</li> <li>2. Sections 1, 7, 8, 9(2) to (4), 9A, 10, 11, 12(1), 13, 13B and 14 in so far as those sections relate to—               <ol style="list-style-type: none"> <li>(a) the reservation of land for the utilization of natural resources;</li> <li>(b) the restriction on the use of land for the purposes of any brickmaking, stone-crushing, sand-washing or quarry, or for the processing of any mineral in any other manner; or</li> <li>(c) any matter incidental to a matter referred to in paragraph (a) or (b).</li> </ol> </li> </ol>

**Schedule 3**  
**PROVISIONS OF LAW REPEALED (SECTION 36(1)(c))**

No. and year of law	Short title	Extent of repeal
Act No. 88 of 1967	Physical Planning Act, 1967	<ol style="list-style-type: none"> <li>1. Sections 5, 6 and 12(4).</li> <li>2. Sections 1, 7, 8, 9(2) to (4), 9A, 10, 11, 12(1), 13, 13B and 14 in so far as those sections relate to controlled areas, or to any matter incidental thereto.</li> </ol>

**Schedule 4**  
**LAWS REPEALED (SECTION 36(1)(d))**

No. and year of law	Short title	Extent of repeal
Act No. 73 of 1975	Physical Planning and Utilization of Resources Amendment Act, 1975	The whole.
Act No. 104 of 1977	Environment Planning Amendment Act, 1977	The whole.
Act No. 51 of 1981	Environment Planning Amendment Act, 1981	The whole.
Act No. 87 of 1983	Physical Planning Amendment Act, 1983	The whole.
Act No. 104 of 1984	Physical Planning Amendment Act, 1984	The whole.
Act No. 92 of 1985	Physical Planning Amendment Act, 1985	The whole.
Act No. 109 of 1985	Regional Services Councils Act, 1985	So much of Schedule 3 as relates to the Physical Planning Act, 1967.
Act No. 97 of 1986	Transfer of Powers and Duties of the State President Act, 1986	So much of Schedules 1 and 2 as relates to the Physical Planning Act, 1967.
Act No. 84 of 1990	KwaZulu and Natal Joint Services Act, 1990	So much of Schedule 3 as relates to the Physical Planning Act, 1967.