



South Tarawa & Betio GENERAL LAND USE PLAN

Consolidated Version
June 2017



Minister's Foreword

It is great pleasure that I approve the first Kiribati Consolidated General Land Use Plan on behalf of the Central Land Planning Board.

Land is a crucial issue for Kiribati and all of its people and ensuring the appropriate management of land is a responsibility that the Government of Kiribati takes very seriously. With a land area less than 16km and a population of in 2016 of more than 55,000 people South Tarawa and Betio require careful management of development to ensure quality of life for the area's residents is maintained.

The General Land Use Plan for South Tarawa and Betio sets out clear requirements for the development of land within the most densely populated part of Kiribati. The combination of Planning maps, acceptable activities and decision making criteria will help to provide certainty to developers while making sure land development occurs in a way that serves the community.

Managing land development is required to improve economic development, manage the fragile atoll environment, protect the foreshore and coastal environments, ensure good access to community facilities, and to protect public health.

Good land use planning is a combination of good policy, good implementation and good compliance. It is the intention of this plan to assist in all of these things to achieve improved land use for South Tarawa and Betio.

On behalf of my government and the people of Kiribati who have entrusted the governance of this country in us, I would like to offer the traditional blessing of Te Mauri, Te Raoi ao Te Tabomoa to all those who rely on the General Land Use Plan to provide improved land planning for Kiribati.

"We serve, we deliver"

VISION

TO BE A CENTRE FOR HIGH QUALITY LAND SERVICES
WHERE WE SERVE AND WE DELIVER

MISSION

TO PROVIDE HIGH QUALITY, RELIABLE, AND EFFICIENT SERVICES IN
GEOGRAPHIC INFORMATION, LAND INFORMATION, GUARANTEED LAND
TENURE, PROPERTY, VALUATION, SURVEYING & MAPPING THROUGH
TEAMWORK AND MODERN TECHNOLOGY
TO OUR STAKEHOLDERS, GOVERNMENT AND THE PUBLIC



Consolidated General Land Use Plan for South Tarawa and Betio

Document contents

The consolidated General Land Use Plan for South Tarawa and Betio includes the following components

1. General Land Use Plan Summary & Minister Endorsement
2. Introduction and Background
3. General Land Use Plan maps
4. Land use category definitions and acceptable activities
5. Criteria for planning assessment
6. Process flow chart for land development and building permits
7. Development standards
8. Decision making framework
9. Process for modifying the General Land Use Plan
10. Land Planning Ordinance 1977 (Cap 48).

1. General Land Use Plan Summary & Minister Endorsement

This General Land Use Plan for South Tarawa and Betio establishes land use zones for land within designated areas of South Tarawa and Betio. Land development must be consistent with these zones, as set out below:

Zone	Zone Colour on Maps	Definitions
Residential	Blue	To provide for residential development and associated small scale community facilities and commercial activities to support and serve local needs.
Commercial	Red	To cater for range of commercial and business activities (wholesale, retailing, offices) and other complementary entertainment, restaurant & associated business uses. Provided it can meet amenity and environmental considerations and the impact of development on adjacent land uses, especially housing can be minimised.
Civic Use	Yellow	To recognise existing and future government, institutional and community uses of land for government services and community facilities.
Civic Use - Airport	Yellow	To recognise existing and future needs for land for airport and runway facilities.
Industrial	Brown	To provide for manufacturing industry, storage warehouses, distribution of goods & associated uses where it can meet amenity and environmental considerations, and where the impact of development on adjacent land uses, especially housing can be minimized.
Open space	Green	To identify and protect areas for public recreation, parks & open spaces.
Protection	Light green	To identify environmental / culturally significant areas where development should be limited to conserve and enhance structures and places of environmental, historical and cultural values and significance.
Diplomatic	Pink	To identify areas used for diplomatic facilities including high commissions and embassies.
Major Roads/ Minor Roads	Grey	To identify road corridors to ensure development does not encroach on essential transport routes.
Mixed Use	Purple	To allow for a combination of activities otherwise allowed in commercial and residential zones.
Parking Area	Dark grey	To identify areas to accommodate current and future car parking demands.
Waste Disposal	Orange	To identify areas of current and future landfill and waste disposal sites to ensure adequate space is set aside in appropriate locations away from residential areas.

The list of acceptable activities for each zone is set out in section 4 of this plan. In addition all land development and building permit applications must comply with the conditions of development as issued by the Local Land Planning Board.

Sign off by the Minister for MELAD

On behalf of the Central Land Planning Board

Date

2. Introduction & Background

This document forms the consolidated General Land Use Plan for South Tarawa and Betio and is updated with all adopted changes to land zonings as at May 2017.

The General Land Use Plan is prepared in accordance with the Land Planning Ordinance 1977 (Cap 48).

The roles and responsibilities of various agencies in facilitating land development and building permits is set out in section 5.

General objectives of the General Land Use Plan

The objectives of the General Land Use Plan is to:

1. Provide a balance between opportunities for increased population, housing and business development
2. Provide a range of areas to accommodate housing development, community facilities and commercial opportunities
3. Provide a complete land use plan for land planning and the control of development in all of South Tarawa

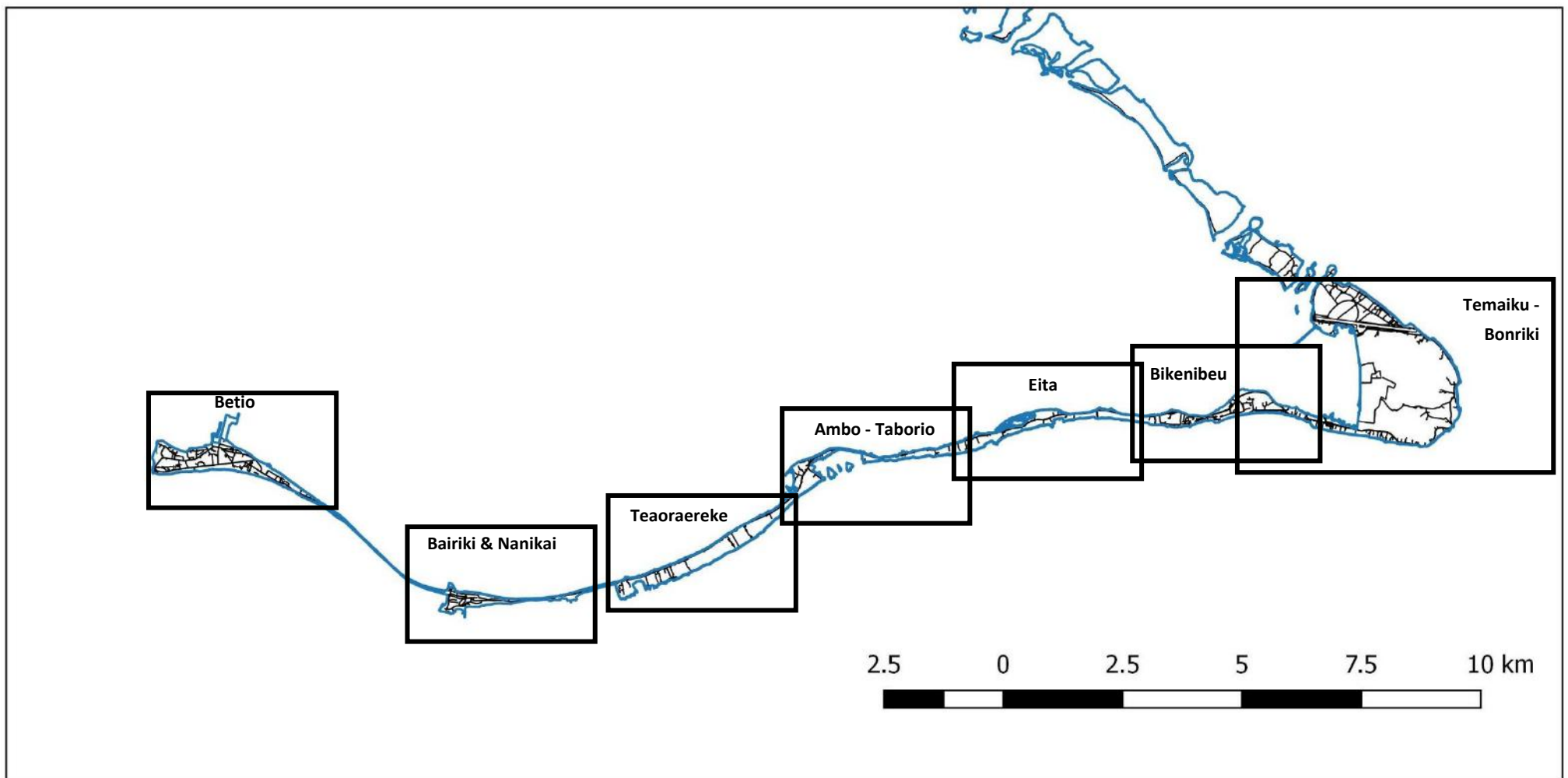
Land Planning Committees

On South Tarawa, there are three main land planning committees.

1. Local Land Planning Boards (LLPB). The TUC Local Land Planning Board deals with all land planning matters in the TUC area, while the BTC Local Land Planning Board deals with land planning matters in the BTC area.
2. Central Land Planning Board (CLPB). The Central Land Planning Board's main duties are to prepare General Land Use Plans for all designed areas of South Tarawa, to consider appeals from the TUC LLPB and BTC LLPB, provide policy for land planning issues on South Tarawa and the Outer Islands.
3. Sublease Allocation Advisory Committee (SAAC). This committee makes decisions on applications for private subleases on government lease land in accordance with the Native Lands Ordinance (Cap 61).

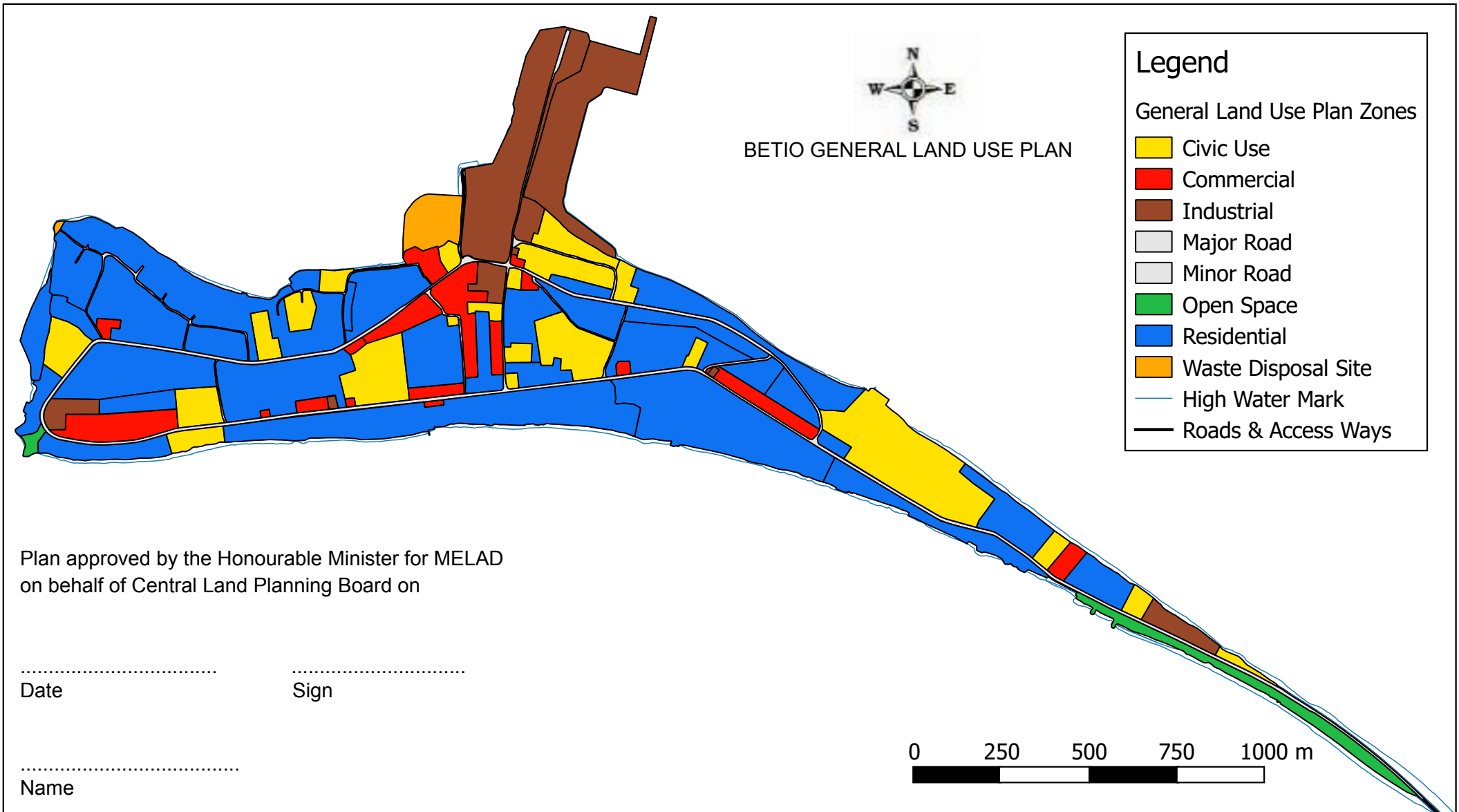
3. General Land Use Plan Maps for Betio and South Tarawa

Map Key





Betio General Land Use Plan





Bairiki General Land Use Plan



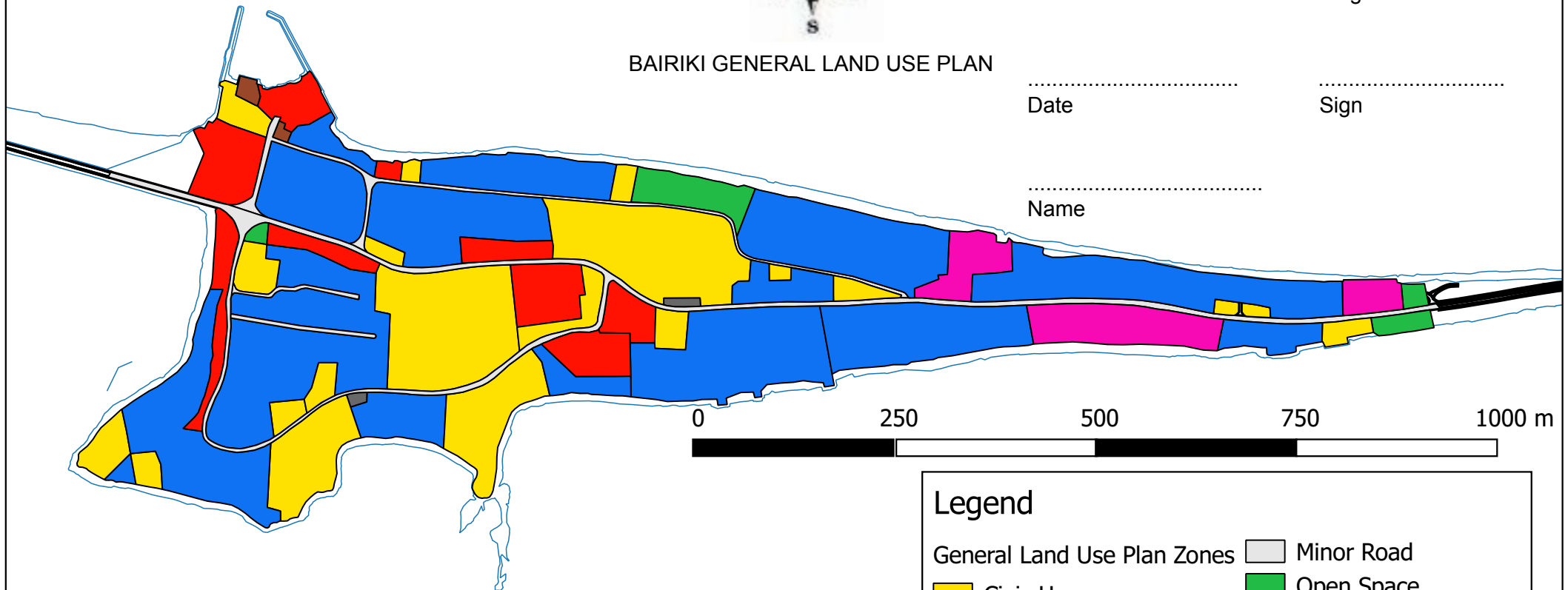
Plan approved by the Honourable Minister for MELAD
on behalf of Central Land Planning Board on

BAIRIKI GENERAL LAND USE PLAN

.....
Date

.....
Sign

.....
Name



Legend

General Land Use Plan Zones	Minor Road
Yellow	Civic Use
Red	Commercial
Pink	Diplomatic Area
Brown	Industrial
Light Grey	Major Road
Green	Open Space
Dark Grey	Parking Area
Blue	Residential
Blue line	High Water Mark
Black line	Roads & Access Ways



Bairiki & Nanikai General Land Use Plan



Plan approved by the Honourable Minister for MELAD
on behalf of Central Land Planning Board on

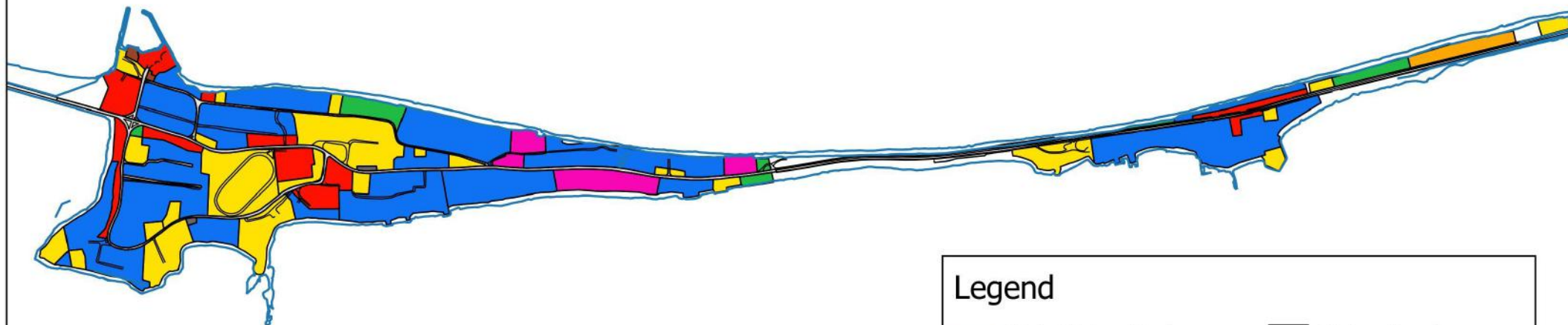


.....
Date

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Sign

BAIRIKI & NANIKAAI GENERAL LAND USE PLAN

.....
Name



Legend

- | | |
|-----------------------------|---------------------|
| — High Water Mark | Major Road |
| — Roads & Access Ways | Minor Road |
| General Land Use Plan Zones | Open space |
| Yellow Civic Use | Open Space |
| Red Commercial | Parking Area |
| Pink Diplomatic Area | Residential |
| Brown Industrial | Waste Disposal Site |



Teaoraereke General Land Use Plan



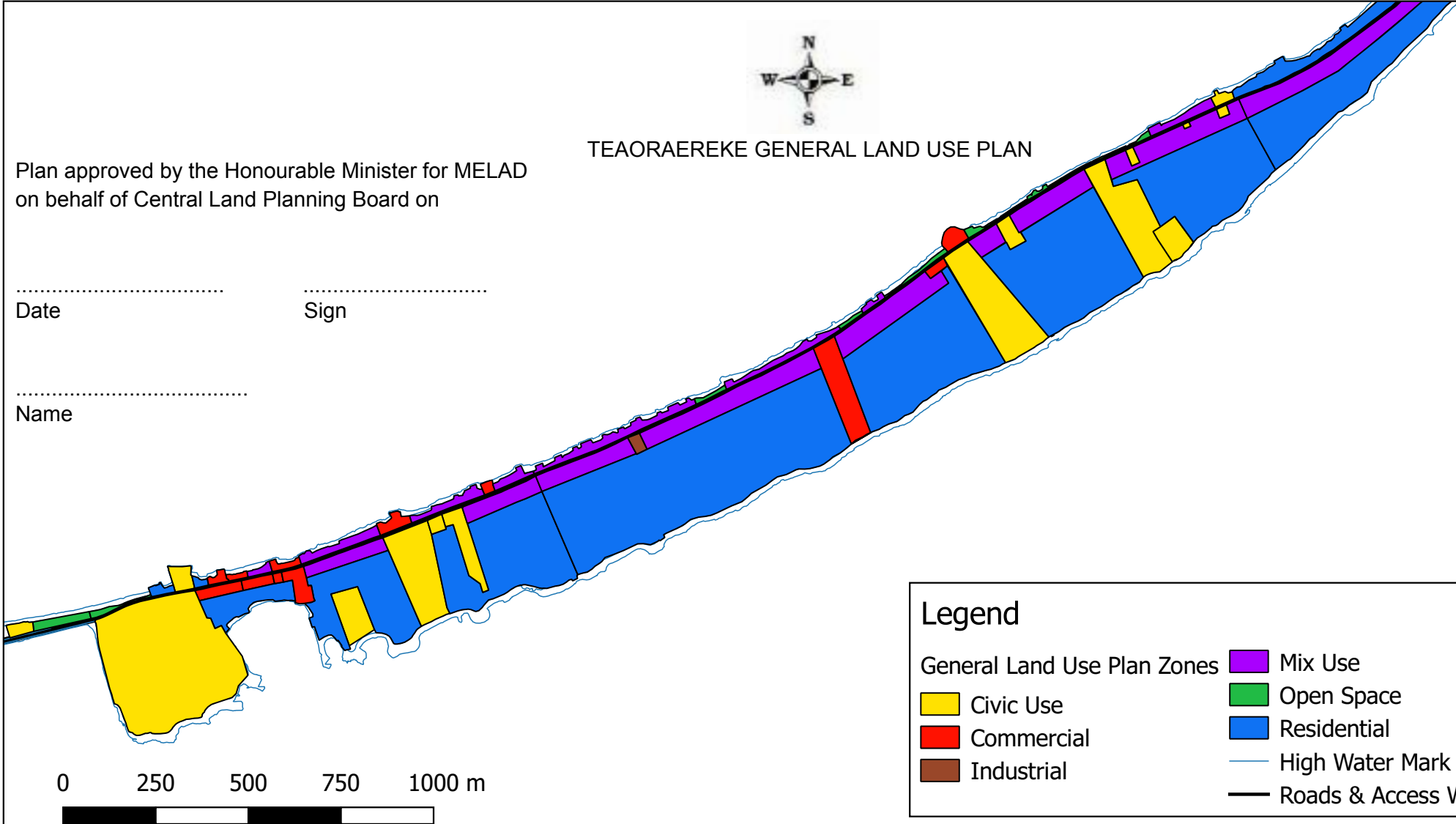
TEAORAEREKE GENERAL LAND USE PLAN

Plan approved by the Honourable Minister for MELAD
on behalf of Central Land Planning Board on

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Date

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Sign

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Name



Legend

General Land Use Plan Zones

Yellow Civic Use

Red Commercial

Brown Industrial

Purple Mix Use

Green Open Space

Blue Residential

Blue line High Water Mark

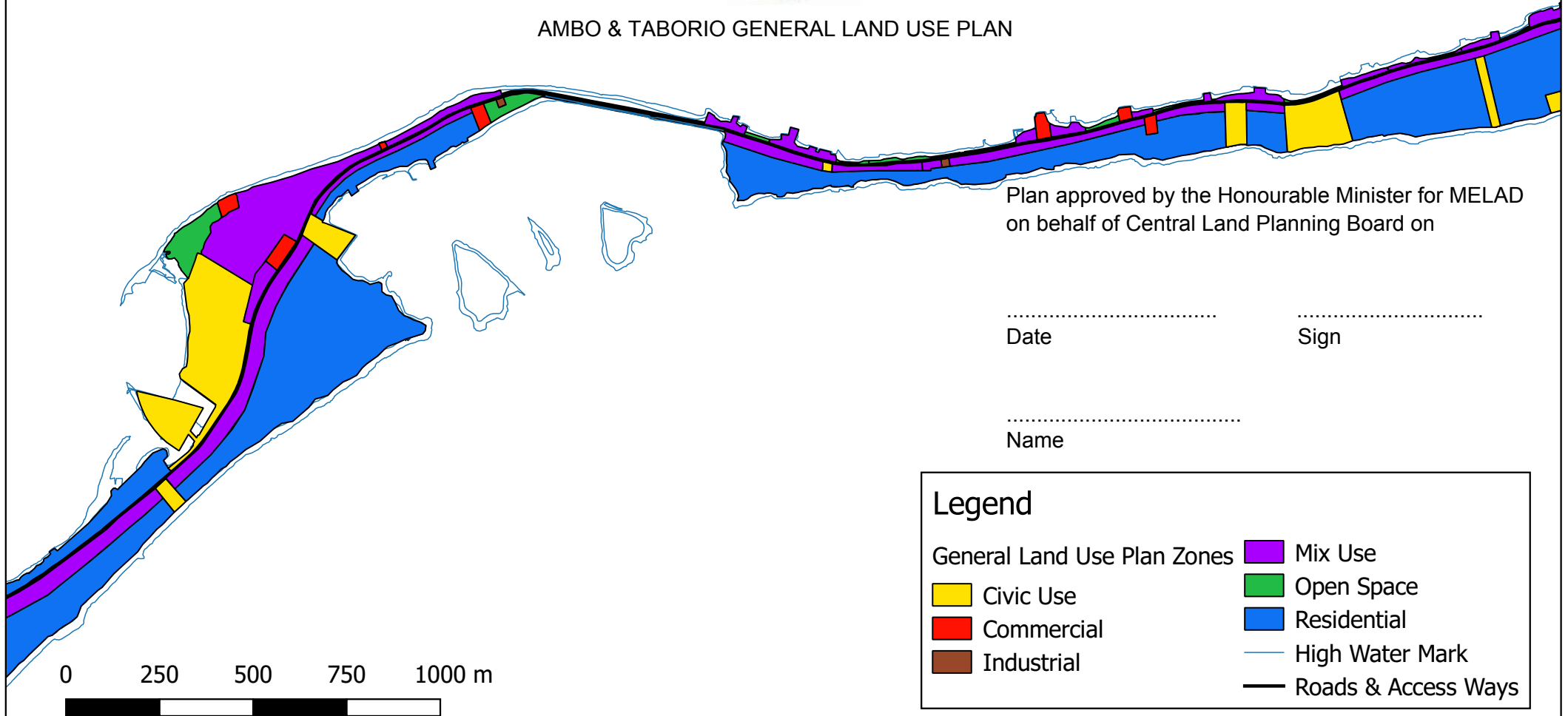
Black line Roads & Access Ways



Ambo - Taborio General Land Use



AMBO & TABORIO GENERAL LAND USE PLAN





Eita General Land Use Plan



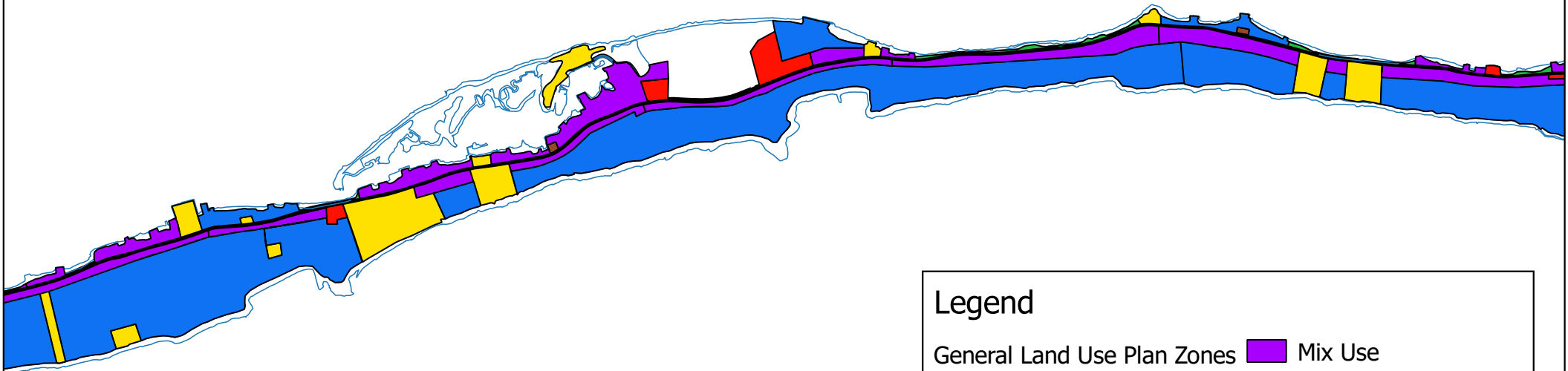
Plan approved by the Honourable Minister for MELAD
on behalf of Central Land Planning Board on



EITA GENERAL LAND USE PLAN

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Date Sign

.....
Name



0 250 500 750 1000 m

Legend

- | | |
|-----------------------------|---------------------|
| General Land Use Plan Zones | Mix Use |
| Civic Use | Open Space |
| Commercial | Residential |
| Industrial | High Water Mark |
| Minor Roads | Roads & Access Ways |



Bikenibeu General Land Use Plan



Plan approved by the Honourable Minister for MELAD
on behalf of Central Land Planning Board on

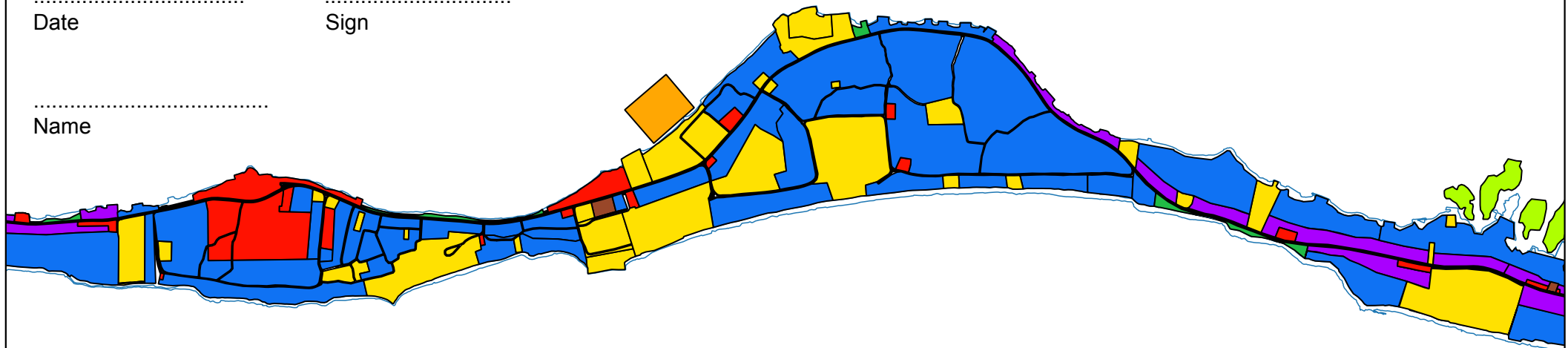


BIKENIBEU GENERAL LAND USE PLAN

.....
Date

.....
Sign

.....
Name



Legend

General Land Use Plan Zones

Yellow Civic Use

Red Commercial

Brown Industrial

Grey Minor Roads

Purple Mix Use

Green Open Space

Light Green Protection

Blue Residential

Orange Waste Disposal Site

Blue High Water Mark

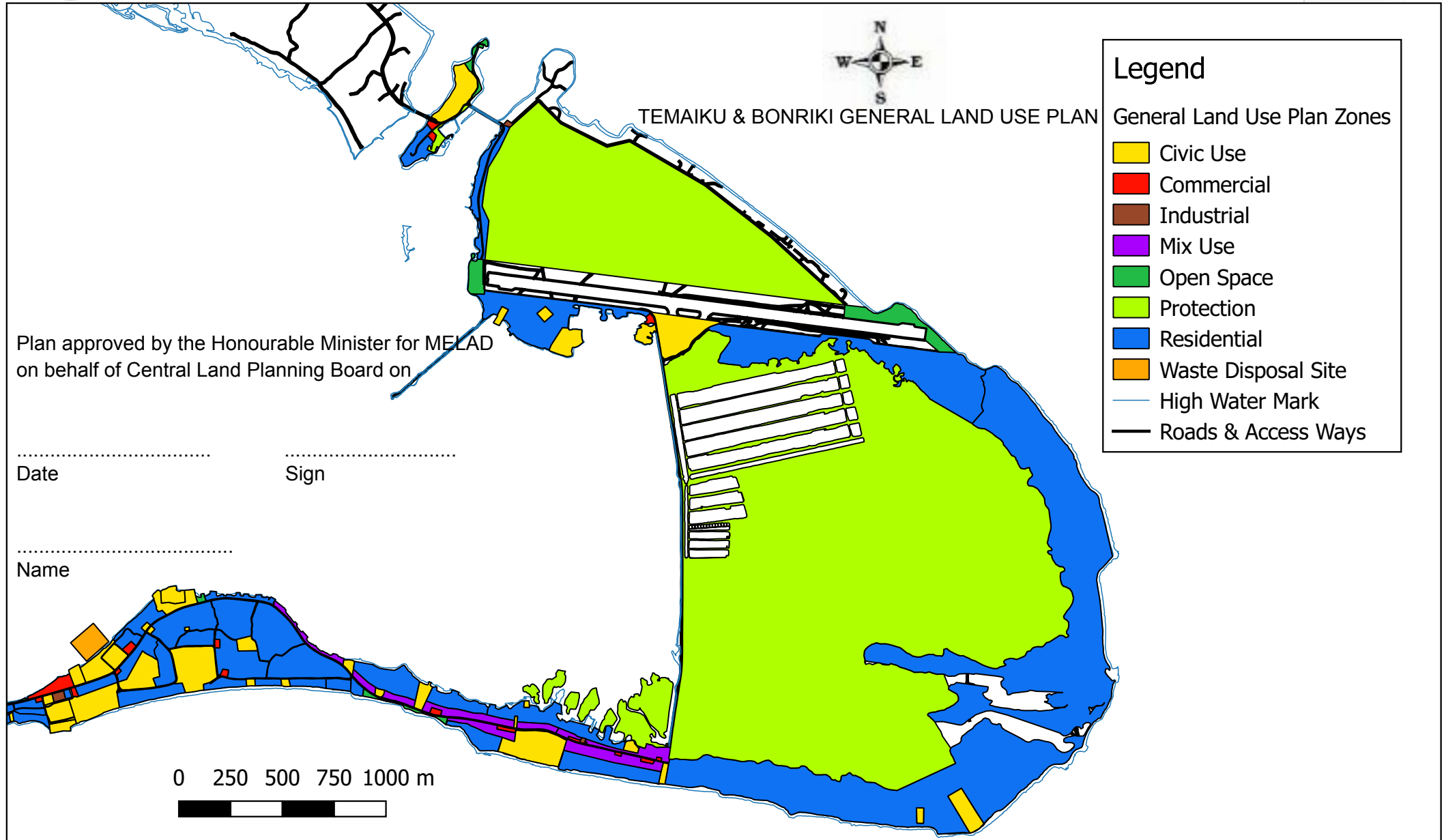
Black Roads & Access Ways

0 250 500 750 1000 m





Temaiku - Bonriki General Land Use



4. Land Use Category Definitions and Acceptable Activities for each Zone

Land use category / zone	Definitions	Acceptable Activities	
Residential	To provide for residential development and associated small scale community facilities and commercial activities to support and serve local needs.	Houses, kiakia, buia, rental houses, Apartments (long term stay)	Church or community maneaba KHC Housing Small stores ¹
Commercial	To cater for range of commercial and business activities (wholesale, retailing, offices) and other complementary entertainment, restaurant & associated business uses. Provided it can meet amenity and environmental considerations and the impact of development on adjacent land uses, especially housing can be minimised.	Kava bars, nightclubs Supermall Second hand stores Large stores / supermarkets Markets Restaurants Car / boat sale yards Bank	Accommodation – motels, hotels and tourists accommodations (short term) Office buildings Amusement parks eg. Disneyland Fish markets Entertainment venue
Civic Use (education, government, church)	To recognise existing and future government, institutional and community uses of land for government services and community facilities.	Government offices / headquarters Schools, preschools Church and associated buildings / headquarters Training centres eg. KTC, KIT, MTC, USP & FTC President's Maneaba Court facilities Police station Clinics Hospital Prison Cemetery Aerial towers Bairiki square / public squares (can also be open space)	Maneaba (eg. Outer island Maneaba) Parliament buildings Cultural centre / museum Library Future government uses Aggregate plant storage Storage site for infrastructure construction (short term) Council office buildings Post office Public toilets Stadium, sports complex and sports field (can also be in open space)
Civic Use - Airport	To recognise existing and future needs for land for airport and runway facilities.	Airport Associated buildings	Associated facilities

¹ a small store is defined as having a walk up counter only, no walk in access for customers.

Land use category / zone	Definitions	Acceptable Activities	
Industrial	To provide for manufacturing industry, storage warehouses, distribution of goods & associated uses where it can meet amenity and environmental considerations, and where the impact of development on adjacent land uses, especially housing can be minimized.	Powerhouse, electricity generation Copra mills Shipping yards Wharf Factory Fuel farm Gas stations Workshops – eg. Tyre, joinery Associated offices and transport depots	Aggregate processing Port Storage of plant for industrial or infrastructure projects Fish or food processing Landfill or waste disposal sites (also waste disposal zone) Recycling centres Warehouse
Open space	To identify and protect areas for public recreation, parks & open spaces.	Parks Square (eg. Bairiki) Foreshore reserve (including boat yard for small boats, beach areas) Picnic area Sports fields Playgrounds	Small scale businesses and other activities may be allowed if they support the intended open space.
Protection (Environmental / Cultural Significant Areas / Sites)	To identify areas where development should be limited to conserve and enhance structures and places of environmental, historical and cultural values / significance.	No development allowed unless associated with protection of these things: • Water reserve • War memorial • Mangroves • Teraiku government area • Cultural sites	
Diplomatic	To identify areas used for diplomatic facilities including high commissions and embassies.	High Commissions & embassy	
Major Roads/ Minor Roads	To identify road corridors to ensure development does not encroach on essential transport routes.	Roading, bus stops	
Mixed Use	To allow for a combination of activities otherwise allowed in commercial and residential zones.	Combination of commercial and residential activities	
Parking Area	To identify areas to accommodate current and future car parking demands.	No development allowed, only car parking	
Waste Disposal	To identify areas of current and future landfill and waste disposal sites to ensure adequate space is set aside in appropriate locations away from residential areas.	Landfill sites Waste disposal	Recycling centre
Activities that are acceptable in any zone	To identify activities that are essential to support infrastructure for the benefit of the community.	Essential infrastructure • Electricity transformer • Sewer pump stations • Water pipelines • Solar panels	• Small scale desalination plants • Toilet blocks • Car parking associated with the land use

Acronyms

ATHKL	-	Amalgamated Telecom Holdings Kiribati Limited
BTC	-	Betio Town Council
CLPB	-	Central Land Planning Board
ECD	-	Environment & Conservation Division
FTC	-	Fisheries Training Centre
GLUP	-	General Land Use Plan
KDP	-	Kiribati Development Plan
KHC	-	Kiribati Housing Corporation
KIT	-	Kiribati Institute of Technology
KTC	-	Kiribati Teachers College
LLPB	-	Local Land Planning Board
LMD	-	Land Management Division
LPO	-	Land Planning Ordinance Cap 48
MELAD	-	Ministry of Environment, Lands & Agricultural Development
MIA	-	Ministry of Internal Affairs
MPWU	-	Ministry of Public Works & Utilities
MTC	-	Marine Training Centre
NLO	-	Native Lands Ordinance Cap 61
PUB	-	Public Utilities Board
SAAC	-	Sublease Allocation & Advisory Committee
TUC	-	Teinainano Urban Council
USP	-	University of the South Pacific

5. Criteria for Planning Assessments

The Local Land Planning Board is responsible for making a decision on an application for land development and building permit. According to the Land Planning Ordinance (section 18), the local board shall not grant permission for a development or redevelopment if it is inconsistent with the general land use plan.

Where the application is consistent with the General Land Use Plan the following issues should also be considered as part of the decision to grant permission or reject an application for land development / building permit.

Strategic Policy Matters for consideration

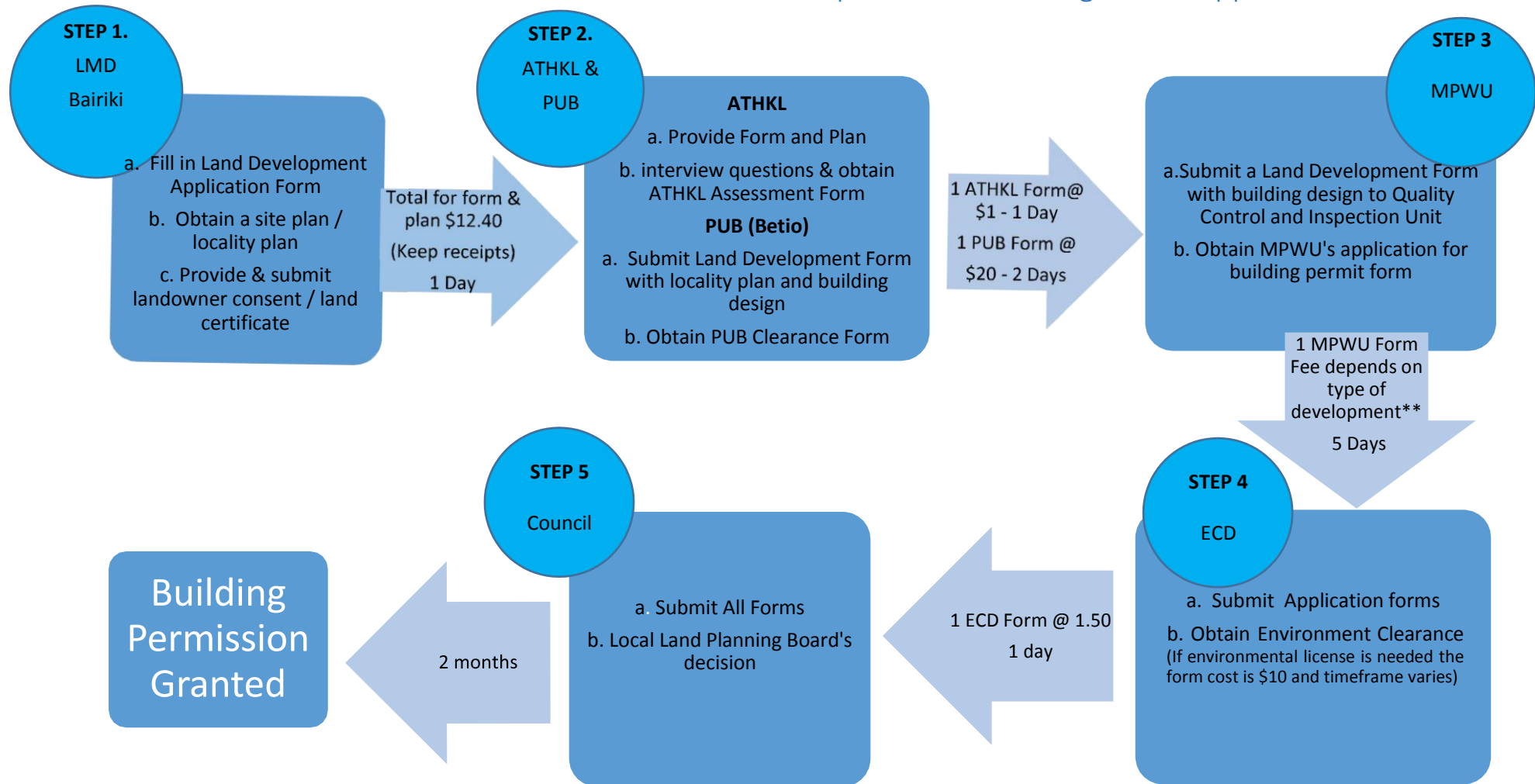
The following matters are key issues for consideration in the assessment process:

- National and/or regional planning policies contained in the Kiribati National Development Plan, 2016-2019 (and subsequent versions)
- Local planning policies as adopted by the BTC or TUC,
- Masterplans as adopted by CLPB or SAAC
- The objectives of the overall planning strategy for an area or locality,
- Any relevant Development Standard adopted by Cabinet, BLLPB, TUC LLPB or the CLPB,
- Any relevant incorporated document such as policy adopted by MIA, MELAD, MPWU, etc.

Local Management Issues

- Land owner and/or Government concurrence on the land,
- Orderly and proper planning of the area by the relevant planning board,
- The impact of the proposal on services and facilities including the cost of servicing,
- The availability and capacity of the proposal to be connected to reticulated water and sewerage,
- Design and siting of non-reticulated sewage disposal,
- Methods of water supply and catchment area,
- Means of commercial, marine and industrial waste disposal,
- Potential water quality to households,
- Impact of the quality of the groundwater and seawater,
- Location and design of any wells,
- Access and traffic generation,
- House siting including 2.5 meter setback from adjoining plot boundaries,
- Area and shape of the plot to which the application relates,
- Location of access ways
- Avoidance of nuisance for neighbouring land uses

6. Process Flow Chart for Land Development and Building Permit Application



ATHKL - if the development is in Betio, visit Betio counter, if in Bairiki – Taborio visit Bairiki counter, if from Taborio to Buota visit Bikenibeu counter.

** Building permit fees at MPWU are made in accordance with the Building Act. In 2017 costs are as follows:
Residential \$1.50 (subject to change in 2018)
Commercial / public buildings \$20 or 0.25% of the building cost

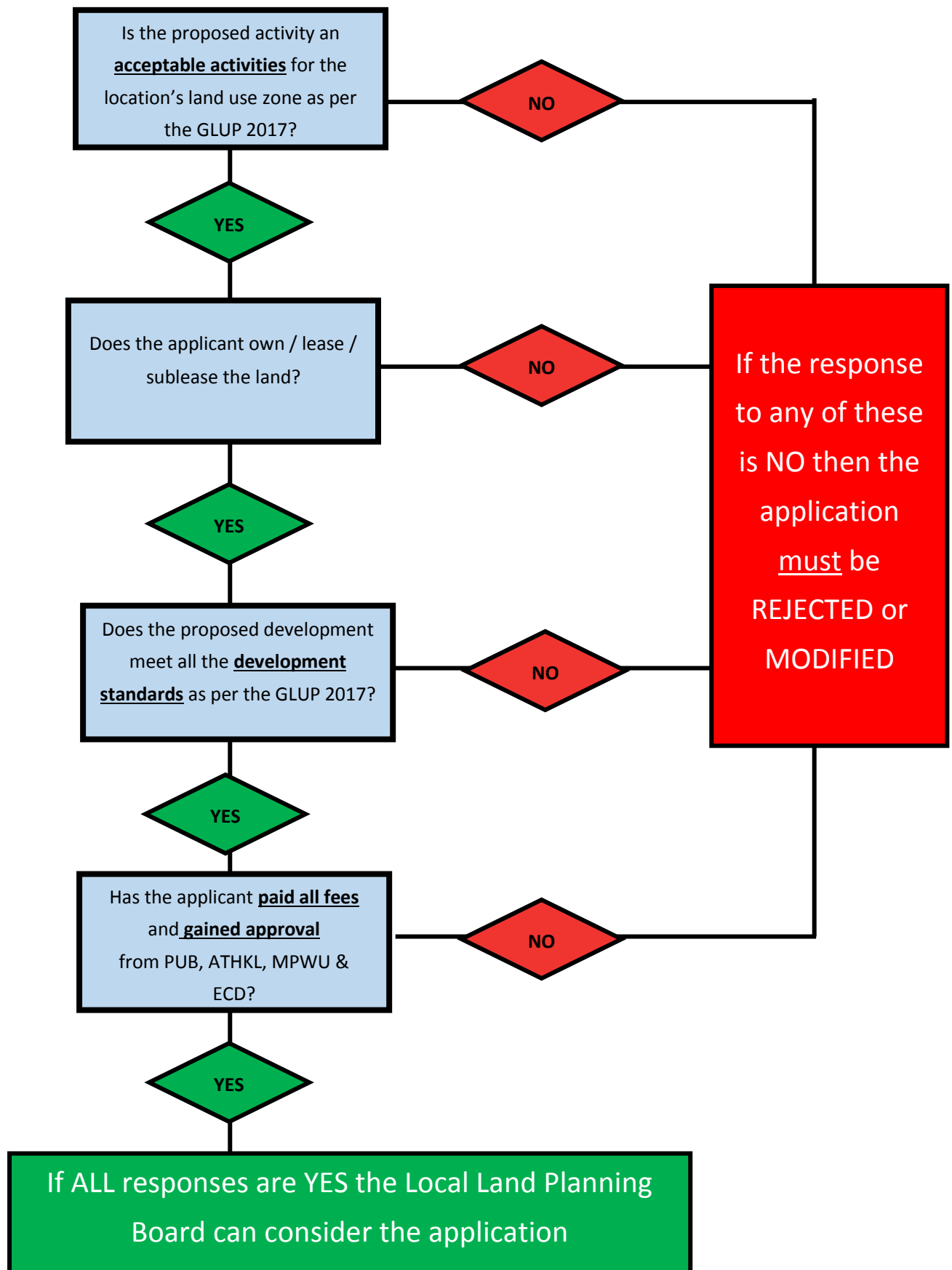
7. Development Standards

The following are development standards as adopted by the central land planning board for the designated areas of South Tarawa 15th September 1997 and adopted by Cabinet, November, 1997.

These should be applied to all developments.

1. In the construction of the building for the use approved referred to by a Planning Board, the applicant shall provide a toilet suitable for connection to the Public Utilities Board (or its successor) reticulated sewerage system, unless otherwise approved in writing by the Public Utilities Board.
2. The applicant shall provide on the site permanent water storage with a capacity of at least 500 litres for roof water collection, such system to be supplemented by other water sources.
3. In the siting and placement of the building, the applicant shall ensure;
 - (1) that the total floor area of the building to be constructed shall not occupy more than 50% of the total land plot area,
 - (2) that the building is setback a minimum of 2.5 meters from the sublease boundary in high density areas, or
 - (3) that the building is set back a minimum of 5 meters from the sublease boundary in low density areas
 - (4) that those plots which do not have frontage to a road, a minimum provision of 2.5 meters shall be made to provide for both vehicular and pedestrian access through adjoining plots,
 - (5) that those plots that have frontage to a sealed main road, the sublease boundary shall be at least 9 meters from the centre line of the main road,
 - (6) that permanent collection facilities exist for both the storage and disposal of domestic household waste, and
 - (7) That any other condition as required by a Local Land Planning Board as established the Land Planning Ordinance (CAP. 48), is met.
4. The applicant shall fulfil the requirements of conditions 1, 2 and 3 within 12 months of the commencement of any development on the plot.
5. If the applicant shall be in breach of any of the above conditions and shall fail to remedy the breach within thirty days of being so required by the Planning Board, they shall be punishable by a fine of \$5,000 in accordance with Section 33 of the Land Planning Ordinance (CAP. 48)

8. Decision-Making Framework for Land Development Applications



9. Process for Changing the General Land Use Plan

The land use categories as identified in the Consolidated General Land Use Plan for South Tarawa and Betio have been developed subject to the requirements in the Land Planning Ordinance 1977 (Cap 48). Section 15 provides details on the process for changes to the General Land Use Plan.

1. The CLPB (with the approval) may amend a general land use plan
2. The public must have been given the opportunity to provide comment as appropriate with regard to the nature of the proposed amendment
3. Review of plan every 3-5 years

When considering any amendment to the General Land Use Plan it is recommended that the criteria for planning assessments be used to determine whether the proposed change is appropriate or not, taking into account the impacts of the land uses that will be allowed if the change is adopted.

Generally, it is recommendation that no changes be allowed until a review is initiated by CLPB / LMD unless special circumstances require it.

10. Land Planning Ordinance

LAWS OF KIRIBATI REVISED EDITION 1998

CHAPTER 48

LAND PLANNING

(Incorporating amendments up to 1 September 1998)

Amendments of 2000 in red underline

ARRANGEMENT OF SECTIONS

Section

PART I PRELIMINARY

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2. Interpretation
3. Designated areas

PART II ESTABLISHMENT, MEMBERSHIP AND PROCEDURE OF LAND PLANNING BOARDS

4. Establishment of Central Land Planning Board
5. Establishment of local land planning boards
6. Powers to appoint committees
7. Procedure and meetings of committees
8. Allowances

PART III LAND USE PLANS

9. General land use plan to be prepared
10. Draft general land use plan to be open to scrutiny by the public
11. Detailed land use plan to be prepared
12. Preparation and approval of detailed land use plan

13. Uses or classes of use to be indicated by such colours or symbols as Central Board may direct
14. Substitution of new general land use plan
15. Amendment of general and detailed land use plans
16. Duty of local boards to advise public of general and detailed land use plans

PART IV DEVELOPMENT CONTROL AND APPEALS

17. Penalty for unlawful development or redevelopment
18. Development not to be permitted save in accordance with general and detailed land use plans
19. Applications for permission to develop or redevelop land in designated area
20. Local board to consider application for development permission
21. Appeal to Central Board from local board
22. Provision for further appeal
23. Central Board may state a case for the High Court Section
24. Right of audience on appeal
25. Period of validity of permission to develop or redevelop
26. Non-conforming land uses
27. Appeal from award of compensation
28. Non-complying use not to continue on redevelopment
29. Power to require the demolition or discontinuance of any unlawful development

PART V GENERAL

30. Registers and returns
31. Central Board to exercise control over local boards
32. Power of local board to make regulations
33. Power of Central Board to make regulations
34. Power of Minister to make regulations

An Ordinance to provide the control of the development and use of land

Commencement: 1st January 1973

14 of 1972
(Cap.93 of
1973)
18 of 1974
26 of 1977
L.N. 54/72
1 of 1979
L.N. 5/80
10 of 1980

**PART I
PRELIMINARY**

Short title

1. This Ordinance may be cited as the Land Planning Ordinance.

Interpretation

2. In this Ordinance unless the context otherwise requires—

"Central Board" means the Central Land Planning Board established by section 4;

"Designated area" means an area designated under section 3;

"Detailed land use plan" means a detailed land use plan prepared, approved and certified in accordance with the provisions of Part III;

"development" means the carrying out of any works or the erection of any structure on any land within a designated area or the use to which such land or any works or structure thereon are put and includes the subdivision of land;

"General land use plan" means a general land use plan prepared, approved and certified in accordance with the provisions of Part III;

"Local board" means a local land planning board established by section 5;

"redevelopment" means the whole or partial removal, dismantling or demolition of any works or structure or of any part thereof on any land within a designated area and

the replacement, rebuilding, reconstruction or restoration of such works or structure or part thereof in the same or different form and includes any variation of the use to which any such land or any works or structure thereon are put;

"Subdivision of lands" means the division of land into two or more parts which are to be identified by survey, and can be disposed of separately, but does not include a subdivision of land created by a lease or sublease of land not exceeding five (5) years"

Designated areas

3. The Central Board may with the approval of the Minister by notice designate any area for the purposes of this Ordinance.

**PART II
ESTABLISHMENT, MEMBERSHIP AND PROCEDURE OF
LAND AND PLANNING BOARDS**

Establishment of Central Board

4. (1) There is hereby established the Central Land Planning Board which shall consist of a chairman, a deputy chairman, a secretary and not less than 5 or more than 9 other members all of whom shall subject to S.99 of the Constitution be appointed by notice by the Minister.

(2) Members of the Central Board, other than public officers, may resign their membership by giving written notice to the Minister.

(3) The chairman or in his absence the deputy chairman shall preside at every meeting of the Central Board.

(4) No business shall be transacted at a meeting of the Central Board unless at least 5 members including the chairman or deputy chairman are present.

(5) Meetings of the Central Board shall be held in public:

Provided that the chairman or deputy chairman may where he considers that it is in the public interest to do so direct that a meeting shall be held in private.

- (6) Subject to this Ordinance the Central Board may make rules for the procedure at and the conduct of its meetings and the adjournment of any meeting at which a quorum is not present.

Establishment of local boards

5. (1) Subject to the proviso to subsection (3) there is hereby established for each designated area a local land planning board.
- (2) Subject to subsection (3) where a designated area is wholly within the area of authority of a single local government council that council shall be the local board for that designated area.
- (3) Where a designated area is not wholly within the area of authority of a single local government council and in the case of any designated area where the Minister so determines the local board for that designated area shall consist of such members as the Minister may by notice appoint:

Provided that the Minister instead of appointing members to a local board may by notice under this section appoint a person to perform the functions of a local board under this Ordinance for any designated area and every reference in this Ordinance to a local board shall unless the context otherwise requires be deemed to include a reference to such a person.

- (4) A member of a local board constituted under subsection (3) or a person appointed to perform the functions of a local board in accordance with the proviso to that subsection may, unless he is a public officer, resign his membership or appointment as the case may be by giving written notice to the Minister.

- (5) Meetings of local boards shall be held in public:

Provided that the chairman of the Central Board may where he considers that it is in the public interest to do so direct that a meeting shall be held in private.

- (6) Subject to this Ordinance a local board may make rules for the procedure at and the conduct of its meetings and the adjournment of any meeting at which a quorum is not present.

Appointment of committees

6. (1) The Central Board or a local board or a person appointed in accordance with the proviso to section 5 (3) may appoint such committees as it or he deems fit.

(2) The number of members of a committee and their terms of office shall be determined by the Central Board or the local board or the person appointed in accordance with the proviso to section 5 (3) as the case may be.

(3) The Central Board or a local board may appoint any person whether or not he is a member of that board to be a member of one of its committees.

Procedure and meetings of committees

7. (1) The Central Board or a local board or a person appointed in accordance with the proviso to section 5 (3) may make rules respecting the quorum, proceedings and place of meeting of any of its or his committees.
- (2) Subject to subsection (1) the quorum, proceedings and place of meeting of a committee shall be such as the committee may determine.

Allowances

8. Members of the Central Board or of a local board constituted under section 5 (3), a person appointed in accordance with the proviso thereto and members of a committee appointed thereby may be paid out of the Consolidated Fund such travelling and other expenses as may be incurred by them in respect of their duties and, excepting those who are public officers, an attendance allowance at such rate as may be determined by the Minister.

PART III LAND USE PLANS

General land use plan to be prepared

9. (1) The Central Board shall prepare or cause to be prepared in accordance with this Part a general land use plan of every designated area.

(2) A general land use plan shall consist of a single plan at a suitable scale depicting the whole of the designated area:

Provided that where the designated area is of such an extent as not to be conveniently depicted on one plan it shall be depicted on a series of plans and the general land use plan shall consist of that series.

(3) A general land use plan shall indicate the use or class of use to which every part of the land depicted thereon may be depicted to be put on development or redevelopment.

(4) For the purpose of preparing the general land use plan for a designated area in accordance with this Part the Central Board shall co-opt 2 persons who the Board is satisfied have been chosen by a majority of the recognised elders of all the villages within that designated area and until the plan has been certified under section 10 (8) those persons shall, notwithstanding section 4 (1), be deemed to be members of the Board for that purpose alone.

Draft general land use plan to be open to public scrutiny

10. (1) There shall first be prepared a draft general land use plan which or a copy of which shall be open to scrutiny by members of the public for 12 weeks during normal office hours—

(a) at such Government or local government council office within the designated area the plan depicts and at such other place or places outside that designated area as the Central Board shall determine; and

(b) Where the Central Board considers it necessary in the public interest at such other place or places within that designated area as the Central Board shall determine.

(2) Any person may in writing request the Central Board to make or consider specific amendments to the draft general land use plan.

(3) The Central Board and the local board for the designated area the draft general land use plan depicts shall take all reasonable steps to inform members of the public that that

plan is open to public scrutiny and of their right under subsection (2) to request the Central Board to make or consider specific amendments thereto.

(4) The Central Board shall consider all requests under subsection (2) received by it within 1 month of the end of the 12 weeks' period prescribed by subsection (1) and may amend the draft general land use plan to take account thereof.

(5) Where the Central Board considers that a request under subsection (2) which may have been posted within 2 weeks of the end of the 12 weeks' period prescribed by subsection (1) cannot or is unlikely in the ordinary course of post to be received by the Board within the 1 month period prescribed by subsection (4) it shall extend that period by such further period as will in the Board's opinion render it likely that that request will be received in the ordinary course of post within the further period.

(6) After consideration by the Central Board in accordance with subsections (4) and (5) of every request under subsection (2), the draft general land use plan shall be submitted to the Secretary together with all such requests of which no or only partial account has been taken by the Central Board.

(7) The Minister after consideration of every request submitted with the draft general land use plan under subsection (6) may approve that plan.

(8) A draft general land use plan approved by the Minister under subsection (7) and certified to that effect by the Secretary shall be the general land use plan for the designated area it depicts.

(9) The secretary of the Central Board shall prepare a copy of every general land use plan and within 14 days of its certification under subsection (8) shall transmit 1 copy to the Local Board for the designated area the plan depicts.

Detailed land use plan to be prepared

11. (1) After receipt by the local board of the copy of the general land use plan transmitted to it under section 10 (9) a detailed land use plan, shall be prepared in accordance with this Part and with any rules or directions which may be made or given by the Central Board.

- (2) A detailed land use plan shall consist of a plan or a series of plans at a suitable scale indicating precisely the use or class of use to which every part of the land depicted on the general land use plan may be permitted to be put on development or redevelopment
- (3) Subject to any directions which may be given by the Central Board the use or class of use to which any part of the land may be permitted to be put indicated on a detailed land use plan shall conform to the use or class of use indicated for that part by the general land use plan.

Preparation and approval of detailed land use plan

- 12.** (1) A draft detailed land use plan shall be prepared by the local board within 6 months of receiving the copy of the general land use plan transmitted to it under section 10 (9):

Provided that where the Central Board, with the approval of the Minister, considers it proper to do so after receiving submissions from a local board, it may --

- (a) extend the period within which the detailed land use plan is to be prepared either until a particular date of indefinitely, and in the latter case the detailed land use plan need not be prepared until such time as the Central Board requests that it be prepared; or
 - (b) Authorise the local board to prepare a detailed land use plan for only part or parts of the area covered by the general land use plan, and in doing so extend the time for preparation of the detailed land use plan as provided or in subparagraph (a).
- (Proviso Added, 10 of 80, s.2)*

- (2) If it appears to a local board when preparing the draft detailed land use plan that minor amendment of the general land use plan would be desirable the Board may so recommend to the Central Board which shall consider the recommendation and may with the approval of the Minister accordingly amend the general land use plan.
- (3) The draft detailed land use plan prepared by the local board or a copy thereof shall be open to scrutiny by members of the public for 12 weeks during normal office hours at such Government or local government council office within the designated area as the local board shall determine and where the local board considers it necessary in the public interest at such other place or places within the designated area as it shall determine.

- (4) Any person may in writing delivered or transmitted to the local board request the making or consideration of specific amendments to the draft detailed land use plan.
- (5) The local board shall take all reasonable steps to inform members of the public that the draft detailed land use plan is open to public scrutiny and of their right under subsection (4) to request the making or consideration of specific amendments thereto.
- (6) The local board shall consider all requests under subsection (4) received by it within 2 weeks of the end of the 12 weeks' period prescribed by subsection (3) and may amend the draft detailed land use plan to take account thereof.
- (7) After consideration by the local board in accordance with subsection (6) of every request under subsection (4) the local board shall transmit to the Central Board a copy of the draft detailed land use plan together with all such requests of which no or only partial account has been taken by the local board.
- (8) The Central Board shall consider every draft detailed land use plan and every request under subsection (4) which or a copy of which has been transmitted to it under subsection (7) and may direct the local board to amend or may itself amend the draft plan.
- (9) After consideration of a draft detailed land use plan and of every request under subsection (4) transmitted to it under subsection (7) the Central Board may approve the draft plan with or without amendment.
- (10) A draft detailed land use plan approved by the Central Board under subsection (9) and certified to that effect by the chairman and secretary shall be the detailed land use plan for the designated area depicted in the corresponding general land use plan.
- (11) Every local board shall cause a copy of the detailed land use plan to be transmitted to the Central Board as soon as practicable after it has been certified under subsection (10).

Colours and symbols to be used on land use plans

- 13.** The uses or classes of use referred to in sections 9 (3) and 11 (2) shall be indicated on a general or detailed land use plan by such colours, shading, letters, numbers or other symbols as the Central Board may determine or direct.

Substitution of new general land use plan

14. (1) A new general land use plan may at any time be substituted for an existing general land use plan in which case sections 9, 10, 11 and 12 shall apply.
- (2) Any draft detailed land use plan prepared in consequence of the substitution of a new general land use plan under subsection (1) shall on certification under section 12 (10) be the detailed land use plan for the designated area depicted in that general land use plan and shall be substituted for the existing detailed land use plan if any.

Amendment of general and detailed land use plan

15. (1) Subject to the provisions of this section the Central Board may at any time with the approval of the Minister amend a general land use plan.
- (2) No general land use plan shall be amended under this section unless members of the public have been given such opportunity to make representations in relation to the proposed amendment as the Minister considers appropriate having regard to the nature of the proposed amendment.
- (3) Where in the opinion of the chairman of the Central Board the proposed amendment to a general land use plan is as extensive as to amount to the substitution of a new plan section 14 shall apply.
- (4) Subject to the provisions of this section the Central Board or a local board with the approval of the Central Board may at any time amend a detailed land use plan.
- (5) No detailed land use plan shall be amended—
- (a) By the Central Board unless the local board has been given the opportunity to make representations in relation to the proposed amendment; or
- (b) by the Central Board or a local board unless members of the public have been given such opportunity to make representations in relation to the proposed amendment as the Central Board considers appropriate having regard to the nature of the proposed amendment.

(6) Every local board shall at least once in every 3 years review the detailed land use plan.

Public to be advised of land use plan

16. Every local board shall take all reasonable steps to advise the public of the existence of the general and detailed land use plans and of the draft general and detailed land use plans for the designated area for which the local board is established and to explain to the public the purpose and effect or intended purpose and effect of those plans.

PART IV DEVELOPMENT CONTROL AND APPEALS

Penalty for unlawful development or redevelopment

17. ~~Any person who develops or redevelops land within a designated area for which there is a general land use plan without then having valid permission in writing so to do grant by a local board or who fails to comply with the terms or conditions of any such permission shall be liable to a fine of \$5000:~~

~~Provided that it shall not be an offence under this section to carry out works for the repair, maintenance, improvement or other alteration of a building without permission so to do granted by a local board if those works affect only the interior of the building or do not materially affect the external appearance of the building.~~

17. (1) No person shall develop or redevelop land within a designated area without having valid permission in writing for that purpose, issued in accordance with a general land use plan.

(2) Any development commenced before the Minister issues a notice designating any area under section 3, may only be continued without valid permission in writing, to the extent necessary to shore up the development or otherwise protect life, health or physical property damage.

(3) It shall not be an offence under this section to carry out works for the repair, maintenance, improvement or other alteration of a building without the permission of a local board, if those works affect only the interior of the building, or do not significantly affect the external appearance of the building.

Developments not to be permitted save in accordance with land use plans

18. (1) Subject to the provisions of this Part a local board shall not grant permission for development or redevelopment within a designated area unless that development or redevelopment is in accordance with the general land use plan and with the detailed land use plan, if any, for that area.

(2) Where the development involves the subdivision of land, the local board shall not grant permission unless –

(a) The local board has caused to be notified persons likely to be affected, and has taken into account any comments made by them;

(b) The sizes of each of the parts of land resulting from the subdivision are adequate for their intended purpose; and

(c) Appropriate arrangements have been made for access to all the parts of land in that subdivision.

(3) In the preceding subsection the phrase “persons likely to be affected” includes, without derogating from the general meaning of the phrase, co-owners of the applicant and owners of adjoining properties.

Applications for permission to develop land

19. (1) any person wishing to develop or redevelop land within a designated area may apply to the local board established for that area for permission so to do.

(2) Every application under subsection (1) shall be in writing and shall where the local board so requires be supported by—

- (a) Drawings clearly indicating—
 - (i) The land to be developed or redeveloped; and
 - (ii) the sitting of any works or structure proposed to be carried out or erected on the land in relation to the boundaries thereof; and

(b) details in writing, which may be upon the drawings prescribed by paragraph (a), of the type of development or redevelopment proposed including the use to which the land or any works or structure thereon are intended to be put in consequence thereof.

(3) In any case where the local board so determines the name and address of the person making an application under subsection (1) and a summary of the permission sought shall forthwith be published by exhibition at such Government or local government council office within the designated area as the local board shall also determine and thereafter for 14 days that application and the supporting documents, if any, prescribed by subsection (2) shall be there open to scrutiny by members of the public during normal office hours.

Local boards to consider applications for development permission

20. (1) Subject to subsection (2) the local board shall as soon as practicable consider every application under section 19 together with such written and oral submissions or representations as the applicant or any other person may wish to make in respect thereof and after taking into account all the relevant factors may grant the permission sought subject to such terms, conditions and modifications as the board may deem fit to impose:

Provided that no application that has been open to public scrutiny under section 19 (3) shall be considered by a local board earlier than 7 days after the end of the 14 days' period therein prescribed.

(2) No decision shall be taken by a local board under subsection (1) unless notice in writing of the date on which the application together with submissions and representations is to be considered by the board has at least 7 days before that date—

- (a) Been given to the applicant; and
 - (b) Where the application has been open to public scrutiny at a Government or local government council office under section 19 (3), been published by exhibition at that office.
- (3) The local board shall within 7 days of making a decision under subsection (1) transmit that decision in writing to the applicant and, where the application in question has been

open to public scrutiny at a Government or local government council office under section 19 (3), publish the same by exhibition at that office.

Appeal from local to Central Board

21. (1) Any person aggrieved by a decision of a local board under section 20 may appeal against that decision to the Central Board if within 1 month of that decision being made notice in such form on payment of such fee as may be prescribed has been given to the secretary of the Central Board.
- (2) The Central Board or the chairman thereof may in any case extend the time within which notice of appeal under this section is required to be given.
- (3) The Central Board shall inform the local board and, where he is not the appellant, the original applicant under section 19 of the appeal and shall within 1 month of the receipt of the notice of appeal under subsection (1) consider the appeal taking into account the material land use plans and all other relevant factors.
- (4) The Central Board shall either affirm the decision of the local board or direct the local board—
- (a) Where permission has not been granted under section 20 to grant the permission sought subject to such terms, conditions and modifications as the Central Board may specify;
- (b) Where permission has been granted under section 20—
- (i) To revoke that permission; or
- (ii) To substitute for that permission fresh permission containing such terms and conditions as the Central Board may specify; or
- (iii) To alter that permission in the manner specified by the Central Board.
- (5) The Central Board shall transmit a copy of every order made under subsection (4) to the appellant, to the local board and in any event to the original applicant under section 19 within 7 days of the order being made.

Provision for further appeal

22. (1) Any person aggrieved by a decision of the Central Board under section 21 (4) may appeal against that decision on the ground that it was wrong in law to the High Court if within 1 month of the decision being made notice in such form on payment of such fee as may be prescribed has been given to the Registrar of the High Court.
- (2) A judge in the case of an appeal under subsection (1) may in any case extend the time within which notice of appeal under this section is required to be given.
- (3) The High Court shall either affirm the decision of the Central Board or direct the local board in accordance with section 21 (4) as if the references therein to the Central Board were references to the High Court.
- (4) The High Court shall transmit a copy of every order made by it under subsection (3) to the appellant, to the local board in question and in any event to the Central Board, to the original applicant under section 19 and to the original appellant to the Central Board within 7 days of the order being made.

Central Board may state a case for High Court

23. (1) The Central Board may, in respect of any appeal to it under section 21, on its own motion state a case setting forth the material facts and requesting the determination of a question or questions of law arising therefrom by the High Court.
- (2) The High Court shall hear and determine the question or questions of law arising on a case stated under subsection (1) and shall transmit a copy of its determination to the Central Board within 7 days of the determination.
- (3) The Central Board shall inform the appellant, the local board in question and in any event the original applicant under section 19 of any determination of the High Court under subsection (2) and shall then decide the appeal in accordance with section 21 (4).
- (4) The provisions of this section shall be without prejudice to the provisions of section 22:

Provided that no person may appeal against a decision of the Central Board made after a determination on a case stated under this section without leave of the High Court.

Right of audience on appeal

24. (1) Before an order is made by the Central Board under section 21 (4) the appellant, the local board and in any event the original applicant under section 19 shall be entitled to make to the Central Board, and before an order is made by the High Court under section 22 (4) the appellant and in any event the Central Board, the original applicant and the original appellant to the Central Board shall be entitled to make to the Court—
- (a) Oral submissions either in person or by an advocate or other person;
 - (b) Written submissions either in addition to or in substitution for oral submissions under paragraph (a).
- (2) Before the High Court makes a determination on a case stated under section 23 the appellant in the appeal to the Central Board in respect of which the case has been stated, the Central Board and in any event the original applicant under section 19 shall be entitled to make to the Court both oral and written submissions in the manner prescribed by subsection (1).

Period of validity of permission to develop or redevelop land

25. (1) If within 1 year of the grant of permission by a local board under this Ordinance to develop or redevelop land within a designated area no development or redevelopment in accordance with that permission takes place the permission shall forthwith cease to be valid and shall be deemed to have been revoked.
- (2) Where permission ceases to be valid by virtue of subsection (1) a fresh application for permission may be made under section 19.

Non-conforming land uses

26. (1) Notwithstanding the other provisions of this Ordinance a local board may grant permission for the use to which any land within a designated area or any works or structure thereon are put at the time the general land use plan for that area comes into effect to continue notwithstanding that that use is not in accordance with the general or detailed land use plan.

- (2) A local board may at any time revoke any permission granted under subsection (1) if reasonable notice of its intention so to do has first been given.
- (3) Where permission is revoked under subsection (2) compensation shall be paid and the amount thereof shall be determined in the manner which may be prescribed.
- (4) Any person aggrieved by a revocation of permission under subsection (2) shall have the rights of and on appeal conferred by sections 21, 22 and 24.

Non-complying use not to continue

27. Where permission for the use to which land or any works or structure thereon may be put is granted under section 26 no permission subsequently granted under section 20 shall permit the continuance of that use unless the Central Board so directs.

Power to require the discontinuance and demolition of any unlawful development

28. (1) Any person responsible for any unlawful development or redevelopment may be required in writing by the local board to discontinue the same and to remove, dismantle or demolish any works or structure or part thereof in being in consequence of that development or redevelopment.
- (2) Any person who wilfully and without reasonable excuse, the proof whereof shall lie on him, fails to comply with a requirement under this section shall be liable to a fine of \$5000.
- (3) The local board may cause any works or structure or part thereof referred to in subsection (1) to be removed, dismantled or demolished if within 6 weeks of a requirement under subsection (1) being served that requirement has not been fully complied with.
- (4) The Attorney-General may recover in any court from any person responsible for the unlawful development or redevelopment the cost occasioned by the removal, dismantling or demolition of any works or structure or part thereof under subsection (3)
- (5) No compensation shall be payable in respect of any action taken by a local board under this section.

Transitional provision

29. Any person who continues the use to which any land within a designated area or any works or structure thereon are put at the time the general land use plan for that area comes into effect shall for the following periods be deemed to do so in accordance with valid permission granted him under section 20 notwithstanding that no such permission has in fact been granted—
- (a) until the expiration of 1 month from the date on which he is given notice in writing by the local board that this section shall no longer apply to that use, and
 - (b) Thereafter for so long as any application to continue that use made under section 19 within the period prescribed by paragraph (a) has not been finally disposed of on appeal or otherwise.

PART V GENERAL

Registers and returns

30. (1) The Central Board shall maintain a register in such form as it may determine and shall record therein the result of every appeal to the Board under section 21 and of every appeal against a decision of the Board under section 22.
- (2) Every local board shall maintain a register in such form as may be prescribed and shall record therein details of every application under section 19 and of every permission granted under section 20 or in compliance with a direction of the Central Board under section 21 or the High Court under section 22.
 - (3) Every local board shall submit to the Central Board in such form as may be prescribed and on such occasions as may be prescribed or as the Central Board may direct the result of every application under section 19.

Central Board to exercise control over local boards

31. (1) The Central Board may by direction exercise control over and supervision of local boards.

- (2) Without prejudice to subsection (1) the Central Board may direct a local board in exercise of its powers to grant permission to develop or redevelop land not to permit more than a specified density of development or a subdivision of land which does not comply with specified standards, relating to size and access.
- (3) Every local board shall comply with all directions which may be given to it by the Central Board under this Ordinance.

Power of local boards to make regulations

32. (1) A local board may in consultation with the Central Board and with the approval of the Minister make rules prescribing the design, structure and materials to be employed in the construction of any works, building or other structure within the designated area for which that board is established.
- (2) Rules made under this section shall be published by exhibiting publicly a copy of them, together with a translation thereof in the vernacular approved by the Central Board, at the office of the local board by which they were made where that board is a local government council and in every other case at the office of a local government council situated within the designated area for which the local board is established or where there is no such office at a Government office situated within that area.
 - (3) Rules made under this section shall come into operation on the date of publication under subsection (2).
 - (4) A copy of a notice purporting to have been published at an office specified in subsection (2) and containing rules purporting to have been made under this section shall without further proof be *prima facie* evidence in all courts and for all purposes whatsoever of the due making and publication of those rules in accordance with this section and of the tenor and date of publication of those rules.
 - (5) Rules made under this section may provide that failure to comply with them shall be punishable by a fine of \$1000.

Power of Central Board to make regulations

33. (1) Subject to section 34 the Central Board may with the approval of the Minister make rules—

- (a) Prescribing the forms and registers to be used and maintained under this Ordinance;
 - (b) Prescribing the fees payable under this Ordinance;
 - (c) Regulating the practice and procedure of the Central Board when acting as an appellate tribunal under this Ordinance;
 - (d) Providing for the control of development and redevelopment;
 - (e) Generally for the better carrying into effect of the provisions, objects and intentions of this Ordinance.
- (2) Rules made under this section may provide that failure to comply with them shall be punishable by a fine of \$1000.

Power of Minister to make regulations

34. Only the Beretitenti, acting in accordance with the advice of the Cabinet may make regulations in respect of the payment of compensation prescribed by section 26--

- (a) Prescribing the manner in which such compensation shall be paid and the amount thereof shall in each case be determined;
- (b) Providing for appeals from determinations of the amount of such compensation;
- (c) Prescribing the procedure to govern such appeals including the forms of notice of appeal, the fees payable in respect thereof and the rights of audience thereon.

NOTES

1. The Land Planning Ordinance No.14 of 1972 commenced 1 January 1973
2. The Revised Edition 1998 of the Land Planning Ordinance incorporates the following amendments:
 - (1) (Cap.93 of 1973)
 - (2) 18 of 1974
 - (3) 26 of 1977
 - (4) 1 of 1979
 - (5) 10 of 1980