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The Gazette of the Democratic Socialist Republic of Sri Lanka

EXTRAORDINARY

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No. 2379/29 - WEDNESDAY, APRIL 10, 2024

(Published by Authority)

PART I : SECTION (I) — GENERAL

Government Notifications

INTERIM DEVELOPMENT ORDER UNDER SECTION 45 OF THE TOWN AND COUNTRY PLANNING ORDINANCE, No. 13 OF 1946 AS AMENDED BY ACT, No. 49 OF 2000.

BY virtue of the powers vested in me, by Section 45 of the Town and Country Planning Ordinance, No. 13 of 1946 as amended by Act, No. 49 of 2000. I, Prasanna Ranathunge, Minister of Urban Development and Housing, do by this notification, make the general order (herein after referred to as “General Interim Development Order”) with respect to the physical development of land situated within the Regional Development Area of the Eastern Province as given in the Schedule 1 set out in the order hereto.

PRASANNA RANATHUNGA,
Minister of Urban Development and Housing.

Ministry of Urban Development and Housing,
“Sethsiripaya” Stage II,
Battaramulla,
02nd April, 2024.



Order

1. This order may be cited as the Town and Country Planning (General Interim Development) Order 2024.
2. The order shall apply to land situated in the regional development area of the Eastern Province specified in Schedule 1 to this Order for which detail plans are to be prepared under the provisions of the Ordinance and Amended Act.
3. In the event of a special Interim Development Order being made with respect to the interim development of land in any area for which plan is to be prepared under the Ordinance, the provisions of this order shall apply to such to such extent, and subject to such modifications, as may be specified in the special Order aforesaid.
4. The authority responsible for the interim development of any land to which this Order applies (hereinafter referred to as the “Interim Development Authority”) shall
 - (a) Where such land is situated in any “Trunk Road Development Area” be the General Manager of the Road Development Authority.
 - (b) Where such land is not situated in any such Development Area referred to in Sub-section (a), be the Divisional Secretaries of forty five (45) Divisional Secretary Divisions of the Eastern Province within whose administrative limits such land is situated, under the supervision of the Regional Planning Committee, hereinafter referred as “Planning Authority” appointed by the Minister under the provisions of Section 12 of the Ordinance.
5. Interim Development, being development of any class or description specified in the Schedule II to this order, may be carried out in or upon or in relation to any land to which this Order applies.
6. Notwithstanding anything in any other written law, no person shall at any time during the period commencing on the date of publication in the *Gazette* an Order for the preparation of a plan for any development area and ending on the date on which the plan so prepared comes into operation-
 - (a) erect, re-erect, demolish, alter or repair any structure in that area; or
 - (b) lay out, construct, widen, extend, or close, or attempt to lay out, construct, widen, extend, or close, any road, in that area; or
 - (c) develop any land in that area, or sub-divide, convey, assign or otherwise dispose of or deal with any such land, in such manner as to constitute any part of the land into a separate holding.

unless authorized so to do by any provision contained in this Order or in any special interim development order applicable to that area or by a permit granted by the authority or officer specified in any such provision to be the authority or officer responsible for the regulation of the interim development of land in the area for which the plan is to be prepared.

7. Where, at any time during the period specified in paragraph 6, any person is convicted of an offence under section 81 of the Ordinance by reason of his or her executing any work or causing or permitting the execution of any work in or upon or in relation of any land or structure in any development area in contravention of any provision of that paragraph, or of this Order applicable to that area, the court may, on the application of the authority or officer responsible for the regulation of the interim development of the land in that area, order that person to alter or demolish that work within such period as may be specified therein.
8. Where any person who is required to alter, remove or demolish any work by an order made by a court under paragraph 7 fails to do so within the period specified in the order, the authority or officer on whose application the order was made, may alter, remove or demolish that work. All the expenses incurred by that authority or officer in the alteration, removal or demolition of that work shall be a first charge on the property of that person and may be recovered from that person in such manner as may be provided by regulation.

9. Interim Development Authority may exercise, in addition to the provisions in this order any development controls, under the provisions of the Housing and Town Improvement Ordinance, No. 19 of 1915, the existing Zoning By-Laws provided under the said Housing and Town Improvement Ordinance and or Planning and Building regulation under Urban Development Authority Law, if in operation, in all the land in the areas referred to in Section 2 of this Order, specified as Regional Development Area.
10. The provisions of this Order shall have effect notwithstanding anything to the contrary in any other By-Law or Regulation under any other Law and accordingly in the event of any conflict or inconsistency between the provisions, the Interim Development Order shall prevail over such other By-Laws or Regulations referred to in paragraph 9.
11. The following are the circumstances in which a permit, under section 45 of the Ordinance, to develop any land to which this Order applies, may be granted to any person by any Interim Development Authority-
 - (a) that the development authority aforesaid is the interim development authority for such land;
 - (b) that such person has made an application in writing in that behalf to the development authority aforesaid and has furnished, along with his application, a plan in triplicate sufficient to identify such land (hereinafter referred to as a site plan) and particulars, illustrated by plans and drawings in triplicate, requisite to show the proposed development; provided that the provisions of this sub-paragraph in so far as they require the furnishing of plans and drawings, other than a site plan shall not apply if the proposed development has been sufficiently described by the particulars and site plan furnished by such persons; and
 - (c) such development does not affect any development proposal being considered by the Regional Planning Committee for inclusion in the draft Regional Plan; and jointly by the relevant interim development authorities where the proposed development lies partially within a Trunk Road Development Area.
 - (d) and after consultation with any specialist organization or department whose expert opinion is considered by the interim development authority as relevant, important or essential.
12. Subject to the provisions of the Ordinance and of this Order, an interim development authority may
 - (a) grant or refuse to grant a permit under Section 46 of the Ordinance to any applicant thereof;
 - (b) determine and specify in any permit the conditions subject to which such permit is granted.
13. Every decision of an Interim Development Authority refusing to grant a permit under Section 46 of the Ordinance to any applicant thereof shall be in writing and shall state the reasons for such decision.
14. Every person to whom a permit under Section 46 of the Ordinance is granted shall comply with the conditions specified in such permit.
15. Every interim development authority shall keep a register (hereinafter referred to as 'the register') of all applications for permits made to him under this Order and shall enter or cause to be entered therein the following particulars relating to each of such application-
 - (a) The name and address of the applicant;
 - (b) The name and situation of the land to which the application relates;
 - (c) Full particulars relating to the development in respect of which the application is made;
 - (d) Where such interim development authority has in accordance with the provisions of paragraph 6 of this order, consulted the relevant authorities and persons in the matter of the application, the recommendations of such authorities or persons;

- (e) The decision of such interim development authority on the application; and
 - (f) Where a permit has been granted to the applicant, the conditions, if any, specified in the permit.
16. Every interim development authority shall keep an alphabetical index of all persons who apply to him under this Order for permit and shall enter or cause to be entered therein the names of each person and the number of the page or pages in the register in which particulars of his application are entered.
17. Every interim development authority shall keep an alphabetical index of all roads of which lands for the development of which applications for permits have been made under this Order are situated and shall enter or cause to be entered therein the assessment number, if any, of each such land and the number of the page or pages in the register in which particulars of the application relating to such land are entered.
18. In this Order unless the context otherwise required-
- (a) “Inter-Ministerial Co-ordinating Committee” or the ‘Co-ordinating Committee’ means the Inter - Ministerial Co-ordinating Committee established under Section 4 (a) of the Ordinance.
 - (b) “Development” has the same meaning as in the Ordinance and its grammatical variations and cognate expression shall be construed accordingly;
 - (c) “Development Area” means any area declared to be a Development Area by the Ordinance.
 - (d) “Interim Development” in relation to any land, means development during the period commencing in the date of the publication in the *Gazette* of an Order under the Ordinance for the preparation of a detail plan for the Development Area or part thereof within which the land is situated and ending on the date on which the plan so prepared comes into operation;
 - (e) “Local Authority” when used with reference-
 - (i) to a municipal area, means the Municipal Council for that area;
 - (ii) to a town within the meaning of the Urban Councils Ordinance, No. 61 of 1939 means the Urban Council for that town;
 - (iii) to a town within the meaning of Town Councils Ordinance No. 3 of 1946. means the Pradeshiya Sabhas established under Pradeshiya Sabha Act, No. 15 of 1987;
 - (iv) to a village area, means the Pradeshiya Sabha established under Pradeshiya Sabha Act, No. 15 of 1987;
 - (v) “Minister” means Minister of Urban Development and Housing;
 - (vi) “Plan” means any plan prepared under the Ordinance;
 - (vii) “Regional Planning Committee” means the Eastern Province Regional Planning Committee constituted under the provisions of the Ordinance.
 - (viii) “Order” means the Interim Development Order.
 - (ix) “Authority” means Interim Development Authority.
 - (x) “Department” means any government department or Authority, Board, or Corporation established as per provisions of an Act in Parliament and functioning under a Ministry of a Cabinet Minister, State Minister or Deputy Minister; this includes any department or statutory authority including local authority functioning under the Eastern Provincial Council.

SCHEDULE I

The regional development area of the Eastern Province is the area as specified in the Eighth Schedule of the 13th Amendment of the Constitution of the Democratic Socialist Republic of Sri Lanka and as specified in the Schedule of *Gazette No. 2270/11* dated 8th March, 2022.

SCHEDULE II

AUTHORIZED DEVELOPMENT

- (1) Development authorized by any written law, not being development of any of the following:-
 - (a) The erection, re-erection or extension of existing buildings;
 - (b) The construction, extension or division of roads; and
 - (c) The sub-division of any land so as to constitute any part thereof into a separate holding.
- (2) Development by the Government or a local authority, which has been sanctioned before the date of the commencement of this Order.
- (3) For the purposes of paragraph (2), the development of any land shall be deemed to have been sanctioned if :-
 - (a) Any consent, authority or approval for the development has been granted by the Government or a local authority in pursuance of the provisions of any written law; or
 - (b) An order authorizing the compulsory requisition of such land for the purpose of the development has been made or confirmed by the Government or a local authority; or
 - (c) Consent has been granted by the Government or a local authority to the appropriation of the land for the purpose of the development or to the acquisition of the land for that purpose; or
 - (d) Authority has been granted by the Government or a local authority for the borrowing of money for the purpose of the development, or for the application for that purpose of any money not otherwise so applicable;
or
 - (e) Any undertaking has been given by the Government or a local authority to pay a grant in aid of the development.
- (4) The carrying out of alteration to any existing building, or any repairs or any operation required for the maintenance of any such building, not being alterations affecting the exterior of or required in connection with the alteration of the use of, any such building.
- (5) For the purpose of paragraph (4) 'existing building' means a building erected or constructed before the commencement of this Order or begun before and completed after that date, or erected or constructed in pursuance of a contract made before that date, or erected or constructed otherwise than in contravention of the provision of the Ordinance of this Order.
- (6) Development required in connection with the provision, improvement or maintenance of a supply of water, gas electricity, not being development involving the erection, re-erection, alteration or extension of buildings, reservoirs, dams and other structures of stone or concrete, brick or steel.
 - (a) Development required in connection with the provision, maintenance, improvement or repair of water course or surface drainage work.

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- (b) Development required in connection with the provision, maintenance, improvement or repair of sewage sub-soil drainage works, including the construction of latrines and closets, other than public latrines water closets.
- (c) The erection of any temporary structure for the use in connection with a festival or a function.
- (d) Development required in connection with the reconstruction improvement or repair of streets, roads other highways.

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