



REPUBLIC OF SOUTH AFRICA



GOVERNMENT GAZETTE

STAATSKOERANT

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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 geheg 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.)

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

CHAPTER I

APPLICATION OF ACT

Definitions

5

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)

WET

Om die ordelike fisiese ontwikkeling van die Republiek te bevorder, en om vir dié doel voorsiening te maak vir die verdeling van die Republiek in streke, vir die opstel van nasionale ontwikkelingsplanne, streekontwikkelingsplanne, streekstruktuurplanne en stedelike struktuurplanne deur die onderskeie owerhede wat vir fisiese beplanning verantwoordelik is, en vir aangeleenthede wat daarmee in verband staan.

(Engelse teks deur die Staatspresident geteken.)

(Goedgekeur op 27 Junie 1991.)

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

HOOFTUK I

TOEPASSING VAN WET

5 Woordomskrywing

1. In hierdie Wet, tensy uit die samehang anders blyk, beteken—

- (i) "Administrateur" die administrateur van 'n provinsie handelende in oorleg met die ander lede van die uitvoerende komitee vir daardie provinsie; (i)
- 10 (ii) "beleidsplan" 'n nasionale ontwikkelingsplan, 'n streekontwikkelingsplan of 'n streekstruktuurplan; (xvii)
- (iii) "Beplanningsgesag", met betrekking tot 'n bepaling van hierdie Wet wat van toepassing is op of in verband staan met—
 - 15 (a) 'n nasionale ontwikkelingsplan of 'n streekontwikkelingsplan, die Minister;
 - (b) 'n streekstruktuurplan, die betrokke Administrateur; (xiv)
 - (iv) "beplanningskomitee" 'n beplanningskomitee kragtens artikel 7 ingestel; (xv)
 - (v) "beplanningstreek" 'n beplanningstreek in artikel 3(1)(b) bedoel; (xvi)
 - 20 (vi) "Departement" die Departement van Beplanning, Provinsiale Sake en Nasionale Behuising; (iii)
 - (vii) "Departementshoof", met betrekking tot 'n bepaling van hierdie Wet wat van toepassing is op of in verband staan met—
 - 25 (a) 'n nasionale ontwikkelingsplan of 'n streekontwikkelingsplan, die Direkteur-generaal;
 - (b) 'n streekstruktuurplan, die direkteur-generaal van die betrokke provinsiale administrasie; (iv)
 - (viii) "Direkteur-generaal" die Direkteur-generaal: Beplanning, Provinsiale Sake en Nasionale Behuising; (vi)
 - 30 (ix) "hierdie Wet" ook 'n regulasie; (xxiv)
 - (x) "komitee" 'n beplanningskomitee of 'n ondersoekkomitee; (ii)
 - (xi) "Minister" die Minister van Beplanning, Provinsiale Sake en Nasionale Behuising; (xi)
 - (xii) "nasionale ontwikkelingsplan" 'n nasionale ontwikkelingsplan in artikel 4(1)(a) bedoel; (xii)
 - 35 (xiii) "ondersoekkomitee" 'n ondersoekkomitee kragtens artikel 12 ingestel; (ix)
 - (xiv) "ontwerpplan", met betrekking tot 'n beleidsplan, 'n ontwerp van daardie beleidsplan soos in artikel 7 bedoel; (vii)
 - 40 (xv) "ontwikkelingstreek" 'n ontwikkelingstreek in artikel 3(1)(a) bedoel; (v)
 - (xvi) "plaaslike owerheid" 'n instelling of liggaam wat by of kragtens wet vir 'n bepaalde gebied ingestel is met die oog op die verrigting van plaaslike owerheidsfunksies ten opsigte van daardie gebied; (x)

- (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— 25

- (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. 40

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

- (xvii) "plan" 'n nasionale ontwikkelingsplan, 'n streekontwikkelingsplan, 'n streekstruktuurplan of 'n stedelike struktuurplan; (xiii)
- (xviii) "regulasie" 'n regulasie kragtens artikel 33(1) uitgevaardig; (xxii)
- (xix) "*Staatskoerant*", met betrekking tot 'n kennisgewing wat deur 'n Beplanningsgesag in die *Staatskoerant* gepubliseer moet word—
 - (a) waar die Minister die Beplanningsgesag is, die *Staatskoerant* van die Republiek;
 - (b) waar 'n Administrateur die Beplanningsgesag is, die *Offisiële Koerant* van die betrokke provinsie; (viii)
- (xx) "stedelike struktuurplan" 'n stedelike struktuurplan in artikel 22 bedoel; (xxv)
- (xxi) "streekontwikkelingsplan" 'n streekontwikkelingsplan in artikel 4(1)(b) bedoel; (xx)
- (xxii) "streekowerheid" 'n streeksdiensteraad kragtens artikel 3 van die Wet op Streeksdiensterade, 1985 (Wet No. 109 van 1985), ingestel of 'n gesamentlike diensteraad kragtens artikel 4 van die Wet op Gesamentlike Dienste vir KwaZulu en Natal, 1990 (Wet No. 84 van 1990), ingestel; (xix)
- (xxiii) "streekstruktuurplan" 'n streekstruktuurplan in artikel 4(2) bedoel; (xxi)
- (xxiv) "verantwoordelike owerheid", met betrekking tot 'n stedelike struktuurplan, die verantwoordelike owerheid ten opsigte van daardie stedelike struktuurplan soos in artikel 23 bedoel; (xxiii)
- (xxv) "voorgeskryf" by regulasie voorgeskryf. (xviii)

25 Algemene werksaamhede van Minister

2. (1) Ten einde die oogmerke van hierdie Wet te bereik, kan die Minister self of in samewerking met of deur bemiddeling van 'n ander Minister, 'n Administrateur, 'n regering, 'n streek- of plaaslike owerheid of 'n ander persoon navorsing doen of laat doen, ondersoek instel of laat instel of inligting versamel of laat versamel, hetsy binne of buite die Republiek, in verband met 'n aangeleentheid wat 'n uitwerking het of waarskynlik 'n uitwerking sal hê op die fisiese ontwikkeling van die een of ander gebied in die Republiek, met inbegrip van—

- (a) die fisiese, sosiale en ekonomiese kenmerke van daardie gebied en, vir sover 'n omliggende gebied 'n uitwerking het of waarskynlik 'n uitwerking sal hê op die fisiese ontwikkeling van daardie gebied, die fisiese, sosiale en ekonomiese kenmerke van so 'n omliggende gebied;
- (b) die verspreiding, aanwas en beweging en die verstedeliking van die bevolking in daardie gebied;
- (c) die natuurlike en ander hulpbronne en die ekonomiese ontwikkelingspotensiaal van daardie gebied;
- (d) die bestaande en die beplande infrastruktuur, soos water, elektrisiteit, kommunikasienetwerke en vervoerstelsels, in daardie gebied;
- (e) die algemene grondbenuttingspatroon;
- (f) die sensitiwiteit van die natuurlike omgewing.

(2) Die Minister moet toesien dat fisiese beplanning op 'n nasionale en streekgrondslag bevorder en gekoördineer word.

Ontwikkeling- en beplanningstreke

3. (1) Vir die doeleindes van hierdie Wet kan die Minister by kennisgewing in die *Staatskoerant*—

- (a) die Republiek in twee of meer ontwikkelingstreke verdeel, die grense van elke ontwikkelingstreek omskryf, en 'n naam aan elke ontwikkelingstreek gee;
- (b) 'n ontwikkelingstreek in twee of meer beplanningstreke verdeel, die grense van elke beplanningstreek omskryf, en 'n naam aan elke beplanningstreek gee.

(2) Die Minister kan te eniger tyd 'n kennisgewing in subartikel (1) bedoel by dergelike kennisgewing in die *Staatskoerant* wysig of intrek.

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 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. 10

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 inhabitants. 15

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. 25
- (2) A policy 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 policy plan, also for the other purposes for which provision is made in the policy plan. 30

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

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. 35

Constitution of planning committees

8. (1) A planning committee shall consist of persons— 40
- (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 planning committee; 35
 - (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 within the area in question; 45
 - (iv) any other organization or institution which in the opinion of the Planning Authority should be represented on the planning committee; 50

HOOFSTUK II

BELEIDSPLANNE

*Inleidende bepalinge***Soorte beleidsplanne**

- 5 4. (1) Behoudens die bepalinge van hierdie Hoofstuk kan die Minister—
 (a) 'n beleidsplan, wat 'n nasionale ontwikkelingsplan heet, vir die Repu-
 blik laat opstel; en
 (b) 'n beleidsplan, wat 'n streekontwikkelingsplan heet, vir 'n ontwikke-
 lingstreek of 'n gedeelte van so 'n streek laat opstel.
- 10 (2) Behoudens die bepalinge van hierdie Hoofstuk kan die betrokke Admi-
 nistrateur 'n beleidsplan, wat 'n streekstruktuurplan heet, vir 'n beplanning-
 streek of 'n gedeelte van so 'n streek laat opstel.

Oogmerke van beleidsplanne

5. Die oogmerke van 'n beleidsplan is om die ordelike fisiese ontwikkeling van
 15 die gebied waarop daardie beleidsplan betrekking het tot voordeel van al sy
 inwoners te bevorder.

Inhoud van beleidsplanne

6. (1) 'n Beleidsplan bestaan uit breë riglyne vir die toekomstige fisiese
 ontwikkeling van die gebied waarop daardie beleidsplan betrekking het.
- 20 (2) 'n Beleidsplan kan bepaal dat grond slegs vir 'n bepaalde doel gebruik mag
 word of, met die toestemming van die Minister, 'n Administrateur of 'n ander
 gesag in die beleidsplan vermeld, ook vir die ander doeleindes waarvoor in die
 beleidsplan voorsiening gemaak word.

*Opstel van beleidsplanne***25 Instelling van beplanningskomitees**

7. Ten einde 'n beleidsplan te laat opstel, kan die betrokke Beplanningsgesag
 by kennisgewing in die *Staatskoerant* 'n beplanningskomitee instel om 'n
 ontwerp van daardie beleidsplan op te stel vir die gebied wat daardie Beplan-
 ningsgesag, met inagneming van die toepaslike bepalinge van artikel 4, in die
 30 kennisgewing omskryf.

Samestelling van beplanningskomitees

8. (1) 'n Beplanningskomitee bestaan uit persone—
 (a) wat die volgende departemente, administrasies, owerhede, organisa-
 sies of instellings verteenwoordig, naamlik—
- 35 (i) die Departement en enige ander Staatsdepartement wat na die
 oordeel van die Beplanningsgesag in die beplanningskomitee
 verteenwoordig behoort te word;
- (ii) in die geval van 'n ontwerpplan ten opsigte van 'n nasionale
 ontwikkelingsplan, elke provinsiale administrasie of, in die geval
 40 van 'n ontwerpplan ten opsigte van 'n streekontwikkelingsplan of
 'n streekstruktuurplan, die betrokke provinsiale administrasie;
- (iii) in die geval van 'n ontwerpplan ten opsigte van 'n streekontwik-
 kelingsplan, elke streekowerheid waarvan die streek in die geheel
 of gedeeltelik binne die betrokke gebied val of, in die geval van 'n
 45 ontwerpplan ten opsigte van 'n streekstruktuurplan, elke streek-
 owerheid en elke plaaslike owerheid waarvan die streek of regs-
 gebied in die geheel of gedeeltelik binne die betrokke gebied val;
- (iv) enige ander organisasie of instelling wat na die oordeel van die
 Beplanningsgesag in die beplanningskomitee verteenwoordig be-
 50 hoort te word;

(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 55

- (b) wat na die oordeel van die Beplanningsgesag bystand by die opstel van die ontwerpplan kan verleen.
- (2) Die Beplanningsgesag bepaal die ledetal van 'n beplanningskomitee, en bepaal ten opsigte van elke departement, administrasie, owerheid, organisasie of instelling wat in so 'n komitee verteenwoordig moet word, die aantal verteenwoordigers.
- (3) Die Departementshoof stel die lede van 'n beplanningskomitee aan, en wys een van daardie lede as die voorsitter van die beplanningskomitee aan.

Voorstelle vir opname in ontwerpplanne

9. Die Beplanningsgesag moet by dieselfde kennisgewing waarby 'n beplanningskomitee ingestel word, of by 'n latere kennisgewing in die *Staatskoerant*, belanghebbendes uitnooi om binne 'n tydperk in die kennisgewing vermeld, watter tydperk nie minder as 30 dae vanaf die datum van die kennisgewing mag wees nie, skriftelike voorstelle vir opname in die ontwerpplan aan daardie beplanningskomitee voor te lê.

Opstel van ontwerpplanne

10. (1) Voordat 'n beplanningskomitee 'n ontwerpplan opstel, oorweeg hy enige voorstelle wat ooreenkomstig artikel 9 aan hom voorgelê is.
- (2) 'n Beplanningskomitee kan die ondersoek in verband met 'n ontwerpplan, met inbegrip van die gebied waarop die ontwerpplan betrekking het, doen wat hy nodig ag, en vir die doeleindes van so 'n ondersoek kan hy na goeddunke 'n Staatsdepartement, provinsiale administrasie, streek- of plaaslike owerheid of 'n persoon raadpleeg.
- (3) Nadat 'n beplanningskomitee 'n ontwerpplan ten opsigte van die betrokke gebied opgestel het, moet hy so 'n plan aan die Departementshoof voorlê.

Verdoë deur belanghebbendes

11. (1) Nadat 'n ontwerpplan ingevolge artikel 10(3) aan hom voorgelê is, moet die Departementshoof—
- (a) afskrifte van die ontwerpplan by die voorgeskrewe plekke ter insae beskikbaar stel; en
- (b) twee keer in 'n Afrikaanse en in 'n Engelse nuusblad in omloop in die gebied waarop die ontwerpplan betrekking het, 'n kennisgewing publiseer waarin vermeld word dat so 'n plan by die plekke in die kennisgewing vermeld ter insae beskikbaar is en waarby belanghebbendes uitgenooi word om binne 'n aldus vermelde tydperk, watter tydperk nie minder as 21 dae vanaf die datum van die laaste publikasie van die kennisgewing mag wees nie, verdoë wat hulle in verband met bedoelde plan wil rig, skriftelik aan hom voor te lê.
- (2) Na oorweging van enige verdoë wat ooreenkomstig subartikel (1) aan hom voorgelê is, kan die Departementshoof die verdere ondersoek in verband met die ontwerpplan, met inbegrip van die gebied waarop daardie ontwerpplan betrekking het, doen of laat doen wat hy nodig ag, en vir die doeleindes van so 'n ondersoek kan hy—
- (a) 'n aangeleentheid in verband met daardie ontwerpplan na 'n ondersoekkomitee verwys; of
- (b) na goeddunke 'n Staatsdepartement, provinsiale administrasie, streek- of plaaslike owerheid of 'n persoon raadpleeg.

Instelling van ondersoekkomitees

12. 'n Beplanningsgesag kan op versoek van die Departementshoof 'n ondersoekkomitee instel om 'n aangeleentheid bedoel in artikel 11(2)(a) te ondersoek, en om aanbevelings aan die Departementshoof in verband daarmee te doen.

Samestelling van ondersoekkomitees

13. (1) 'n Ondersoekkomitee bestaan uit drie lede deur die Beplanningsgesag

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

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;
- (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

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.

(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)—

- (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.

(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.

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

- (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.

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.

aangestel wat na die oordeel van die Beplanningsgesag oor besondere kennis beskik aangaande die aangeleentheid wat ondersoek word.

(2) Die Beplanningsgesag wys een van die lede van 'n ondersoekkomitee as die voorsitter van die ondersoekkomitee aan.

5 Kennisgewings van ondersoeke

14. Die voorsitter van 'n ondersoekkomitee moet—

- (a) by kennisgewing in 'n Afrikaanse en in 'n Engelse nuusblad in omloop in die gebied waarop die ondersoek betrekking het, bekend maak dat die ondersoekkomitee 'n aangeleentheid in die kennisgewing vermeld, sal ondersoek op 'n aldus vermelde datum, tyd en plek, watter datum nie minder as 14 dae vanaf die datum van die kennisgewing mag wees nie;
- (b) 'n afskrif van die kennisgewing op die voorgeskrewe wyse laat beteken aan elke persoon wat ooreenkomstig artikel 11(1)(b) verhoë in verband met bedoelde aangeleentheid voorgelê het.

Goedkeuring van ontwerpplanne

15. (1) Die Departementshoof moet 'n ontwerpplan, enige kommentaar of verhoë wat hy in verband daarmee ontvang het, die aanbevelings van die ondersoekkomitee, indien hy die een of ander aangeleentheid in verband met die ontwerpplan na 'n ondersoekkomitee verwys het, en sy eie kommentaar op so 'n plan aan die betrokke Beplanningsgesag voorlê.

(2) (a) Na oorweging van die ontwerpplan en enige kommentaar, verhoë of aanbevelings aan hom voorgelê, kan die Beplanningsgesag, behoudens paragraaf (b), na goeddunke so 'n plan, met die wysigings wat hy nodig ag, as 'n beleidsplan goedkeur.

(b) Waar die Beplanningsgesag wat 'n bevoegdheid kragtens paragraaf (a) moet uitoefen—

- (i) die Minister is, kan die Staatspresident hom versoek om met die instemming van, of na raadpleging met, die ander Ministers wat die Staatspresident bepaal, te handel;
- (ii) 'n Administrateur is, kan die Minister hom versoek om met die instemming van, of na raadpleging met, homself of die ander Ministers wat die Minister bepaal, te handel.

(c) By die toepassing van paragraaf (b) word die vereiste dat die Beplanningsgesag met die instemming van, of na raadpleging met, 'n bepaalde Minister moet handel, tensy die Beplanningsgesag of die betrokke Minister anders gelas het, geag nagekom te gewees het indien die Departementshoof die instemming van die betrokke direkteur-generaal verkry het of met hom geraadpleeg het, na gelang van die geval.

(3) Indien die Beplanningsgesag kragtens subartikel (2) 'n ontwerpplan as 'n beleidsplan goedgekeur het, moet hy—

- (a) afskrifte van die beleidsplan by die voorgeskrewe plekke ter insae beskikbaar laat stel; en
- (b) by kennisgewing in die *Staatskoerant* en in 'n Afrikaanse en in 'n Engelse nuusblad in omloop in die gebied waarop die beleidsplan betrekking het, bekend maak dat 'n beleidsplan deur hom goedgekeur is ten opsigte van die gebied in die kennisgewing omskryf en dat afskrifte daarvan by die plekke aldus vermeld ter insae beskikbaar is.

Inwerkingtreding en regstelling van beleidsplanne

50 Inwerkingtreding van beleidsplanne

16. 'n Beleidsplan tree in werking op die datum waarop die Beplanningsgesag by kennisgewing in die *Staatskoerant* ingevolge artikel 15(3)(b) bekend maak dat die beleidsplan deur hom goedgekeur is of op die latere datum wat die Beplanningsgesag by die kennisgewing bepaal.

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). 35

Review of policy plans

20. (1) Policy plans shall be reviewed at such intervals as the Planning Authority may in respect of each policy plan determine. 40

(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: 45

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. 50

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

Verwydering van teenstrydighede, dubbelsinnighede en administratiewe hindernisse

17. Indien die bepalings van 'n beleidsplan by die toepassing daarvan in die betrokke gebied in stryd met mekaar bevind word of dubbelsinnig blyk te wees of tot administratiewe hindernisse aanleiding gee, kan die Beplanningsgesag by kennisgewing in die *Staatskoerant* bepaal in watter mate die betrokke bepalings toegepas moet word ten einde die strydigheid, dubbelsinnigheid of administratiewe hindernisse uit die weg te ruim.

Wysiging, hersiening en intrekking van beleidsplanne**10 Aansoeke om wysiging van beleidsplanne**

18. (1) 'n Persoon wat 'n belang by 'n beleidsplan het, of 'n Staatsdepartement, provinsiale administrasie of streek- of plaaslike owerheid, kan skriftelik by die betrokke Beplanningsgesag om die wysiging van die betrokke beleidsplan aansoek doen.
- 15 (2) Bedoelde persoon, Staatsdepartement, provinsiale administrasie of streek- of plaaslike owerheid moet die bykomende besonderhede in verband met sy aansoek verstrek wat die Beplanningsgesag vereis.

Wysiging van beleidsplanne

19. (1) Indien 'n Beplanningsgesag van oordeel is dat dit in belang van die toekomstige fisiese ontwikkeling van die een of ander gebied of dat dit om enige ander rede wenslik is om 'n beleidsplan te wysig, kan hy uit eie beweging of op aansoek ingevolge artikel 18 die Departementshoof versoek om na raadpleging met die Staatsdepartemente, provinsiale administrasies, streek- of plaaslike owerhede of die persone wat die Beplanningsgesag bepaal, 'n wysigingsplan op te stel of te laat opstel.
- 25 (2) Die Departementshoof kan sonder meer so 'n wysigingsplan aan die Beplanningsgesag voorlê of, indien hy dit in die omstandighede goedvind, belanghebbendes 'n geleentheid gee om vertoë in verband met daardie wysigingsplan aan hom voor te lê, in welke geval die bepalings van artikels 11 tot 15(1) *mutatis mutandis* ten opsigte van daardie wysigingsplan van toepassing is.
- 30 (3) Na oorweging van die wysigingsplan en enige kommentaar, vertoë of aanbevelings aan hom voorgelê, kan die Beplanningsgesag na goeddunke so 'n plan, met die verdere wysigings wat hy nodig ag, goedkeur.
- (4) Die bepalings van artikels 15(3) en 16 is *mutatis mutandis* van toepassing ten opsigte van 'n wysigingsplan kragtens subartikel (3) goedgekeur.
- 35

Hersiening van beleidsplanne

20. (1) Beleidsplanne moet hersien word met die tussenpose wat die Beplanningsgesag ten opsigte van elke beleidsplan bepaal.
- (2) Vir die doeleindes van 'n hersiening in subartikel (1) bedoel—
- 40 (a) word 'n hersieningsplan opgestel; en
- (b) is die bepalings van artikels 7 tot 16 *mutatis mutandis* ten opsigte van so 'n plan van toepassing:
- Met dien verstande dat so 'n plan as 'n nuwe beleidsplan kragtens artikel 15(2)(a) goedgekeur word en dat die bestaande beleidsplan geag word ingetrek
- 45 te gewees het met ingang van die datum waarop die nuwe beleidsplan ingevolge artikel 16 in werking tree.

Intrekking van beleidsplanne

21. (1) Behoudens die bepalings van subartikel (2) kan 'n Beplanningsgesag te eniger tyd 'n beleidsplan by kennisgewing in die *Staatskoerant* intrek.
- 50 (2) Die bepalings van artikel 15(2)(b) en (c) is *mutatis mutandis* van toepassing ten opsigte van 'n bevoegdheid wat deur 'n Beplanningsgesag kragtens subartikel (1) uitgeoefen word.

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.

Responsible authorities

23. If an urban structure plan is prepared in respect of—

- (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
- (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.

(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. 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—

- (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;
- (b) the amendment and review of such plan;
- (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;
- (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

HOOFSTUK III

STEDELIKE STRUKTUURPLANNE

Stedelike struktuurplanne

22. 'n Administrateur kan, behoudens 'n regulasie deur hom kragtens artikel 26(1) uitgevaardig, 'n stedelike struktuurplan vir die regsgebied of -gebiede van een of meer plaaslike owerhede, of 'n gedeelte van sodanige regsgebied of -gebiede, of vir die streek van 'n streekowerheid, of 'n gedeelte van so 'n streek, binne die betrokke provinsie opstel of laat opstel.

Verantwoordelike owerhede

23. Indien 'n stedelike struktuurplan ten opsigte van—
- (a) 'n enkele plaaslike owerheid opgestel word, is daardie plaaslike owerheid die verantwoordelike owerheid ten opsigte van daardie stedelike struktuurplan;
 - (b) twee of meer plaaslike owerhede opgestel word, is die streekowerheid waarin daardie plaaslike owerhede verteenwoordig word die verantwoordelike owerheid ten opsigte van daardie stedelike struktuurplan; en
 - (c) 'n streekowerheid opgestel word, is daardie streekowerheid die verantwoordelike owerheid ten opsigte van daardie stedelike struktuurplan.

Inhoud van stedelike struktuurplanne

24. (1) 'n Stedelike struktuurplan bestaan uit riglyne vir die toekomstige fisiese ontwikkeling van die gebied waarop daardie stedelike struktuurplan betrekking het.
- (2) 'n Stedelike struktuurplan kan bepaal dat grond slegs vir 'n bepaalde doel gebruik mag word of, met die toestemming van die Minister, 'n Administrateur of 'n ander gesag in die stedelike struktuurplan vermeld, ook vir die ander doeleindes waarvoor in die stedelike struktuurplan voorsiening gemaak word.

Inwerkingtreding van stedelike struktuurplanne

25. 'n Stedelike struktuurplan, of 'n wysiging of hersiening daarvan, tree in werking op 'n datum wat bepaal word by of uit hoofde van die toepaslike regulasie kragtens artikel 26(1)(c) uitgevaardig.

Regulasies betreffende stedelike struktuurplanne

26. (1) 'n Administrateur kan met die goedkeuring van die Minister by kennisgewing in die betrokke *Offisiële Koerant* regulasies uitvaardig wat nie met 'n bepaling van hierdie Wet onbestaanbaar is nie betreffende—
- (a) die wyse waarop 'n stedelike struktuurplan deur enige plaaslike owerheid, plaaslike owerhede gesamentlik, gesamentlike liggaam of streekowerheid, of deur daardie Administrateur, opgestel kan of moet word, met inbegrip van die verhaling van enige uitgawes deur daardie Administrateur aangegaan in verband met die opstel van so 'n plan wanneer bedoelde plaaslike owerheid, plaaslike owerhede gesamentlik, gesamentlike liggaam of streekowerheid versuim het om so 'n plan op te stel binne die tydperk by of kragtens die toepaslike regulasie bepaal;
 - (b) die wysiging en hersiening van so 'n plan;
 - (c) die datum van inwerkingtreding van so 'n plan of 'n wysiging of hersiening daarvan;
 - (d) die verwydering van teenstrydighede, dubbelsinnighede en administratiewe hindernisse by die toepassing van die bepalings van so 'n plan;
 - (e) die intrekking van so 'n plan;
 - (f) die bevoegdhede, pligte en werksaamhede van enige plaaslike owerheid, plaaslike owerhede gesamentlik, gesamentlike liggaam, streekowerheid, verantwoordelike owerheid of Minister verantwoordelik vir plaaslike bestuur; en

- (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— 25

(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: 25

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.

- (g) in die algemeen, 'n aangeleentheid wat die Administrateur nodig of dienstig ag om voor te skryf of te reël ten einde die oogmerke van hierdie Hoofstuk te verwesenlik.
- (2) Geen goedkeuring word ingevolge subartikel (1) deur die Minister verleen
- 5 nie tensy hy na raadpleging met elke Minister verantwoordelik vir plaaslike bestuur en elke ander Administrateur handel.
- (3) By die toepassing van subartikel (2) word die vereiste dat die Minister na raadpleging met 'n bepaalde Minister of Administrateur moet handel, tensy die Minister of die betrokke Minister of Administrateur anders gelas het, geag
- 10 nagekom te gewees het indien die Direkteur-generaal met die betrokke direkteur-generaal geraadpleeg het.

HOOFSTUK IV

REGSGEVOLGE VAN PLANNE

Gevolge van streek- en stedelike struktuurplanne

- 15 27. (1) Vanaf die datum van inwerkingtreding van 'n streekstruktuurplan ingevolge artikel 16 of 'n stedelike struktuurplan ingevolge artikel 25—
- (a) mag geen dorpsaanlegskema wat op daardie datum bindend is, gewysig word sodat, en mag geen nuwe dorpsaanlegskema ingevoer word
- 20 waarin, voorsiening gemaak word vir die aanwysing van grond vir 'n doel wat nie met die streekstruktuurplan of die stedelike struktuurplan, na gelang van die geval, bestaanbaar is nie;
- (b) mag niemand grond in die gebied waarop die streekstruktuurplan of die stedelike struktuurplan, na gelang van die geval, van toepassing is, gebruik nie vir 'n ander doel as die doel waarvoor dit—
- 25 (i) onmiddellik voor daardie datum gebruik is; of
- (ii) aangewys is ingevolge 'n dorpsaanlegskema wat in daardie gebied bindend is of word:
- Met dien verstande dat grond waarop so 'n skema nie van toepassing is nie, met die toestemming van, in die geval van die streekstruktuurplan, die betrokke Administrateur of, in die geval van die stedelike struktuurplan, die verantwoordelike owerheid gebruik kan word vir 'n doel
- 30 wat in die betrokke plan bepaal word of vir 'n ander doel wat na die oordeel van daardie Administrateur of verantwoordelike owerheid met die betrokke plan bestaanbaar is;
- (c) mag geen toestemming, goedkeuring of magtiging ingevolge die een of ander wet of ingevolge 'n dorpsaanlegskema verleen word nie vir die onderverdeling of gebruik van grond in die gebied waarop die streekstruktuurplan of die stedelike struktuurplan, na gelang van die geval,
- 35 van toepassing is vir 'n doel wat nie met die betrokke plan bestaanbaar is nie;
- (d) word alle grond in die gebied waarop die streekstruktuurplan of die stedelike struktuurplan, na gelang van die geval, van toepassing is, behalwe grond wat landbougrond is soos omskryf in artikel 1 van die
- 40 Wet op die Onderverdeling van Landbougrond, 1970 (Wet No. 70 van 1970), en wat ingevolge die betrokke plan slegs vir landboudoeleindes gebruik mag word, uitgesluit van die bepalinge van genoemde Wet:
- 45 Met dien verstande dat sonder die voorafgaande skriftelike goedkeuring van die Minister van Landbou, of 'n beampte deur hom aangewys, geen toestemming ingevolge die een of ander wet verleen word nie vir die onderverdeling van grond wat ingevolge die betrokke plan vir
- 50 landboudoeleindes sowel as 'n ander doel gebruik mag word.
- (2) Die bepalinge van subartikel (1)(b) en (c) is nie van toepassing nie ten opsigte van enige reg van iemand om na 'n mineraal soos omskryf in artikel 1 van die Mineralewet, 1991, te prospekter of om dit te myn, of die gebruik van grond
- 55 vir prospekter- of myndoelindes, of vir doeleindes wat daarmee in verband staan.
- (3) By die toepassing van subartikel (1) beteken "dorpsaanlegskema" ook 'n dorpsbeplanningskema of 'n soneringskema.

(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.

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.

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.

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.

(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.

(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.

CHAPTER V

MISCELLANEOUS

Allowances to members of committees

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.

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.

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—

- (4) Vanaf die datum van inwerkingtreding van 'n wysiging van 'n streekstruktuurplan ingevolge artikel 16, soos by artikel 19(4) toegepas, of 'n wysiging of hersiening van 'n stedelike struktuurplan ingevolge artikel 25, is die bepalings van hierdie artikel *mutatis mutandis* ten opsigte van so 'n wysiging of hersiening van toepassing.

Onderlinge uitwerking van planne

28. 'n Streekontwikkelingsplan, streekstruktuurplan of stedelike struktuurplan, 'n streekstruktuurplan of stedelike struktuurplan, en 'n stedelike struktuurplan, is geldig slegs so lank as en vir sover dit nie strydig of onbestaanbaar is met onderskeidelik 'n nasionale ontwikkelingsplan, 'n streekontwikkelingsplan en 'n streekstruktuurplan nie.

Toestemming ingevolge ander wette om grond te gebruik

29. Die bepalings van 'n plan verleen nie aan iemand die bevoegdheid om die betrokke grond ooreenkomstig daardie bepalings te gebruik nie tensy, indien ingevolge 'n ander wet toestemming, goedkeuring of magtiging vir bedoelde gebruik vereis word, daardie toestemming, goedkeuring of magtiging verkry is.

Misdrywe en strawwe

30. (1) Iemand wat 'n bepaling van artikel 27(1)(b), of van daardie artikel soos by artikel 27(4) toegepas, oortree, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens R4 000 of met gevangenisstraf vir 'n tydperk van hoogstens een jaar of met sowel daardie boete as daardie gevangenisstraf en, in die geval van 'n voortdurende oortreding, met 'n boete van hoogstens R200 vir elke dag waarop die oortreding voortduur.

- (2) Wanneer iemand skuldig bevind word aan 'n misdryf in subartikel (1) bedoel, kan die hof wat hom skuldig bevind op staande voet ondersoek instel na die geldelike waarde van die voordeel wat hy as gevolg van daardie misdryf kon behaal het en die bedrag daarvan bepaal, en, benewens 'n ander straf wat ten opsigte van daardie misdryf opgelê word, aan hom 'n boete gelyk aan die bedrag aldus bepaal of, by wanbetaling daarvan, gevangenisstraf vir 'n tydperk van hoogstens een jaar oplê.

- (3) Ondanks andersluidende bepalings van 'n ander wet het 'n landdroshof jurisdiksie om enige straf op te lê waarvoor hierdie artikel voorsiening maak.

HOOFSTUK V

DIVERSE BEPALINGS

35 Toelaes aan lede van komitees

31. Aan 'n lid van 'n komitee wat nie in die heeltidse diens van die Staat is nie, kan uit geld deur die Parlement vir dié doel bewillig die reis-, verblyf- en ander toelaes ten opsigte van die dienste deur hom in verband met die sake van die komitee gelever, betaal word wat die Beplanningsgesag, met die instemming van die Minister van Finansies, of in die algemeen of in 'n besondere geval bepaal.

Administratiewe werk van komitees

32. Die administratiewe werk verbonde aan die verrigting van die werksaamhede van 'n komitee word verrig deur beamptes van die Departement of die betrokke provinsiale administrasie, na gelang van die geval, wat vir dié doel deur die betrokke Departementshoof aangewys word.

Regulasies deur Minister

33. (1) Die Minister kan regulasies uitvaardig betreffende 'n aangeleentheid wat hy nodig of dienstig ag om voor te skryf of te reël ten einde die oogmerke van hierdie Wet te verwesenlik, met inbegrip van—

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- (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;
 - (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;
 - (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.

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.
- (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;
 - (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.

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;
 - (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.
- (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
 - (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.

- (a) die maak van opnames, die instelling van ondersoeke en die versameling van inligting met die oog op die fisiese beplanning van die een of ander gebied;
- 5 (b) die beoordeling, koördinerings en verspreiding van inligting wat by of kragtens hierdie Wet versamel is;
- (c) die bevoegdhede, pligte en werksaamhede van 'n owerheid wat ingevolge hierdie Wet vir fisiese beplanning verantwoordelik is, met inbegrip van die uitvoering van 'n plan deur so 'n owerheid;
- 10 (d) die byeenroeping van, die prosedure by en die kworum vir vergaderings van 'n beplanningskomitee;
- (e) die ondersoek van 'n aangeleentheid deur 'n ondersoekkomitee en die prosedure by so 'n ondersoek;
- (f) die bevoegdhede, pligte en werksaamhede van 'n beplannings- of ondersoekkomitee en van die voorsitter of 'n lid van so 'n komitee;
- 15 (g) 'n aangeleentheid wat ingevolge hierdie Wet voorgeskryf moet of kan word.
- (2) Verskillende regulasies kan kragtens subartikel (1) ten opsigte van verskillende planne uitgevaardig word.

Staat gebonde

- 20 34. Die bepalings van hierdie Wet bind die Staat, met inbegrip van 'n provinsiale administrasie, behalwe vir sover dit strafregtelike aanspreeklikheid betref.

Uitsluiting van selfregerende gebiede

- 25 35. (1) Behoudens die bepalings van subartikel (2) is die bepalings van hierdie Wet nie van toepassing nie op 'n gebied waarvoor 'n wetgewende vergadering kragtens die Grondwet van die Selfregerende Gebiede, 1971 (Wet No. 21 van 1971), ingestel is: Met dien verstande dat so 'n gebied met die voorafgaande skriftelike goedkeuring van die betrokke regering by 'n nasionale ontwikkelingsplan ingesluit kan word.
- 30 (2) Indien die Regering van die Republiek en die regering van so 'n gebied daartoe ooreenkom, kan die Staatspresident, ondanks andersluidende bepalings van genoemde Wet, by proklamasie in die *Staatskoerant*—
- (a) verklaar dat hierdie Wet en 'n regulasie wat daarkragtens uitgevaardig is in daardie gebied van toepassing is in die mate in die verklaring
- 35 genoem;
- (b) hierdie Wet of 'n regulasie wat daarkragtens uitgevaardig is, wysig of aanpas ten einde die toepassing daarvan in daardie gebied te reël;
- (c) 'n wet van die wetgewende vergadering van daardie gebied herroep of wysig ten einde 'n aangeleentheid te reël wat na sy oordeel as gevolg
- 40 van so 'n toepassing gereël moet word.

Herroeping van wette

36. (1) Behoudens die bepalings van subartikel (2)—
- (a) word die bepalings van die wet in Bylae 1 genoem hierby herroep in die mate in die derde kolom van daardie Bylae aangedui;
- 45 (b) word die bepalings van die wet in Bylae 2 genoem hierby herroep in die mate in die derde kolom van daardie Bylae aangedui;
- (c) word die bepalings van die wet in Bylae 3 genoem hierby herroep in die mate in die derde kolom van daardie Bylae aangedui; en
- (d) word die wette in Bylae 4 genoem hierby herroep in die mate in die derde kolom van daardie Bylae aangedui.
- 50 (2) Die bepalings van—
- (a) paragraaf (b) van subartikel (1) tree in werking op die datum waarop die Mineraalwet, 1991, in werking tree;
- (b) paragraaf (c) van subartikel (1) tree in werking op 'n datum deur die
- 55 Staatspresident by proklamasie in die *Staatskoerant* bepaal; en
- (c) paragraaf (d) van subartikel (1) tree in werking op die datum in paragraaf (a) genoem of op die datum in paragraaf (b) genoem, na gelang van watter datum die laaste is.

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; 10
- (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 15
- (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. 35

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*. 40

Oorgangsbepalings

37. (1) Ondanks die herroeping by artikel 36(1)(a) van daardie bepalings van die Wet op Fisiese Beplanning, 1967 (Wet No. 88 van 1967), wat op gidsplanne betrekking het—

- 5 (a) bly 'n gidsplankomitee wat kragtens sodanige bepalings ingestel is en by die inwerkingtreding van hierdie Wet nog nie die betrokke ontwerp-gidsplan voltooi het nie, voortbestaan en verrig hy sy werksaamhede asof die herroeping nie plaasgevind het nie;
 - 10 (b) word daar met 'n ontwerp-gidsplan wat deur bedoelde komitee opgestel is, gehandel asof die herroeping nie plaasgevind het nie;
 - (c) bly 'n gidsplan, ongeag of dit voor of na die inwerkingtreding van hierdie Wet kragtens sodanige bepalings goedgekeur is, van krag en is dit van toepassing in die gebied waarvoor dit opgestel is asof die herroeping nie plaasgevind het nie; en
 - 15 (d) bly sodanige bepalings wat by ontstentenis van die herroeping op bedoelde gidsplan van toepassing sou gewees het, nog op so 'n gidsplan van toepassing asof die herroeping nie plaasgevind het nie.
- (2) Die Minister kan te eniger tyd by kennisgewing in die *Staatskoerant*—
- 20 (a) verklaar—
 - (i) dat die bepalings van paragrawe (c) en (d) van subartikel (1) met ingang van 'n datum in die kennisgewing vermeld, ophou om ten opsigte van 'n aldus vermelde gidsplan van toepassing te wees;
 - (ii) dat so 'n gidsplan met ingang van daardie datum—
 - 25 (aa) by die toepassing van die bepalings van hierdie Wet geag word 'n streekstruktuurplan te wees wat ingevolge daardie bepalings opgestel is vir die gebied in die kennisgewing omskryf; of
 - (bb) by die toepassing van die bepalings van hierdie Wet of die betrokke regulasies in artikel 26 bedoel, ongeag of daardie regulasies reeds uitgevaardig is al dan nie, geag word 'n stedelike struktuurplan te wees wat ingevolge daardie regulasies opgestel is vir die gebied in die kennisgewing omskryf;
 - 30 en
 - (iii) indien so 'n gidsplan kragtens subparagraaf (ii)(bb) geag word 'n stedelike struktuurplan te wees, dat 'n streekowerheid of 'n plaaslike owerheid in die kennisgewing vermeld by die toepassing van die bepalings van hierdie Wet geag word die verantwoordelike owerheid ten opsigte van daardie stedelike struktuurplan te wees;
 - 35 of
 - 40 (b) 'n gidsplan in die kennisgewing vermeld met ingang van 'n aldus vermelde datum intrek.

Kort titel en inwerkingtreding

38. Hierdie Wet heet die Wet op Fisiese Beplanning, 1991, en tree in werking op 'n datum deur die Staatspresident by proklamasie in die *Staatskoerant* bepaal.

Act No. 84 of 1990	1990	Transfer of Powers and Functions of the State President Act, 1990	So much of Schedule 3 as relates to the Physical Planning Act, 1967
Act No. 97 of 1986	1986	Transfer of Powers and Functions of the State President Act, 1986	So much of Schedule 3 as relates to the Physical Planning Act, 1967
Act No. 104 of 1984	1984	Physical Planning Amendment Act, 1984	The whole
Act No. 95 of 1983	1983	Physical Planning Amendment Act, 1983	The whole
Act No. 27 of 1982	1982	Physical Planning Amendment Act, 1982	The whole
Act No. 51 of 1981	1981	Environmental Planning Amendment Act, 1981	The whole
Act No. 21 of 1981	1981	Environmental Planning Amendment Act, 1981	The whole

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	1. The whole, except those sections referred to in paragraph 2 and the third column of Schedules 2 and 3. 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— (a) the zoning, subdivision and use of land for industrial purposes; (b) guide plans; or (c) any matter incidental to a matter referred to in paragraph (a).

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	1. Sections 4 and 6B. 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— (a) the reservation of land for the utilization of natural resources; (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 (c) any matter incidental to a matter referred to in paragraph (a) or (b).

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	1. Sections 5, 6 and 12(4). 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.

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.

Bylae 1**BEPALINGS VAN WET HERROEP (ARTIKEL 36(1)(a))**

No. en jaar van wet	Kort titel	Omvang van herroeping
Wet No. 88 van 1967	Wet op Fisiese Beplanning, 1967	1. Die geheel, behalwe daardie artikels in paragraaf 2 en die derde kolom van Bylaes 2 en 3 bedoel. 2. Artikels 1, 7, 8, 9(2) tot (4), 9A, 11, 12(1), 13, 13B en 14 vir sover daardie artikels betrekking het op— (a) die sonering, onderverdeling en gebruik van grond vir nywerheidsdoeleindes; (b) gidsplanne; of (c) 'n aangeleentheid wat in verband staan met 'n aangeleentheid in paragraaf (a) bedoel.

Bylae 2**BEPALINGS VAN WET HERROEP (ARTIKEL 36(1)(b))**

No. en jaar van wet	Kort titel	Omvang van herroeping
Wet No. 88 van 1967	Wet op Fisiese Beplanning, 1967	1. Artikels 4 en 6B. 2. Artikels 1, 7, 8, 9(2) tot (4), 9A, 10, 11, 12(1), 13, 13B en 14 vir sover daardie artikels betrekking het op— (a) die voorbehoud van grond vir die benutting van natuurlike hulpbronne; (b) die beperking op die gebruik van grond vir die doeleindes van 'n baksteenmakery, klipbrekery, sandwassery of groef, of vir die verwerking van 'n mineraal op 'n ander wyse; of (c) 'n aangeleentheid wat in verband staan met 'n aangeleentheid in paragraaf (a) of (b) bedoel.

Bylae 3**BEPALINGS VAN WET HERROEP (ARTIKEL 36(1)(c))**

No. en jaar van wet	Kort titel	Omvang van herroeping
Wet No. 88 van 1967	Wet op Fisiese Beplanning, 1967	1. Artikels 5, 6 en 12(4). 2. Artikels 1, 7, 8, 9(2) tot (4), 9A, 10, 11, 12(1), 13, 13B en 14 vir sover daardie artikels betrekking het op beheerde gebiede, of op 'n aangeleentheid wat daarmee in verband staan.

Bylae 4**WETTE HERROEP (ARTIKEL 36(1)(d))**

No. en jaar van wet	Kort titel	Omvang van herroeping
Wet No. 73 van 1975	Wysigingswet op Fisiese Beplanning en Benutting van Hulpbronne, 1975	Die geheel.
Wet No. 104 van 1977	Wysigingswet op Omgewingsbeplanning, 1977	Die geheel.
Wet No. 51 van 1981	Wysigingswet op Omgewingsbeplanning, 1981	Die geheel.
Wet No. 87 van 1983	Wysigingswet op Fisiese Beplanning, 1983	Die geheel.
Wet No. 104 van 1984	Wysigingswet op Fisiese Beplanning, 1984	Die geheel.
Wet No. 92 van 1985	Wysigingswet op Fisiese Beplanning, 1985	Die geheel.
Wet No. 109 van 1985	Wet op Streeksdiensterade, 1985	Soveel van Bylae 3 as wat op die Wet op Fisiese Beplanning, 1967, betrekking het.
Wet No. 97 van 1986	Wet op die Oordrag van Bevoegdhede en Pligte van die Staatspresident, 1986	Soveel van Bylae 1 en 2 as wat op die Wet op Fisiese Beplanning, 1967, betrekking het.
Wet No. 84 van 1990	Wet op Gesamentlike Dienste vir Kwa-Zulu en Natal, 1990	Soveel van Bylae 3 as wat op die Wet op Fisiese Beplanning, 1967, betrekking het.

