

**SECTION 23-THE TOWN AND COUNTRY PLANNING
SUBDIVISION ORDER**
Order by the Minister

*Government
Notices
349 of 1962
97 of 1964
Statutory
Instrument
65 of 1965*

1. This Order may be cited as the Town and Country Planning Subdivision Order.

Title

2. This Order shall apply to all land in the Republic to which section *three* of the Act applies.

Application

3. In this Order, unless the context otherwise requires-

Interpretation

"planning authority" means a planning authority to which functions have been delegated under the provisions of section *twenty-four* of the Act.

(As amended by No. 65 of 1965)

4. As from the appointed day all subdivisions in the areas to which this Order applies shall require the grant of permission for the purposes of Part V of the Act.

Grant of permission

5. (1) An application to the Minister or planning authority, as the case

Application for grant of

may be, for any permission required under this Order shall, unless otherwise provided in this Order, be made in accordance with the provisions of the Town and Country Planning (Application for Planning Permission) Regulations.

permission

(2) For the avoidance of doubt it is hereby declared that, on receipt of an application for permission to subdivide made under the provisions of section *twenty-five* of the Act, the Minister or planning authority may-

- (a) demand further information from the applicant; or
- (b) demand that public notice inviting objection to the application within a specified time in the form set out in the Schedule shall be given at the cost of the applicant; or
- (c) approve the application subject to such written conditions as is deemed fit to impose in accordance with the Third Schedule to the Act, and any person developing the land pursuant to such approval shall comply with all conditions so imposed; or
- (d) approve the application in principle and require a detailed application to be submitted in terms of subsection (3) of section *twenty-eight* of the Act; or
- (e) reject the application and state the reasons for the rejection.

(3) Where an applicant so desires, an application, hereinafter called an application in principle, may be made under sub-paragraph (1), and any approval thereof shall be subject to the subsequent approval of the Minister or planning authority of a detailed application.

(4) On receipt of any application for permission to subdivide, the Minister or planning authority, as the case may be, shall send to the applicant an acknowledgment thereof, which acknowledgment shall not be deemed to be a notice or document for the purposes of paragraph 13.

6. (1) Before granting permission to subdivide in either of the following cases, whether unconditionally or subject to conditions, the Minister or planning authority shall consult with the following authorities:

Consultations

(a) where it appears to the Minister or planning authority that any development likely to arise out of such subdivision is likely to affect adversely land in the area of any local or township authority, with that authority;

(b) where it appears to the Minister or planning authority that any development likely to arise out of such subdivision is likely to create or attract traffic which will result in material increase in the volume of traffic entering or leaving a main road or using a level crossing over a railway, with the appropriate highway or railway authority.

(2) The Minister or planning authority shall give not less than fourteen days' notice to the authority required to be consulted that such an application is to be taken into consideration and shall not determine the application until after the expiration of the period mentioned in such notice and shall, in determining the application, take into account any representations or objections received from such authority.

7. On referring any application to the Minister pursuant to a direction in that behalf under the provisions of section *twenty-six* of the Act, a planning authority shall, within seven days of the receipt of the direction, serve on the applicant notice of the terms of the direction and of any reasons given by the Minister for issuing the direction, and such notice shall inform the applicant that the application has been referred to the Minister who shall, if the applicant so desires, afford him or his representative an opportunity of appearing before and being heard by a person appointed by the Minister for that purpose.

Reference of applications to the Minister

8. (1) The Minister or planning authority shall in every case serve notice on the applicant of his or its decision.

Notification to applicants

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

(3) Every such notice shall be in writing and, in the case of an application for permission or approval where the Minister or planning authority decides to grant such permission or approval subject to conditions or to refuse it, he or it shall state the reasons therefor in such

notice.

9. The Minister or planning authority, as the case may be, shall keep a separate register containing the following information in respect of all applications for permission to subdivide land with which he or it is concerned, namely:

Register of applications

(a) particulars of any application for permission to subdivide made to him or it in respect of any land, including the stand, plot, lot or farm number of the property and the road, district and town in which it is situate, the name and address of the applicant, the registered number and date of receipt of the application, and brief particulars of the subdivision forming the subject of the application;

(b) particulars of any direction given under the Act or this Order in respect of the application;

(c) the decision of the Minister or planning authority in respect of the application and the date of such decision;

(d) the date and effect of any decision of the Minister in respect of any application referred to him under section *twenty-six* of the Act;

(e) the date and effect of any determination or order of the Tribunal in respect of an appeal against a decision on the application;

(f) the date and effect of any decision of the High Court in respect of an appeal against the determination of the Tribunal.

10. Every register shall contain an index in the form of cards, each card to contain the stand, plot, lot or farm number of the property which is the subject of the application and the road, district and town in which it is situate, the name and address of the applicant and the registered number of the application and to be filed by townships in numerical sequence according to the stand or plot number and by lots or farms in numerical sequence according to the lot or farm number.

Index to register

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

Entry in register

12. The register shall be kept at the offices of the Minister or the planning authority, as the case may be, and made available for inspection by the public during normal hours of official business.

Inspection of register

13. Any notice or other document to be served or given under this Order shall be served or given in accordance with the provisions of section *fifty* of the Act:

Provided that any notice of an unconditional grant of planning permission which is to be served under paragraph 8 may be served in accordance with the provisions of section *fifty* of the Act as though the word "registered" were deleted from the said section.

(As amended by No. 97 of 1964)

SCHEDULE

(Form of advertisement)

THE TOWN AND COUNTRY PLANNING ACT

(Section 28)

APPLICATION FOR PERMISSION TO SUBDIVIDE

NOTICE IS HEREBY GIVEN that
of
has applied to thePlanning Authority/Natural Resources Board/Minister of Provincial and Local Government 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 at
.....and may be inspected free of charge between
the hours of and on
and
*until the day of, 19.....

Any person who wishes to make any representations on or objections to the proposed subdivision should serve notice of such representations or objections in writing on the Planning Authority/
Natural Resources Board/Minister of Provincial and Local Government, P.O. Box,
.....not later than the **
day of, 19..... 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 thisday
of19.....

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

**Not less than twenty-eight days from the date of the first advertisement shall be allowed for the submission of representations and objections.