

[LEGAL NOTICE NO. 64]

TOWN PLANNING ACT 1946

Town Planning (Presentation and Notification of Schemes) (Amendment) Regulations 2022

IN exercise of the powers conferred on me by section 45 of the Town Planning Act 1946, I hereby make these Regulations—

Short title and commencement

1.—(1) These Regulations may be cited as the Town Planning (Presentation and Notification of Schemes) (Amendment) Regulations 2022.

(2) These Regulations come into force on the date of publication in the Gazette.

(3) In these Regulations, the Town Planning (Presentation and Notification of Schemes) Regulations 1960 is referred to as the “Principal Regulations”.

Regulation 1A inserted

2. The Principal Regulations are amended after regulation 1 by inserting the following new regulation—

“Interpretation

1A. In these Regulations, unless the context otherwise requires, “Permanent Secretary” means the permanent secretary responsible for town planning.”.

Regulation 4 amended

3. The Principal Regulations are amended by deleting regulation 4 and substituting the following—

“Public notification of provisionally approved schemes

4.—(1) When the Director has provisionally approved a scheme in accordance with the Act, the local authority is to be informed of the provisionally approved scheme as soon as practicable.

(2) The local authority must, immediately upon receipt of the provisionally approved scheme, notify the applicant before publicly notifying the provisionally approved scheme by notice in the Gazette and a daily newspaper, or any other form of media, including electronic publication, as the local authority deems necessary.

(3) An applicant for which a scheme is provisionally approved by the Director must, erect at the area covered by the scheme, a notice of the provisionally approved scheme.”.

Regulations 5 to 8 inserted

4. The Principal Regulations are amended after regulation 4 by inserting the following new regulations—

“Objection to a provisionally approved scheme

5. Every owner or occupier of land within the area covered by a scheme may, within 14 days from the date the provisionally approved scheme was published in the Gazette under regulation 4, make an objection to the provisionally approved scheme by notice addressed to the local authority and the Director.

Determination of objection

6. The Director must, in consultation with the local authority, provide a determination on the objection, in writing, within 7 days from the date the notice of objection to the scheme is received by the Director.

Appeal

7.—(1) Any appeal of the determination of an objection under regulation 6 must be submitted to the Permanent Secretary within 14 days from the date the Director made the determination.

(2) The appeal must be from an owner or occupier of land within 1 kilometre of the area covered by the scheme.

(3) Notwithstanding subregulation (2), the Permanent Secretary may consider any appeal from an owner or occupier of land outside the area referred to in subregulation (2).

(4) The determination of the appeal by the Permanent Secretary must be conveyed to the owner or occupier of land within 7 days from the date the notice of appeal is received by the Permanent Secretary.

Final approval of scheme

8.—(1) The Director may make a determination on the final approval of a scheme within 21 days from the date the scheme was published in the Gazette under regulation 4.

(2) Where the Director has given final approval of a scheme in accordance with the Act, the local authority must be informed of the final approval of the scheme as soon as practicable.

(3) The local authority must, immediately upon receipt of the final approval of the scheme, notify the applicant before publicly notifying the final approval of the scheme by notice in the Gazette and a daily newspaper, or any other form of media, including electronic publication, as the local authority deems necessary.”.

Made this 6th day of May 2022.

F. S. KOYA
Minister responsible for town planning