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PHYSICAL PLANNING (SUBDIVISION) REGULATIONS, 1998

[L. N. 140/1998.]

1. Short title

These Regulations may be cited as the Physical Planning (Subdivision) Regulation, 1998.

2. Application

These Regulations shall apply to all land to which section 2 of the Act applies.

3. Interpretation

In these Regulations, unless the context otherwise requires—

“**holding**” means any area of land which is shown as a parcel, plot or farm on a general plan or other land approved under the Survey Act and shall include any building erected thereon;

“**land**” has the meaning assigned to it by section 3 of the Act;

“**liaison committee**” means a committee established under provisions of section 7 of the Act;

“**local authority**” has the meaning assigned to it in the Local Government Act;

“**Minister**” means the Minister for the time being responsible for Physical Planning;

“**owner**” has the meaning assigned to it by section 3 of the Act;

“**public notice**” has the meaning assigned to it by section 52 of the Act.

4. Grant of Permission

All subdivisions in the areas to which these Regulations apply shall require the grant of permission for the purposes of Part V of the Act.

5. Applications for grant of permission

(1) An application to the local authority or liaison committee for any permission required under these Regulations, shall be made in accordance with the provisions of the Physical Planning (Application for Development Permission) Regulations.

(2) On receipt of an application to subdivide made under the provisions of section 31 of the Act, the local authority may—

- (a) demand further information from the applicant; or
- (b) require that public notice be given under section 41(3) inviting objections to the application in the manner prescribed in the First Schedule;
- (c) approve the applications subject to any of the conditions set out in the Second Schedule.

6. Reference of application to the liaison committee

On referring any application to the liaison committee pursuant to section 35 of the Act, a local authority shall within seven (7) days of the receipt of the application serve on the applicant notice to that effect giving reasons of such reference and such notice shall inform the applicant that the application has been referred to the liaison committee and shall, if the applicant so desires afford the applicant or his representative an opportunity of appearing before and being heard by the liaison committee.

7. Notification to applicants

(1) The local authority or liaison committee shall in every case serve notice on the applicant of its decision.

(2) The period within which the local authority or liaison committee shall serve notice on the applicant shall be ninety (90) days from the date of receipt of the application.

(3) Every notice shall be in writing and in the case of an application for permission or approval where the local authority liaison committee decides to grant such permission or approval subject to conditions or to refuse it, it shall state the conditions, in such notice.

8. Register of applications

The local authority or liaison committee shall keep a separate register as set out in the Third Schedule containing the following information in respect of all applications for permission to subdivide land within which it is concerned namely—

- (a) particulars of any application for permission to subdivide made in respect of any land, including the land reference number of the property and the road, district and town in which it is situated, the name and address of the applicant and brief particulars of the subdivision forming the subject of the application;
- (b) particulars of any direction given under the Act in respect of the application;
- (c) the decision of the local authority or liaison committee in respect of the application and date of such decision;
- (d) the date and effect of any decision of the liaison committee in respect of any application referred to it under section 35 of the Act;
- (e) the date and effect of any decision of the National Liaison Committee in respect of an appeal against the determination of the local liaison committee;
- (f) the date and effect of any decision of the High Court in respect of an appeal against the determination of the National Liaison committee.

9. Index to Register

Every register shall contain an index in the form of cards, and each card shall contain—

- (a) the land or parcel reference number of the application;
- (b) the road, district and town in which it is situated;
- (c) the name and address of the applicant; and
- (d) the registered number of the application which must be filed by local authorities in numerical sequence according to the land reference number.

10. Entry in Register

Every entry in the register shall be made within seven (7) days of the happening of the event in respect of which an entry is required to be made.

11. Inspection of Register

The register shall be kept at the offices of the local authority or the secretary to the liaison committee and made available for inspection by the public during normal hours of official business.

12. Notices

Any notice, or other document to be served or given under these Regulations shall be served or given in accordance with the provisions of section 45 of the Act:

Provided that any notice of unconditional grant of development permission which is to be served under these Regulations may be served in accordance with the provisions of section 45 of the Act as though the word “registered” were deleted from the said section.

13. Subdivision procedures

The subdivision procedures shall be as provided in section 41 of the Act.

14. Format of subdivision plans

Any person who submits a plan of a scheme of subdivision of any land within the area of the local authority shall comply with the following conditions—

- (a) a minimum of 12 copies of all plans, together with a letter of consent to subdivide from the land control board and certificate of official/postal search or any other evidence from the respective Land Registrar, shall be submitted to the local authority;
- (b) the scale of any such plan shall be in the series of 500's for example 1:500, 1:1000, 1:1500 etc.;
- (c) the plan shall show, correctly plotted to scale, the existing plot boundaries and their dimensions, the areas of the plot, the location, the land reference number or registered number of the plot and of such contiguous plot, the contiguous boundaries of all adjacent plots and road system (existing and approved). Lanes (pedestrian and sanitary), and their widths. The true north shall be indicated by a pointer and the names of all existing streets shall be indicated with their widths;
- (d) the proposed scheme of subdivision, the boundaries in red and the approximate dimensions of sub-plots and the proposed means of access, road or lane system (if any) with the widths of such streets, roads or lanes clearly indicated appropriately in blue on each plan. Other colours to be used in the subdivision plan shall be blue for surrender and yellow for demolition;
- (e) all existing buildings of any nature whatsoever, shall be correctly plotted and the relationship to the proposed boundaries of the plots or sub-plots clearly indicated;
- (f) building lines shall be shown on the plan whenever necessary;
- (g) the proposed use of each sub-plot shall be stated;
- (h) every sub-plot shall be separately numbered or lettered;
- (i) every plan shall have clearly shown on it the line of every or any right-of-way road or access or wayleaves over the plot or sub-plot;
- (j) all plans shall be signed by the owner or his duly authorised agent and the Physical Planning Officer preparing the plans shall sign and date the plans.

15. Requirements when subdivision schemes are submitted

In any scheme of subdivision of land within the area of a local authority the following conditions shall be complied with—

- (a) streets shall be laid out in a manner to facilitate natural storm water flow;
- (b) adequate drainage facilities by streets, drainage reserves wayleaves or otherwise as may be expedient and suitable shall be provided and such reserves and wayleaves shall not in any case be less than 3 metres in width;

- (c) wayleaves or reserves along any river, stream or water course shall be provided of not less than 10 metres in width on each bank, except in areas where there is an established flooding;
- (d) reserves along the ocean and lake beaches shall be provided of not less than 2 km. and 1 km. respectively;
- (e) where required by the local authority and the Director of Physical Planning, land suitable and adequate shall be reserved at no cost to the local authority for open spaces, amenities, recreational facilities, road reserves, public purpose relative to the area to be subdivided and for road widening;
- (f) streets connected at each end to other streets or which may be so connected shall be at a width required by the Director of Physical Planning;
- (g) provision, adequate in the opinion of the Director of Physical Planning shall be made for the truncation of street corners and the widening of existing streets or lanes;
- (h) plots shall be of appropriate shape and size and shall have proper and sufficient access to a street, such street not being a sanitary lane or passage;
- (i) the proposal shall conform with the provisions of any structure plan, local physical development plan, advisory plan, zoning, or development plan approved by the Minister;
- (j) notwithstanding the provisions of these Rules regarding the minimum size of plots in any area, plots at street corners shall be made to adequate size to permit establishment of satisfactory building lines (whenever appropriate) and to provide for proper utilization of such plots within the building lines;
- (k) where any proposed street or road is included in the scheme of subdivision, the layout and construction of such street or road shall conform to the requirements of the relevant local authority.

16. Building Density

In the case of a scheme of subdivision of land within the agricultural land the Director of Physical Planning shall at his discretion prescribe the minimum size of plots therein, the use of such land or building and the maximum number and coverage of buildings per acre to be erected thereon.

17. Alteration and cancellation of subdivisions

A local authority may on the recommendations of the Director of Physical Planning or respective authorities cancel the whole or any scheme of division or subdivision which has not been carried into effect provided reasons thereof are given to the affected party.

18. Public density

(1) Subject to the provisions of any written law not more than one building (other than an out-building or appurtenances to the building) shall be erected within the boundaries of any one plot, sub-plot, or holding whether the buildings are erected on account of the owner or otherwise.

(2) Before the erection of additional buildings, each on a separate plot or holding as aforesaid can be authorized, a scheme of division or subdivision shall be submitted by the local authority for approval:

Provided that the Director of Physical Planning may—

- (a) prohibit the erection within a plot, sub-plot, or holding of more than one guest house or any other building or out-building or any building when such building, out building or appurtenance is intended to be used as a guest house;

- (b) waive the necessity of a scheme of division or subdivision being submitted when more than one building is necessary in connection with a public building, school, hospital, clinic, mission station, welfare or philanthropic institution, a Government, local authority or other housing scheme, a scheme of flats, or in connection with business or industrial premises under one management or staff housing schemes, on an undertaking being given that the building so erected shall not under any circumstances be sold separately.

19. A public building shall be erected only on plots certified by the Director of Physical Planning as being suitable for the purpose.

FIRST SCHEDULE

[Rule 5(2)(b).]

NOTIFICATION OF INTENT TO SUBDIVIDE

Form P.P.A. 6

(Section 41(3))

ADVERTISEMENT

NOTICE IS HEREBY GIVEN THAT
of
has applied to
for permission to subdivide land situated at (address of property)
.....
a plan of the site and plans and details of the proposed subdivision is deposited
.....
and may be inspected free of charge between the hours of and
.....
until the day of, 20
Any person who wishes to make any representations or objections to the proposed subdivision
should serve notice of such representations or objections in writing on
.....
P.O. Box not later than
day of, 20
and shall at the same time submit a copy of such representations or objections by notice served on
the undersigned at the address mentioned below.

Signed

Dated this day of day of, 20

*Not less than fourteen (14) days from the date of the first advertisement shall be allowed for inspection of the plan.

*Not less than thirty (30) days from the date of the first advertisement shall be allowed for the submission of representations and objections.

SECOND SCHEDULE

[Rule 5(2)(c).]

CONDITIONS OF APPROVAL

When considering applications for subdivisions the local authority or liaison committee may impose conditions of approval in respect of the matter enumerated below, and after implementation of such approval the conditions shall be binding upon the owner, successors and assigns:—

1. The type and form of development to be carried out or permitted and the size, form and situation of holding and the conditions on which such holdings may be transferred.
 2. The reservation of land for roads and public purpose or for other purposes referred to in the Act for which land may be reserved.
 3. The character and type of roads and public utilities or other works, including the standard of construction and/or maintenance of a road, water supply, drainage and sewerage works which are to be undertaken and completed by the applicant for subdivision at the applicant's cost.
 4. Provision as to the forms of security to be given by the applicant of any conditions imposed and provision as to the right of the local authority to carry out any such conditions at the expenses of the applicant.
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5. The co-ordination of the subdivision of contiguous properties in order to ensure the proper development of such properties.
 6. The transfer free of charge to Government or local authority of any land reserved in accordance with the provisions of paragraph 2 hereof may be by the applicant.
 7. The registration by the applicant of any conditions imposed in the deed of the title of the property.

THIRD SCHEDULE

[Rule 8.]

SUBDIVISION REGISTER (SR)

SR No.	Township	Plot No.
		District
Date	Name of Holder and Address	
Particulars of any direction given under the Act.		
Decisions of Committees Date		