GOVERNMENT OF ZAMBIA

ACT

No. 21 of 1997

Date of Assent: 6th November, 1997

An Act to amend the Town and Country Planning Act

[14th November, 1997

ENACTED by the Parliament of Zambia. Enactment

1. (1) This Act may be cited the Town and Country Planning (Amendment) Act, 1997, and shall be read as one with the Town and Country Planning Act, in this Act referred to as the principal Act. Short title and commencement Cap. 283

(2) This Act shall come into operation on such a date as the Minister may, by statutory instrument, appoint.

2. The principal Act is amended in section *two*— Amendment of section 2

(a) by the repeal of the definition of "development plan";

(b) by the insertion in the appropriate places of the following new definitions:

"Director" means the Director of Physical Planning and Housing who is a public officer in charge of town and country planning;

"Environmental Council of Zambia" means the Environmental Council of Zambia established under section *three* of the Environmental Protection and Pollution Control Act; Cap. 204

"local plan" means the plan prepared by a planning authority under the direction of the Director in accordance with section *sixteen A*;

"structure plan" means the plan prepared by a planning authority under the direction of the Minister in accordance with section *sixteen*; and

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(*c*) by the deletion of " Natural Resources Board " in the definition of " planning authority " and the substitution therefor of " the Environmental Council of Zambia ".

Amendment of section 3

3. Section *three* of the principal Act is amended by the deletion of subsection (4) and the substitution therefor of the following:

(4) Notwithstanding the provisions of any other law, this Act shall apply in all matters relating to land zoning and development.

Amendment of section 4

4. Section *four* of the principal Act is amended, in subsection (1), by the deletion of the words " development plan " and the substitution therefor of "structure plan or local plan".

Amendment of section 5

5. Section *five* of the principal Act is amended—

(*a*) by the insertion immediately before subsection (1) of the following new subsection:

(1) The Minister shall designate the Director as the strategic planning authority to—

(*a*) exercise such functions as the Minister may delegate to the Director under section *twenty-four*; or

(*b*) exercise such other functions as may be prescribed by the Minister;

(*b*) by the deletion in paragraph (*a*) of subsection (2) of the words " development plan " and the substitution therefor of " structure plan or local plan "; and

(*c*) by the re-numbering of subsections (1), (2), (3) and (4) as subsections (2), (3) (4) and (5) respectively.

Amendment of section 11

6. Section *eleven* of the principal Act is amended in subsection (1) by the deletion in the proviso to paragraph (*c*) of the words " development plan " and the substitution therefor of " structure plan or local plan ".

Amendment of Part III

7. Part III of the principal Act is amended by the deletion of the heading " DEVELOPMENT PLANS " and the substitution therefor of " STRUCTURE PLANS OR LOCAL PLANS ".

Amendment of section 15

8. Section *fifteen* of the principal Act is amended—

(*a*) by the deletion in the marginal note and in subsections (1) and (3) of the words " development plan " wherever they appear and the substitution therefor of " structure plan "; and

(*b*) by the deletion of subsection (4) and the substitution therefor of the following:

(4) The Minister may, by statutory instrument, order that in the preparation of a structure plan, approved local plans may be considered in that structure plan.

(5) A structure plan prepared under section (4)—

(a) may maintain the contents of the approved local plans; and

(b) shall be submitted by the planning authority to the Minister for approval.

Repeal and replacement of section 16

9. (1) The principal Act is amended by the repeal of section *sixteen* and the substitution of the following new sections:

Structure plan

16. (1) A planning authority shall submit to the Minister for approval a structure plan comprising:

(a) a survey of the planning area which shall include—

(i) the principal and economic characteristics of the area of planning authority including the principal characteristics of any neighbouring areas;

(ii) the size, composition and distribution of the population of the area;

(iii) the communication, transport system and traffic of the area or neighbouring areas;

(iv) the effect of any changes which may affect the development of the area or the planning of such development;

(v) any changes anticipated during the period of the plan; and

(vi) such other matters as may be prescribed by the Minister;

(b) a written submission—

(i) stating the policy and general proposals of the planning authority in respect of the development and other use of land in that area, including measures for the management of traffic;

(ii) stating the relationship of the proposals to general proposals for the development and use of land in neighbouring areas which may affect that area; and

(iii) containing such other matters as may be prescribed by the Minister by statutory instrument; and

(c) such diagrams, illustrations and descriptive matters as the local authority may consider appropriate to explain or illustrate the proposals in the plan.

(2) In formulating its policy and general proposals under subparagraph (b) of paragraph (b) of subsection (1), the planning authority shall ensure that the policy and proposals are justified by the results of the survey in paragraph (a) of subsection (1) and that the policy and proposals include—

(a) current policies with respect to economic planning and development of the region;

(b) the resources which will be available for carrying out the proposals of the structure plan; and

(c) such other matters as the Minister may direct.

(3) A planning authority shall, in a proposal in respect of land in its area, indicate areas in whole or in part which—

(a) it has designated for development, redevelopment or improvement; and

(b) have been proposed to be designated as a Statutory and Improvement Area under the Housing (Statutory and Improvement Areas) Act.

Cap. 194

(4) A planning authority shall before submitting a structure plan to the Minister under subsection (1)—

(a) publicise in the *Gazette* and other public media the report of the survey conducted under subsection (1);

(b) make a copy available for inspection by the general public and state a period of time within which representations in respect of the structure plan may be made to such planning authority which shall not be less than twenty-eight days;

(c) afford interested persons an opportunity to make representations on the proposals; and

(d) consider any representations made to it under paragraph (b).

Local plans

16A. (1) The Director shall direct a planning authority to prepare a local plan where that area is designed under subsection (3) of section *sixteen* as an area for development in a structure plan which has been approved by the Minister.

(2) A planning authority that is directed by the Director to prepare a local plan shall—

(a) prepare a survey of planning area;

(b) publicise the report of the survey conducted under paragraph (a) in the *Gazette* and other public media;

(c) make a copy of the proposed local plan available for inspection by the general public and state a period of time within which representations in respect of the local plan may be made to such planning authority which shall not be less than twenty-eight days;

(d) afford interested persons an opportunity to make representations on the proposals; and

(e) consider any representations made to it under paragraph (c).

(3) Where the local authority approves the detailed plans of a private developer under subsection (4) they shall be included in the local plan for submission to the Director.

(4) A private developer may prepare detailed plans for any part of the area designed for development under subsection (1) and the plan shall be submitted to the planning authority for approval.

(5) A planning authority shall by resolution adopt a local plan prepared under this section and submit it to the Director.

(6) The Minister—

(a) shall before approving a structure plan consider any representations submitted by any person in respect of the structure plan; and

(b) may cause a public inquiry to be conducted by the Tribunal in respect of the representations.

(7) The Director—

(a) shall before approving a local plan consider any representations submitted by any person in respect of the local plan; and

(b) may cause a public inquiry to be conducted by the Tribunal in respect of the representations.

(8) Part II shall apply for the purposes of considering representations in respect of a local plan or structure plan.

10. The principal Act is amended by the repeal of section *seventeen* and the substitution therefor of the following:

Repeal and replacement of section 17

Approval of structure plan or local plan

17. (1) The Minister or Director may after considering a structure plan or local plan submitted under sections *sixteen* and *sixteen A*, as the case may be—

(a) approve it in whole, or in part with or without modifications; or

(b) reject it.

(2) The Director may on considering a local plan refuse to approve such local plan if—

(a) the Director is not satisfied that the objective of the local plan has been achieved; or

(b) it does not conform to the structure plan as approved by the Minister.

Repeal and replacement of section 18

11. The principal Act is amended by the repeal of section *eighteen* and the substitution therefor of the following section:

Alteration of structure plan or local plan

18. (1) A planning authority may at any time after the approval of a structure plan or local plan in respect of any area, on its own initiative or upon directives from Minister or Director, as the case may be—

(a) within the period prescribed under this Act; or

(b) within such period as may be specified in the direction from the Minister or Director, as the case may be;

submit to the Minister or Director for approval, proposals for the alteration of an approved structure plan or local plan.

(2) The planning authority shall furnish to the Minister or Director, as the case may be, a report comprising such modifications to the structure plan or local plan as may be necessary.

Amendment of Part IV

12. Part IV is amended by the deletion in the heading of the words " DEVELOPMENT PLANS " and the substitution therefor of " STRUCTURE PLANS OR LOCAL PLANS ".

Amendment of section 19

13. Section *nineteen* of the principal Act is amended—

(a) by the deletion in the marginal note of the words " development plans " and the substitution therefor of " structure plans or local plans ";

(b) by the deletion of the words " development plan " wherever they appear and the substitution therefor of " structure plan or local plan "; and

(c) by the insertion after the word " Minister " wherever it appears of " or Director ".

Amendment of section 20

14. Section *twenty* of the principal Act is amended—

(a) by the deletion of the words " development plan " wherever they appear and the substitution therefor of " structure plan or local plan "; and

(b) by the insertion after the word " Minister " wherever it appears of " or Director ".

Amendment of section 21

15. Section *twenty-one* of the principal Act is amended—

(*a*) by the insertion after the word "Minister" of "or Director";

(*b*) by the deletion of the words "development plan" and the substitution therefor of "structure plan or local plan"; and

(*c*) by the deletion of the words "approved development plan" and the substitution therefor of approved "structure plan or approved local plan".

Amendment of section 22

16. Section *twenty-two* of the principal Act is amended—

(*a*) in subsection (2) by the deletion in paragraphs (*a*) and (*b*) of the words "development plan" and the substitution therefor of "structure plan or local plan"; and

(*b*) in subsection (4) by the deletion in paragraph (*c*) of the words "development plan or approved development plan" and the substitution therefor of "stricture plan or local plan or approved structure plan or approved local plan".

Amendment of section 23

17. Section *twenty-three* of the principal Act is amended in subsection (4)—

(*a*) by the deletion of the words "development plan or approved development plan" and the substitution therefor of "structure plan or local plan or approved structure plan or approved local plan"; and

(*b*) by the deletion in sub-paragraph (iii) of paragraph (*a*) of the words "Natural Resources Board" and the substitution therefor of "Environmental Council of Zambia".

Amendment of section 24

18. Section *twenty-four* of the principal Act is amended in subsection (1)—

(*a*) by the deletion in paragraph (i) of the proviso after the words "any of the areas set out in the First Schedule" of "and such delegation shall not be made subject to any conditions, directions of reservations"; and

(*b*) by the deletion in paragraph (ii) of the proviso—

(i) of the words "development plan or approved development plan" and the substitution therefor of "structure plan or local plan or approved structure plan or local plan"; and

(ii) of the words "Natural Resources Board" and the substitution therefor of "Environmental Council of Zambia".

Amendment of section 25

19. Section *twenty-five* of the principal Act is amended in subsection (1) by the deletion of the words "development plan or approved development plan" and the substitution therefor of "structure plan or local plan or approved structure plan or approved local plan".

Amendment of section 26

20. Section *twenty-six* of the principal Act is amended in subsection (3) by the deletion of the words "approved development plan" and the substitution therefor of "approved structure plan or approved local plan".

Amendment of section 30

21. Section *thirty* of the principal Act is amended in subsection (1) by the deletion of the words "development plan or approved development plan" and the substitution therefor of "structure plan or local plan or approved structure plan or approved local plan".

Amendment of section 31

22. Section *thirty-one* of the principal Act is amended in subsection (1) by the deletion of the words "development plan or approved development plan" and the substitution therefor of "structure plan or local plan or approved structure plan or approved local plan".

Amendment of section 36

23. Section *thirty-six* of the principal Act is amended in subsection (1) by the deletion in sub-paragraph (i) of paragraph *(b)* of the words "development plan" and the substitution therefor of "structure plan or local plan".

Repeal and replacement of section 40

24. The principal Act is amended by the repeal of section *forty* and the substitution therefor of the following:

Acquisition of land

40. Where any land is required to be included in a structure plan or local plan or approved structure plan or approved local plan the Minister may recommend to the President that the land may be acquired by the President in accordance with the Lands Acquisition Act.

Cap. 189

Amendment of section 41

25. Section *forty-one* of the principal Act is amended by the deletion in subsections (1), (2) and (3) of the words "approved development plan" wherever they appear and the substitution therefor of "approved structure plan or approved local plan".

Amendment of section 46

26. Section *forty-six* of the principal Act is amended by the deletion of the words "development plan" wherever they appear and the substitution therefor of "structure plan or local plan".

Amendment of section 53

27. Section *fifty-three* of the principal Act is amended in paragraph *(c)* of subsection (2) by the deletion of "development plan" and the substitution therefor of "structure plan or local plan".