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PROVINCE OF WESTERN CAPE

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**LAND USE  
PLANNING ORDINANCE, 1985,  
AMENDMENT ACT, 2005**

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PROVINSIE WES-KAAP

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**ORDONNANSIE OP  
GRONDGEBRUIKBEPLANNING,  
1985, WYSIGINGSWET, 2005**

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**No 5, 2005**

**GENERAL EXPLANATORY NOTE:**

[                    ]     Words in bold type in square brackets indicate omissions from existing enactments.

                         Words underlined with a solid line indicate insertions in existing enactments.

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# ACT

**To amend the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985), so as to extend to 21 years the period during which owners of land may exercise land use rights; and to provide for matters incidental thereto.**

**B**E IT ENACTED by the Provincial Parliament of the Province of the Western Cape, as follows:—

**Amendment of section 14 of Ordinance 15 of 1985**

**1.** Section 14 of the Land Use Planning Ordinance, 1985 is amended by the substitution for paragraphs (a) and (b) in subsection (2) of the following paragraphs— 5

“(2)(a) If after the expiry of a period of **[19] 21** years after the date of commencement of this Ordinance any use right in respect of land to which the applicable provisions of section 7 apply has not been exercised, the land concerned shall, subject to the provisions of paragraph (b) of this subsection, be deemed to be zoned in accordance with the utilisation thereof, as determined by the council concerned, and any applicable zoning map existing at the said expiry shall lapse. 10

(b) Subject to the provisions of paragraph (c) of this subsection an appeal committee shall, before expiry of the period of **[19] 21** years mentioned in paragraph (a) of this subsection or any extended period determined by the said appeal committee in terms of this subsection, on the application of the owner concerned and if, in the opinion of the said appeal committee, the said owner has suffered or will suffer loss, extend the said period or extended period in relation to the said land concerned by such period as the appeal committee may determine; provided that such extension shall be for a period of at least 5 years.”. 15

**Short title** 20

**2.** This Act is called the Land Use Planning Ordinance, 1985, Amendment Act, 2005.