

TOWN AND COUNTRY PLANNING ACT
(Act No. 4 of 2013)

TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT)
ORDER, 2014

(Published on 16th May, 2014)

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SCHEDULE

IN EXERCISE of the powers conferred on the Minister of Lands and Housing by section 22 of the Town and Country Planning Act, the following Order is hereby made —

- Citation 1. This Order may be cited as the Town and Country Planning (General Development) Order, 2014.
- Interpretation 2. In this Order, unless the context otherwise requires —
- “aerodrome” means any area of land or water designed, equipped, set apart or commonly used for affording facilities for the landing and departing of aircraft;
- “authorised person” means a member or officer of the responsible authority authorised by such authority;
- “development control code” means the code incorporated in the development plan;
- “industrial process” means any process carried out in the course of trade or business for or incidental to any of the following purposes —
- (a) the making of any article or part thereof;
 - (b) the altering, repairing, ornamenting, finishing, cleaning, washing, packing, canning, adapting for sale, breaking up or demolition of any article; or
 - (c) the getting, dressing or treatment of minerals,
- and for the purpose of this definition;
- “article” means an article of any description, including a ship or other vessel;
- “industrial undertakers” means undertakers by whom an industrial process is carried on;
- “large scale development” means a development which involves —
- (a) more than 20 dwelling units;
 - (b) a commercial enterprise of more than 500m² of floor area;
 - (c) an industrial development of more than 1000m² of floor area; or
 - (d) a single use of land greater than 10ha;
- “local authority” includes a land board;
- “painting” includes any application of colour;
- “physical planning committee” means a committee appointed by the planning authority under section 5;
- “planning area” means any planning area to which this Order applies pursuant to paragraph 1;
- “planning permission” means the permission required under Part V of the Act for any development of land carried out in a planning area;
- “private way” means a road or footpath which is not maintained at the public expense;
- “proposed development” means, in respect of any application for planning permission, the development for which permission is thereby sought; and
- “the responsible authority” means the authority to which the functions of the planning authority to grant or refuse planning permission in respect of the planning area or the part in question of the planning area have been transferred by the Minister under section 36 (1) of the Act, whatever the conditions, limitations or reservations subject to which that transfer may have been effected.

3. Subject to paragraph 4, any development of any class specified in the first column of the Schedule may be carried out without planning permission —
Grant of planning permission

Provided that —

- (i) in the case of any development so specified, the right to carry out such development of class specified shall be subject to the conditions and limitations, if any, specified in the corresponding entry or entries in the second column of the Schedule; and
- (ii) such right shall not extend to any development which would be contrary to any condition subject to which planning permission has been granted otherwise than under this paragraph.

4. (1) Where the Minister is satisfied that it is expedient that development of any class specified in the Schedule or development of any kind within such a class ought not to be carried out in the planning area or in any part thereof without the permission of the planning authority or of the responsible authority, the Minister may, by Order published in the *Gazette*, provide that the right to carry out any development under paragraph 3 shall not extend to development of that class or to development of that kind in the planning area or in that part of the planning area. Restriction on grant of planning permission under paragraph 3

(2) The Minister shall not make such order under subparagraph (1) in respect of development of any class specified in Group V of the Schedule or in respect of development of any kind within such a class unless he or she has first consulted the Minister responsible for minerals, energy and water resources on the terms thereof.

5. (1) Any development may be carried out if failure to carry out such development is likely to result in loss of human life, serious of physical harm to any person or serious damage to property. Grant of planning permission in case of emergency

(2) Every developer undertaking developments under subparagraph (1) shall apply for planning permission for regularisation.

6. (1) Every application for planning permission shall be lodged with the planning authority unless there is a responsible authority for the planning area or for the part of the planning area in which the proposed development is to be carried out in which case the application shall be lodged with the responsible authority. Application for planning permission

(2) Every application for planning permission shall —

- (a) be made in such form as shall be made available for that purpose at the principal office of the planning authority or of the responsible authority; and
- (b) be accompanied by a plan sufficient to identify the land to which the application relates and by such plans and drawings as may be necessary properly and clearly to describe the proposed development together with such number of copies of the application form and of the plans and drawings as the planning authority or the responsible authority may from time to time require.

(3) Where an application for planning permission is made on the basis that the proposed development is not in conformity with the relevant development plan and the development control code, the application shall be accompanied, in addition to the documents required by subparagraph (2) (b), by a written statement setting out the precise manner in which the proposed development differs with the relevant development plan and the reasons why, in the applicant's opinion, planning permission ought nevertheless to be granted.

(4) Where an application for planning permission is lodged with the planning authority or with the responsible authority in accordance with this paragraph, the planning authority or the responsible authority shall cause to be served forthwith on the applicant written confirmation that the application has been so lodged.

(5) Every application for change of land use shall be published by the applicant in the *Gazette* and in one newspaper circulating in the planning area providing details of the proposed amendments and the places where the plans for such development may be inspected.

(6) Any objections made to the proposal referred to in subparagraph 5, shall be made, in writing, to the planning authority within 14 days of the publication of the notice.

(7) The planning authority shall address any objections raised under subparagraph (6) before the application is referred to the physical planning committee.

7. (1) For the purpose of considering or determining an application for planning permission, the planning authority or the responsible authority may, by written directions served on the applicant, require him or her —

- (a) to provide such further information and submit such further plans and drawings in relation to the application as the planning authority or the responsible authority may think it necessary to have; and
- (b) to produce to an officer of the planning authority or of the responsible authority such evidence as the planning authority or the responsible authority may reasonably call for in order to verify any information, plan or drawing provided or submitted under this subparagraph.

(2) For the purpose of considering or determining an application for planning permission, the planning authority or the responsible authority shall —

- (a) determine and take into account whether the proposed development is in conformity with the relevant development plan and the development control code; and
- (b) where it determines that the proposed development is in conformity with the relevant development plan and the development control code, further determine whether the applicant is entitled to carry out such development under paragraph 3.

(3) If, at the expiry of the period of seven weeks or of such extended period for which provision has been made under subparagraph (4) immediately after an application for planning permission has been lodged with the planning authority or referred to it by the responsible authority, the planning authority has failed —

- (a) to give notice to the applicant of its decision; or
- (b) to give notice to the applicant that the application has been referred to the Minister in accordance with directions given by the Minister under section 25 of the Act,

permission for the proposed development shall be deemed, for the purposes of the Act, to have been refused by the planning authority and notification of the planning authority's decision shall be deemed, for the purposes of the Act, to have been received by the applicant at the expiration of the aforesaid period of seven weeks or of such extended period for which provision has been made under subparagraph (4) and section 27 of the Act shall apply accordingly.

(4) The period of seven weeks prescribed by subparagraph (3) may be extended by such period —

- (a) as the Minister may in writing direct, on application being made to him or her by the planning authority for this purpose; or
 - (b) as the applicant may, in writing addressed to the planning authority, agree to.
- (5) Where the period of seven weeks prescribed by subparagraph (3) is extended by the Minister under subparagraph (4) (a), the Secretary of the planning authority shall forthwith serve written notice on the applicant of the extension.
- (6) The responsible authority shall, within five weeks or within such extended period for which provision has been made under subparagraph (8), immediately after an application for planning permission has been lodged with it, grant permission for the proposed development or refer the application to the planning authority in accordance with subparagraph (9).
- (7) Subparagraph (6), shall not apply where the application has been referred to the Minister in accordance with directions given by him or her under section 25 of the Act.
- (8) The period of five weeks prescribed by subparagraph (6) may be extended by such period as the applicant may, in writing addressed to the planning authority, agree to.
- (9) Where an application for planning permission has been lodged with the responsible authority, the responsible authority may, for any reason, refer the application to the planning authority for determination.
- (10) Notwithstanding subparagraph (9), the responsible authority shall refer the application to the planning authority where —
- (a) the application is made on the basis that the proposed development is not in conformity with the relevant development plan and the development control code;
 - (b) although the application is not made on that basis, the responsible authority is nevertheless of the opinion that the proposed development is not in conformity with the relevant development plan and the development control code;
 - (c) the proposed development is a large scale development; or
 - (d) responsible authority is of the opinion, for any reason, that permission for the proposed development ought to be refused.
- (11) An application for planning permission shall not be referred to the planning authority under subparagraph (9), unless the responsible authority has fully considered the application in accordance with this paragraph.
- (12) Where an application for planning permission is referred to the planning authority in accordance with subparagraph (9), the responsible authority shall transmit to the planning authority —
- (a) such number of copies of the application form and of all other documents submitted to the responsible authority in connection with the application as the planning authority may from time to time require;
 - (b) all such information or evidence as may have been provided or produced to the responsible authority in connection with the application; and
 - (c) a written statement setting out —
 - (i) the opinion of the responsible authority in respect of the application, and
 - (ii) where it is of the opinion that planning permission ought to be granted, the conditions, if any, subject to which, in its opinion, that permission ought to be granted.
- (13) The responsible authority shall cause to be served forthwith on the applicant a copy of every written statement transmitted to the planning

authority in accordance with subparagraph (12) (c) together with written notice of the date of the next meeting of the planning authority.

(14) Notwithstanding paragraph 6 (1), where, in the case of an application for planning permission lodged with the responsible authority, the responsible authority contravenes subparagraph (6) by failing to grant permission for the proposed development or to refer the application to the planning authority within the period of five weeks therein prescribed or within such extended period for which provision has been made under subparagraph (8), an application for planning permission may be lodged directly with the planning authority.

Power of
Minister to
give
directions
restricting
grant of
planning
permission

8. (1) Where the Minister is of the opinion that any development for which permission has been granted by the planning authority or by the responsible authority has seriously prejudiced or is likely so to prejudice the objectives of the relevant development plan and the development control code, whether that development is viewed alone or together with any other such development, he or she may give directions restricting the power of the planning authority or of the responsible authority to grant planning permission for such development or for development of such class as may be specified in the directions.

(2) Where any directions are given by the Minister under this paragraph, the planning authority or the responsible authority, as the case may be, shall comply with those directions.

Communication
of decisions
of planning
authority or
responsible
authority

9. (1) The decision of the planning authority in respect of every application for planning permission referred to it by the responsible authority in accordance with paragraph 7 (9) lodged with the planning authority under paragraph 7 (14) shall be communicated forthwith to the responsible authority and the Minister in accordance with section 24 (4), of the Act and every such communication whether to the Minister or to the responsible authority shall —

(a) where planning permission is granted by the decision, be in the form of a written statement setting out —

- (i) the applicant's full name and postal address,
- (ii) the date on which the application was referred to or lodged with the planning authority,
- (iii) the plot number or such other information sufficient to identify the land for the development of which permission has been granted,
- (iv) brief particulars of the development for which permission was sought and of the development for which permission has been granted including the conditions, if any, subject to which permission has been granted,
- (v) the date on which permission has been granted, and
- (vi) the reference number given by the planning authority to the application and, where it is known to the planning authority, the reference number given by the responsible authority to the application or, where the application was lodged with the planning authority under paragraph 7 (14), to the corresponding application originally lodged with the responsible authority; or

(b) where planning permission is refused by the decision, consist of a copy of the application form together with a copy of the written statement, setting out the reasons for the refusal, served on the applicant in accordance with paragraph 12 (a).

(2) Every decision of the responsible authority granting planning permission shall be communicated forthwith to the planning authority and the Minister in accordance with section 24 (4) of the Act and every such communication whether to the Minister or to the planning authority shall be in the form of a written statement setting out —

- (a) the applicant's full name and postal address;
- (b) the date on which the application in question was lodged with the responsible authority;
- (c) the plot number or such other information sufficient to identify the land for the development of which permission has been granted;
- (d) brief particulars of the development for which permission was sought and of the development for which permission has been granted including the conditions, if any, subject to which permission has been granted;
- (e) the date on which permission has been granted; and
- (f) the reference number given by the responsible authority to the application in question.

10. (1) Where planning permission is granted by the planning authority or by the responsible authority, the grant of permission shall be signified by the Secretary of the planning authority or authorised person, date stamping and signing such number of copies of the application form and of the plans and drawings submitted under this Order in relation to the application as the Minister may from time to time specify.

Signification
of grant of
planning
permission

(2) Where planning permission is granted by the Minister, he or she shall direct the Secretary of the planning authority to signify the grant of permission in the manner prescribed by subparagraph (1) and the Secretary shall forthwith comply with that direction.

(3) Where planning permission is granted by the Minister or by the planning authority or the responsible authority subject to conditions, a copy of the application form shall be date stamped and signed in accordance with this paragraph unless each of those conditions is clearly set out in the copy or in another document securely annexed thereto, which last document the Secretary of the planning authority or the authorised person, shall also date stamp and sign.

(4) At least one copy of every document date stamped and signed in accordance with this paragraph shall be served by the person so date stamping and signing it on the applicant.

11. (1) Where planning permission is granted by the Minister or by the planning authority or the responsible authority, the applicant shall ensure, subject to paragraph 15 (1), that at least one copy of every document date stamped and signed in accordance with paragraph 10 is kept at the site of the development in question.

Copies of
application
form, etc., in
respect of
successful
application
for planning
permission
to be kept at
development
site

(2) The person having custody of the copies kept at the site of the development in accordance with subparagraph (1) shall immediately produce those copies for inspection by authorised person of the planning authority or of the responsible authority on being required to do so at any reasonable time by such authorised person.

Procedure on refusal of planning permission by planning authority

12. Where planning permission is refused by the planning authority, the Secretary of the planning authority shall forthwith serve a copy of the application form on the applicant together with —

- (a) a written statement, signed by the Secretary of the planning authority, setting out the reasons for the refusal; and
- (b) a written statement informing the applicant of his or her right of appeal under section 27 of the Act against the planning authority's decision and setting out the procedure for appeals.

General provisions governing notices of appeal to land tribunal

13. Every notice of appeal to the land tribunal under section 27 of the Act against a refusal by the planning authority or the Minister to grant planning permission or against any condition subject to which planning permission has been granted by the planning authority or the responsible authority shall be in writing and shall be served on the land tribunal.

Appeals to land tribunal against planning authority's refusal of planning permission

14. (1) Every notice of appeal to the land tribunal against a refusal by the planning authority to grant planning permission shall include —

- (a) the appellant's full name and postal address;
- (b) the date on which the application for planning permission was referred to or lodged with the planning authority;
- (c) the date on which planning permission has or is deemed to have been refused by the planning authority;
- (d) the plot number or such other information sufficient to identify the land for the development of which permission has or is deemed to have been refused by the planning authority;
- (e) brief particulars of the development for which permission has or is deemed to have been refused by the planning authority; and
- (f) the reference number given to the application for planning permission by the planning authority.

(2) Where the land tribunal allows an appeal against a refusal by the planning authority to grant planning permission —

- (a) planning permission shall be deemed, for the purposes of paragraphs 10 and 11, to have been granted by the land tribunal; and
- (b) where the appeal was in respect of an application for planning permission referred to the planning authority by the responsible authority under paragraph 7 (9) or lodged with the planning authority under paragraph 7 (14), the land tribunal shall direct the Secretary of the planning authority to communicate the land tribunal's decision to the responsible authority and the Secretary shall forthwith comply with that direction.

(3) Every communication such as is referred to in subparagraph (2) (b) shall contain the particulars prescribed by paragraph 9 (1) (a) and the reference number given to the appeal by the land tribunal.

Appeals to land tribunal against conditions attached to planning permission

15. (1) Every notice of appeal to the land tribunal against any condition subject to which planning permission has been granted by the planning authority or the responsible authority shall be accompanied by every copy in the appellant's possession of the application form and of any other document annexed thereto, date stamped and signed in accordance with paragraph 10, and shall include —

- (a) the appellant's full name and postal address;

- (b) the date on which the application for planning permission was referred to or lodged with the planning authority or, where the application was neither referred to nor lodged with the planning authority, the date on which it was lodged with the responsible authority;
 - (c) the date on which planning permission has been granted;
 - (d) the plot number or such other information sufficient to identify the land for the development of which permission has been granted;
 - (e) brief particulars of the development for which permission has been granted; and
 - (f) the reference number given to the application for planning permission by the planning authority or, where the application was neither referred to nor lodged with the planning authority, the reference number given to it by the responsible authority.
- (2) Where the land tribunal allows an appeal against any condition subject to which planning permission has been granted by the planning authority, it shall —
- (a) transmit a certified true copy of its decision to the Secretary of the planning authority together with every copy of the application form and of any other document annexed thereto, date stamped and signed in accordance with paragraph 10, that accompanied the notice of appeal; and
 - (b) where the appeal arose out of an application for planning permission referred to the planning authority by the responsible authority under or in accordance with paragraph 7 (9) or lodged with the planning authority under paragraph 7 (14), transmit a certified true copy of its decision to the responsible authority.
- (3) On receipt of the certified true copy of the land tribunal's decision transmitted to the Secretary of the planning authority in accordance with subparagraph (2) (a), the Secretary of the planning authority shall alter every copy of the application form and of any other document annexed thereto, date stamped and signed in accordance with paragraph 10, to bring the conditions set out therein into conformity with the land tribunal's decision.
- (4) Where the land tribunal allows an appeal against any condition subject to which planning permission has been granted by the responsible authority, it shall —
- (a) transmit a certified true copy of its decision to the responsible authority together with every copy of the application form and of any other document annexed thereto, date stamped and signed in accordance with paragraph 10, that accompanied the notice of appeal; and
 - (b) transmit a certified true copy of its decision to the Secretary of the planning authority.
- (5) On receipt by the responsible authority of the certified true copy of the land tribunal's decision transmitted to the responsible authority in accordance with subparagraph (4) (a), an authorised person shall alter every copy of the application form and of any other document annexed thereto, date stamped and signed in accordance with paragraph 10, to bring the conditions set out therein into conformity with the land tribunal's decision.

(6) Where the Secretary of the planning authority or the authorised person alters any document in accordance with subparagraph (3) or (5), he or she shall make thereon or securely annex thereto his or her written certificate to the effect that he or she has altered the document to bring it into conformity with the land tribunal's decision on appeal and shall date stamp and sign the certificate.

(7) Having performed the duties imposed on him or her by subparagraph (3) or (5) and by subparagraph (6), the Secretary of the planning authority or the authorised person, shall forthwith return to the appellant every copy of the application form and of any other document annexed thereto, signed and date stamped in accordance with paragraph 10, that accompanied the notice of appeal.

Period of validity of planning permission granted by Minister, planning authority, etc.

16. (1) Planning permission granted by the Minister, by the planning authority or by the responsible authority shall be deemed, for the purposes of the Act, to be granted subject to the condition that the development for which that permission is so granted shall be completed within two years immediately after the date stamped on the relevant documents in accordance with paragraph 10.

(2) Any person to whom planning permission has been granted may at any time lodge a written application with the person or body by whom that permission was granted for the period of two years prescribed by subparagraph (1) to be extended or further extended.

(3) Every application under this paragraph shall —

(a) contain sufficient particulars to enable the original application for planning permission and any earlier application under this paragraph to be readily identified; and

(b) set out the reasons why the application is being made.

(4) The Minister, the planning authority or the responsible authority shall consider every application lodged with them under this paragraph and may, by order in writing, extend the period of two years prescribed by subparagraph (1) for such period as they may think fit.

(5) Notwithstanding subparagraph (4), where there is a responsible authority for the planning area or for the part of the planning area in which the development in question is being or is to be carried out, no such order shall be made by the Minister or by the planning authority unless the Minister or the planning authority has first consulted the responsible authority.

Notice of reference of application for planning permission to Minister

17. (1) Where the Minister gives directions to the planning authority or the responsible authority under section 25 of the Act requiring that any application for planning permission lodged with or referred to the planning authority or lodged with the responsible authority shall be referred to him or her, the planning authority or the responsible authority, as the case may be, shall, within two weeks immediately after receipt of the directions, cause to be served on the applicant written notice of the terms of the directions and of the reasons, if any, given by the Minister for giving the directions.

(2) Every notice under this paragraph shall include a statement —

(a) that the application has been or will be referred to the Minister in accordance with his or her directions; and

(b) that the Minister will, 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.

(3) All applications that have to be referred to the Minister under subparagraph (1), shall be those referred to the Minister in the national interest.

18. (1) The register required to be kept by the planning authority under section 23 (3) of the Act as read with section 36 (2) of the Act (in this paragraph referred to as "the planning authority's register") shall be kept in two parts at the principal office of the responsible authority in accordance with this paragraph.

Planning authority's register of applications planning permission

(2) The first part of the planning authority's register shall be in respect of applications for planning permission in respect of which the planning authority has granted planning permission and shall be kept by retaining, for at least seven years, a copy of every application form together with a copy of every plan and drawing submitted to the planning authority under this Order in connection with every such application.

(3) The second part of the planning authority's register shall contain in respect of every application lodged with the planning authority under paragraph 7 (14), the following information —

- (a) particulars of the application, including the applicant's full name and postal address, the date of the application and brief particulars of the development in question; and
- (b) particulars of any decision or directions made or given under the Act or this Order in respect of the application, including any such decision or directions made or given on appeal or on a reference under section 25 of the Act or under paragraph 7 (9).

19. (1) Where a notice or other document is required to be served on any person by this order, the service may be effected —

Service

- (a) by personal service;
- (b) by post;
- (c) by leaving it for him or her with some person apparently over the age of 16 years at his or her usual or last known place of abode or business;
- (d) in the case of a corporate body or an association of persons, whether incorporated or not, by delivering it to the chairperson, a director or the secretary or clerk of the body or association at the registered office or principal office in Botswana of the body or association or by serving it by post on such chairperson, director, secretary or clerk at such office; or
- (e) by publishing the notice in a local newspaper circulating in the planning area.

(2) Service on any person by post of any notice or other document shall be deemed, for the purposes of this Order —

- (a) to be effected by properly addressing to that person's last known private or business postal address, prepaying and posting, by registered mail, a letter containing the notice or other document; and
- (b) to have been effected at the time at which the letter would be delivered in the ordinary course of post.

20. (1) During any period before a development plan has become operative in respect of the planning area or relating to any part thereof, the Minister may from time to time issue written guidelines in respect of the planning area or that part of the planning area.

Temporary provisions pending operation of development plan

(2) Any written guidelines issued by the Minister under this paragraph shall remain in force, unless earlier revoked, until a development plan in respect of the planning area or relating to the part of the planning area in question becomes operative.

(3) Where any written guidelines issued by the Minister under this paragraph are in force in respect of the planning area or any part thereof, every reference in this Order to the relevant development plan shall, as regards the planning area or that part of the planning area, be deemed, for the purposes of this Order, to be a reference to those guidelines.

Revocation
of S.I. No.
98 of 1980

21. The Town and Country Planning (General Development) Order is hereby revoked.

SCHEDULE

CLASSES OF DEVELOPMENT WHICH MAY BE CARRIED OUT WITHOUT
RECOURSE TO PLANNING AUTHORITY OR RESPONSIBLE AUTHORITY

(paragraphs 3 and 4)

Classes of development which may be carried out under paragraph 3 Conditions and limitations subject to which development may be carried out under paragraph 3

Group 1

CLASSES OF DEVELOPMENT RELATING TO
DWELLING-HOUSES

1. The carrying out of works for the maintenance or for the enlargement, improvement or other alteration of a dwelling-house or for the erection, where none already exists, of a separate garage within the curtilage of a dwelling-house.

- (a) The cubic content of the dwelling-house (as ascertained by external dwelling-house measurement) shall not thereby be increased by more than 50m³ or one tenth, whichever is the greater, subject to a maximum of 100m³.
- (b) The height of the dwelling-house shall not thereby be increased or exceeded.
- (c) No part of the dwelling-house or of any garage shall thereby project beyond the forward most part of any wall of the dwelling-house which, immediately before the works are carried out, fronts on a highway.

2. The carrying out of works for the erection, construction or placing or the maintenance or the enlargement, improvement or other alteration, within the curtilage of a dwelling-house, of any building (other than a human dwelling or garage) or enclosure required for a

purpose incidental to the enjoyment of the dwelling-house as such (including the keeping of poultry, bees, pet animals or birds and the growing of fruits, flowers or vegetables).

- (a) The area of ground covered by buildings (other than by the dwelling-house itself) within the curtilage shall not thereby exceed one tenth of the total area of the curtilage excluding the ground area of the dwelling-house.
- (b) The height of any such building shall not or shall not thereby exceed, in the case of a building with a ridge roof, 4m or, in the case of any other building, 3m.

- (c) No part of any such building or enclosure shall or shall thereby project beyond the forward most part of any wall of the dwelling-house which fronts on a highway.

3. The construction, within the curtilage of a dwelling-house, of a hard standing for vehicles for a purpose incidental to the enjoyment of the dwelling-house as such.

Group II

CLASSES OF DEVELOPMENT CONSISTING OF SUNDRY MINOR OPERATIONS

1. The carrying out of works for the erection or construction or the maintenance or the improvement or other alteration of any gate, fence, wall or other means of enclosure.

- (a) Such works shall not include works for the provision of a new access or the alteration of an existing access from any adjacent highway.

- (b) The height of any such means of enclosure shall not or shall not thereby exceed 1,8m.

2. The painting of the exterior of any building or other works.

Such painting shall not be for the purpose of advertisement, announcement or direction.

Group III

CLASSES OF DEVELOPMENT RELATING TO BUILDINGS, ETC. OR USES TEMPORARILY NEEDED

1. The carrying out of works for the erection, construction or placing on land in, on, over or under which any operation is being or is about to be carried out or on land adjacent to such land of any building, works, plant or machinery temporarily needed in connection with the operation.

- (a) The principal operation shall be one for which planning permission has been granted or is not required.

- (b) Every such building, works, plant or machinery shall be removed forthwith upon the completion of the principal operation and, where the same are sited on such adjacent land, that land shall thereupon be rehabilitated.

2. The making of a material change in the use of land for not more than 28 days in aggregate in any one year and the erection or placing of movable structures on the land for the purpose of the temporary use.

Group IV

CLASSES OF DEVELOPMENT RELATING TO THE USE OF LAND FOR INDUSTRIAL PURPOSES

The carrying out of works of the following descriptions, by an industrial undertaker within an area allocated for use for the carrying out of any industrial process by the relevant development plan, for the purposes of such process -

The height of any plant or machinery or structures or erections of the nature of plant or machinery installed or erected by way of replacement shall not exceed that of the plant or machinery or structures or erections of the nature of plant or machinery thereby replaced

- (a) the installation or erection, by way of addition or replacement, of plant or machinery or structures or erections of the nature of plant or machinery;
- (b) the provision, rearrangement or replacement of private ways, private railways (including railway sidings) or conveyors; or
- (c) the provision or rearrangement of sewers, mains, pipes, cables or other apparatus.

Group V

CLASSES OF DEVELOPMENT RELATING TO THE USE OF LAND FOR MINING PURPOSES

1. The carrying out of works or the making of a material change in the use of any building or other land, by the holder of a mining lease or restricted mining lease, within an area allocated for use for mining purposes by the relevant development plan, which works or change in use are directly necessary for winning the mineral to which the lease relates.

The works or change in use shall be carried out or made in accordance with the lease and with the Mines and Minerals Act; Cap. 66:01.

2. The carrying out of works, by the holder of a mining lease, within an area allocated for use for mining purposes by the relevant development plan, for the erection, construction or placing or the maintenance or the enlargement, improvement or other alteration of any —

- (a) training school;
- (b) railway;
- (c) power station;
- (d) transformer station;
- (e) power line;
- (f) fuel storage depot;
- (g) fuel storage tank;
- (h) tailings pond;
- (i) drainage ditch;
- (j) sewerage treatment plant;
- (k) cess pool;
- (l) tank;
- (m) reservoir;
- (n) sawmill;
- (o) concrete block plant;
- (p) concrete mixing plant;
- (q) fence; or
- (r) sign,

not directly related to townsite development for the benefit of the community at large, or the making of a material change in the use of any such thing, by the holder of such a lease, within such an area.

(a) The works or change in use shall be carried out or made in accordance with the lease and with the Mines and Minerals Act.

(b) No such works or change in use shall be carried out or made unless the Minister for the time being responsible for town and country planning has been consulted during the planning stage of the relevant feasibility report approved by the Minister for the time being responsible for mines.

Group VI

CLASSES OF DEVELOPMENT RELATING TO UNADOPTED STREETS OR PRIVATE WAYS

The carrying out of works for the maintenance of an unadopted street or private way.

The works shall be carried out within the boundaries of the street or way in question.

Group VII

CLASSES OF DEVELOPMENT RELATING TO OPERATIONS CARRIED BY LOCAL AUTHORITIES

The carrying out of works for the erection, construction or placing or the maintenance or the improvement or other alteration by a local authority of —

The works shall be carried out in accordance with any written law applicable thereto.

- (a) such small ancillary buildings, works or equipment as are reasonably required on land belonging to or occupied or maintained by the local authority for the purpose of performing on that land any function vested in the local authority; or
- (b) lamp standards, information kiosks, passenger shelters and kiosks, telephone boxes, fire alarms, public drinking fountains, refuse bins or baskets, barriers for the control and safety of persons awaiting to enter public service vehicles, and such similar structures or works as are reasonably required in connection with the operation of any public service administered by the local authority.

Group VIII

CLASSES OF DEVELOPMENT RELATING TO OPERATIONS CARRIED
OUT BY ROAD AUTHORITIES

- The carrying out by a road authority of works required for or incidental to the maintenance or improvement of an existing road.
- (a) The works shall be carried out in accordance with any written law applicable thereto.
 - (b) The works shall be carried out within the boundaries of the road reserve of the road in question.

Group IX

CLASSES OF DEVELOPMENT RELATING TO OPERATIONS CARRIED
OUT BY DRAINAGE AUTHORITIES

- The carrying out by a drainage authority, in, on or under any existing watercourse or drainage works, of works required for or incidental to the maintenance or improvement of such watercourse or drainage works.
- The works shall be carried out in accordance with any written law applicable thereto.

Group X

CLASSES OF DEVELOPMENT RELATING TO OPERATIONS CARRIED OUT
SEWERAGE AUTHORITIES

- The carrying out by a sewerage authority of works required for or incidental to the maintenance or improvement of an existing sewer.
- (a) The works shall be carried out in accordance with any written law applicable thereto.
 - (b) The works shall not involve any change above ground level other than a temporary change.

Group XI

CLASSES OF DEVELOPMENT RELATING TO THE USE OF LAND BY
RAILWAY AUTHORITIES

- Development by a railway authority of operational land of the authority required for or incidental to the movement of traffic by rail.
- (a) The development shall be in accordance with any written law applicable thereto.

- (b) The development shall not include the carrying out of works for the erection, construction or placing of any residential building, office or workshop unless the same is wholly situated within the perimeter of an existing railway station.
- (c) The development shall not involve or result in the obstruction of the view of any person using a road used by vehicular traffic in such a way as to endanger or be likely to endanger any person or property.

Group XII

CLASSES OF DEVELOPMENT RELATING TO OPERATIONS CARRIED OUT BY ELECTRICITY AUTHORITIES

The carrying out by an electricity authority of works required for or incidental to the maintenance or improvement of existing electricity distribution lines including the installation of new service lines to individual consumers from an existing distribution line.

The works shall be carried out in accordance with any written law applicable thereto.

Group XIII

CLASSES OF DEVELOPMENT RELATING TO OPERATIONS CARRIED OUT BY WATER AUTHORITIES

The carrying out by a water authority of works required for or incidental to the maintenance or improvement of existing water mains, water distribution pipes, services and all associated waterworks fittings (including hydrants, valves and associated surface boxes, valve marker posts, etc.) required to supply water to consumers within a waterworks area including the installation of new service pipes from an existing distribution pipe.

The works shall be carried out in accordance with any written law applicable thereto.

Group XIV

CLASSES OF DEVELOPMENT RELATING TO OPERATIONS CARRIED OUT BY
FIRE AUTHORITIES

The carrying out of works by a fire authority required for or incidental to the installation or maintenance of fire hydrants.

The works shall be carried out in accordance with any written law applicable thereto.

Group XV

CLASSES OF DEVELOPMENT RELATING TO OPERATIONS CARRIED OUT BY
POSTAL SERVICE PROVIDERS

The carrying out by postal service providers, in performance of their functions as such, of works for the erection, construction or placing or the maintenance or the improvement or other alteration of —

- (a) posting boxes or self-service postal machines; or
- (b) telegraphic service lines for individual subscribers in the exercise of a servitude or other right.

The works shall be carried out in accordance with any written law applicable thereto.

Group XVI

CLASSES OF DEVELOPMENT RELATING TO OPERATIONS FOR SOIL
INVESTIGATION

The carrying out of works for the sinking of a borehole to ascertain the nature of the subsoil or for the installation or erection of plant or machinery or structures or erections of the nature of plant or machinery reasonably required in connection therewith.

Six months immediately after the commencement of the works or at the completion of the purpose for which the borehole was sunk, whichever is the earlier, the plant or machinery or structures or erections of the nature of plant or machinery shall forthwith be removed and the land rehabilitated.

Group XVII

CLASSES OF DEVELOPMENT RELATING TO AERODROMES

Development of land within the perimeter of an existing aerodrome for such maintenance or improvement of the aerodrome as is required for or incidental to the movement of traffic by aircraft.

- (a) The development shall be in accordance with any written law applicable thereto.
- (b) The development shall not include the carrying out of works for the erection, construction or placing of any residential building, office or workshop.

Group XVIII

CLASSES OF DEVELOPMENT RELATING TO CHANGES IN THE USES OF BUILDINGS OR OTHER LAND

Any change in the use of any buildings or other land whereby such use remains wholly within any of the following classes of use –

Class A

Use as a home for old people, children's hospital, sanitarium, nursing home or school for the handicapped.

Class B

Use as a mental hospital, mental sanitarium, prison or house of correction.

Class C

Use as the residential section of a school or college.

Class D

Use as –

- (a) an office, including a bank or building society office open to the public but excluding a post office; and
- (b) a shop, including fresh produce, general dealer, clothing shop or kiosk

Class E

Use as buildings in which light industrial processes are carried on which, if carried on in a residential area, would not result in loss of amenity to that area through noise, smoke, rubbish, odours, light, shadow, gases, temperature changes or loss of character in the normal use of the area.

Class F

Use of —

- (a) buildings as a place of public worship or religious instruction or for the social or recreational activities of the religious body using the buildings; and
- (b) buildings as a museum, library or hall generally used by the public.

Class G

Use as buildings providing a service to the community, including a clinic or day care centre.

Class H

Use of buildings as a theatre, cinema, dance hall, discotheque or bar or other licensed premises.

Class I

Use as a stadium, reviewing stand or amusement park.

Class J

Use of buildings as a wholesale warehouse or repository of any kind.

MADE this 22nd day of April, 2014.

L.T. MOKALAKE,
Minister of Lands and Housing.