

GOVERNMENT NOTICE No. 88 published on 9/3/2018

THE URBAN PLANNING ACT,
(CAP. 355)

REGULATIONS

(Made under section 77(1)(r))

URBAN PLANNING (CONTROL AND MANAGEMENT OF PUBLIC OPEN
SPACES) REGULATIONS, 2018

ARRANGEMENT OF REGULATIONS

1. Citation
2. Interpretation
3. Application and Allocation of Public Open Spaces
4. Duty of an allotted of Public Open Spaces
5. Fencing of Public Open Spaces where necessary
6. Permit to erect necessary ancillary facilities where necessary
7. Term of allocation of Public Open Spaces
8. Other development conditions that may be attached by allotted

SCHEDULE

THE URBAN PLANNING ACT,
(CAP. 355)

REGULATIONS

(Made under section 77(1)(r))

URBAN PLANNING (CONTROL AND MANAGEMENT OF PUBLIC OPEN SPACES) REGULATIONS, 2018

- Citation 1. These regulations may be cited as Urban Planning (Control and Management of Public Open Spaces) Regulations, 2018.
- Interpretation 2. In these Regulations unless the context otherwise requires:-
- Cap. 355 “Act” means Urban Planning Act;
“allocation” means a permit granted by the planning authority conferring upon a person, group of persons, club, or an institution a duty to manage public open space on behalf of the planning authority for specified duration;
“Director” means the director appointed pursuant to the provision of section 6 of the Act;
“Minister” means Minister responsible for land use planning; and
“public open space” means and includes all those areas which have been earmarked in any planning scheme as areas for the passive or active public open space used primarily for recreation purposes.
- Application and allocation of public open spaces 3.-(1) A public open space may be allocated to a person, group of persons, club or institution for care and maintenance on behalf of the Planning Authority upon application.
(2) The applicant shall make an application to the Planning Authority on the appropriate form (in duplicate) as set out in the First Schedule hereto.
(3) The Panning Authority may grant or reject the application and issue a notice for grant or refusal to the

Urban Planning (Control and Management of Public Open Spaces)

GN. No. 88(contd...)

applicant as per the Form set out under the Second Schedule to these Regulations.

Duty of an allotted of public open spaces

4. The applicant shall ensure that the public open space so allocated is open to use by all members of the public for all reasonable hours as determined by the Planning Authority.

Fencing of public open spaces

5-(1) The Allotted of public open spaces shall erect a fence to demarcate the boundaries of public open spaces. That fence shall be an open vision fence not exceeding one hundred fifty centimetres in height and shall be kept in good condition at all times.

(2) Public open spaces shall be accessible to the public regardless of the fence in the event of public meeting or public gathering.

Permit to erect necessary ancillary facilities where necessary

6. The Planning Authority, may permit a person, group of persons, club or institution to whom a public open space is allocated to establish, maintain and control, thereon trees, flowers, aquaria, pavilions, piers, dressing room, public toilets.

Term of Allocation of Public Open Spaces

7-(1) A public open space shall be allocated for an initial term of five years. Thereafter, depending on the opinion of the Planning Authority allocation may be extended for a further term of five (5) years, subject to renewal.

(2) The Planning Authority or Director as the case may be, may withdraw permit after serving the allottee a fourteen days notice on the ground of unsatisfactory performance.

Other development conditions that may be attached to Allotted

8. The Planning Authority may attach any other development conditions to the allocation of a public open space including, inter alia, conditions to regulate the size of permitted buildings or structures, type of building materials, number and position, or for protecting natural water courses and water bodies, natural vegetation; or any other conditions that the Planning Authority may consider necessary management of the public open space, or any matter in accordance with the Act.

Urban Planning (Control and Management of Public Open Spaces)

GN. No. 88(contd...)

FORM 1A

FIRST SCHEDULE

APPLICATION FOR CARE OR MAINTENANCE OF PUBLIC OPEN SPACE

(Made under regulation 3(2))

Application No.....
Received on.....20.....

To: (Name of Planning Authority)

I/We hereby apply for permission to take care or maintain a Public Open Space described in this application.

Name of the Applicant.....
(State whether individual/ organization)

Physical Address of Applicant.....
(block letters)

Postal Address

Telephone No. Cell phone No.....

If submitted by agent on behalf of the applicant:

Name
(block letters)

Physical Address of Agent
(block letters)

Postal Address.....
(block letters)

Telephone No. Cellphone No.....

Locality of the Public Open Space required.....

Description of the intended care and maintenance

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.....
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Date

.....
Signature of applicant/agent

cc. Ward Executive officer.
cc. Mtaa Executive officer.

Urban Planning (Control and Management of Public Open Spaces)

GN. No. 88(contd...)

FORM 1B

SECOND SCHEDULE

NOTICE OF PERMISSION TO TAKE CARE OR MAINTAIN PUBLIC OPEN SPACE
(Made under Regulation 3(2))

Application No.....

(NAME OF THE PLANNING AUTHORITY)

TO:
Permission is hereby granted to you to take care or maintain.....
(name of the applied Public Open Space) as shown in your Application
No.....Dated.....
Permission is granted for a period of.....from.....to.....

CONDITIONS

In addition to the conditions set out under Urban Planning (Control and Management of Public Open Spaces) Regulations, 2016 you are also required to observe the following conditions;

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.....
.....

Date
Name of Authorized Town Planner Signature
Name of Planning Authority

- cc. Ward Executive officer.
- cc. Mtaa /Executive officer.

Urban Planning (Control and Management of Public Open Spaces)

GN. No. 88(contd...)

FORM 1C

NOTICE OF REFUSAL OF PERMISSION TO TAKE CARE OR MAINTAIN PUBLIC OPEN SPACE

(Made under regulation 3(3))

Application No.....
NAME OF THE PLANNING AUTHORITY.....

TO:.....

You are hereby refused permission to take care or maintain a Public Open Space set out in your Application No.....Dated.....for the reasons given below -

Reasons:
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.....

Date year
Name of Authorized Town Planner Signature
Name of Planning Authority

cc. Ward Executive officer.
cc. Mtaa Executive officer.

Dodoma,
14th February, 2018

WILLIAM V. LUKUMI,
*Minister for Land, Housing and
Human Settlement Development*