

S.I. 90 of 2023

PHYSICAL PLANNING ACT, 2021

(Act 55 of 2021)

**Physical Planning (Land Use and Development Plans)
Regulations, 2023**

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S.I. 90 of 2023

PHYSICAL PLANNING ACT, 2021

*(Act 55 of 2021)***Physical Planning (Land Use and Development Plans) Regulations, 2023**

In exercise of the powers conferred by section 82 read with section 22 of the Physical Planning Act, 2021, the Minister of Lands and Housing makes the following regulations —

Part I - Preliminary**Citation**

1. These Regulations may be cited as the Physical Planning (Land Use and Development Plans) Regulations, 2023.

Interpretation

2. In these Regulations, unless the context otherwise requires —

“buildable area” is that portion of a development site where construction can legally and reasonably occur;

“change of use” means when the use of a building is altered or replaced by another use;

“development plot coverage” means a measure of the proportion of the site area covered by permanently sealed surfaces as determined under schedule 2.

“hazard” means a dangerous phenomenon, substance, human activity, or condition that may cause loss of life, injury or other health impact, property damage, loss of livelihood and services, social and economic disruption, or environmental damage;

“land” includes land covered with water, the sea-bed, and any building or other thing attached to land or permanently fastened to anything attached to land;

“land use” means the use of land, inter *alia* for residential, industrial or commercial purposes, for farming or forestry, for recreational or conservation purposes;

“no-development zone” means land declared by the Minister under section 32 of the Act or under which no development shall be carried out;

“non-conforming use” means a use of land which, though lawful immediately before the coming into operation of this regulation is not in conformity with the provisions of these Regulations;

“overlay layer” means an additional layer of planning control applied to land in a clearly defined geographic area;

“risk” means the combination of the probability of an event and its negative consequences;

“scheme map” means a map indicating all zonings within a district or group of islands to which the land use plan relates;

“scheme text” means a legal document that controls how land in a particular district, zone, or group of islands in Seychelles can be used and developed;

“split-use” means a parcel falling in more than one land use classification;

“use variance” is a permit that allows a use that is otherwise not permitted by the zoning table of the scheme text provided for under Schedule 1;

“zoning table” means the table that indicates, subject to the provisions of the scheme text, the uses permitted in the land use classification as provided for under Schedule 1.

Part II - Form and Composition of Land Use Plans, Scheme Map, and Scheme Text

Sub-Part I - Land Use Plans

Form of National Land Use Plans

3.(1) The national land use plan prepared by the Authority under section 23 of the Act shall consist of a compilation of all the land use plans for the districts, zones, and groups of islands.

(2) The national land use plan referred to in sub-regulation (1) shall be presented digitally, on an official government website.

Composition of Land Use Plans

4.(1) A land use plan for a district, zone, or group of islands, prepared under section 22 of the Act shall compose of scheme maps and scheme texts indicating the matters as specified under subsection 22(2).

- (2) A land use plan referred to in subregulation (1) shall —
- (a) be classified in one or more of the categories of land uses indicated in Column 1 of Schedule 1 and;
 - (b) indicate the prescribed minimum subdivision size and maximum development plot coverage according to the land use classification of the district, zone, or islands to which the land use plan relates as indicated in Schedules 2;
 - (c) indicate no-development zones as an overlay layer taking into considerations the hazard and risk considerations as specified under Schedule;
 - (d) indicate sites of construction of proposed roads, alterations of existing roads, and road reserves for new roads;
 - (e) indicate development plans under the scheme text; and
 - (f) indicate any public easement rights towards the sea, land, or otherwise as an overlay layer.

Sub-Part II - Scheme Map***Composition of Scheme Maps***

5.(1) A scheme map for a district, zone, or group of islands, shall comprise of —

- (a) a map of land use classified in one or more of the categories of land uses indicated in Column 1 of Schedule 1;
- (b) overlay layers referred to in regulation 6(c);
- (c) legend of land use classification;
- (d) map scale; and
- (e) cardinal points.

Sub-Part III - Scheme Text***Composition of Scheme Text***

6. A scheme text for a district, zone, or group of islands shall comprise of —

- (a) information about long-term planning strategies;
- (b) description of planned infrastructure development of a particular area;
- (c) list and description of overlay layers;
- (d) zones and the use of land zoning table;
- (e) environmental assets;
- (f) special control areas;
- (g) heritage protection sites; and
- (h) development plans.

Part III - Procedure for Preparation and Approval of Land Use Plans

Land Use Plan Preparations

7.(1) The Authority shall, in the course of preparing a land use plan for a district, zone, or group of islands or a national land use plan pursuant to section 23 or updating or reviewing a plan pursuant to section 24, consult with relevant persons or bodies including —

- (a) key stakeholders;
- (b) district and other authorities;
- (c) government ministries and departments;
- (d) parastatal organisations; and
- (e) civil society organisations.

(2) In addition to sub-regulation (1) the Authority shall, in the course of preparing, updating and reviewing a land use plan —

- (a) consider all existing data and relevant documents available for each district, zone and island or group of island, with reference to the national strategic framework summarized in Schedule 4;
- (b) assess the specificity of each district in terms of population, local aspirations, and socio-economic priorities;
- (c) consult and consider all available hazard, risk, and climate change data and information pertaining to the district, zone, and island or group of islands and subject to the criteria and requirements of Schedule 3, demarcate the hazard and related zones;
- (d) designate zoning and land use classifications for the district, zone, and island or group of islands;

- (e) ensure that all land will be zoned in order to achieve sustainable development of Seychelles whilst taking the present use into account;
- (f) ensure that any development or change in land use must not result in any increase in risk of hazard;
- (g) ensure that all land will be zoned according to, among other things, the level of hazard to which the land is exposed and a developer shall be responsible to demonstrate beyond reasonable doubt that the proposed development within a given area will not increase risk and how this will be achieved;
- (h) ensure that all development or land use change proposals in identified hazard-prone areas must include a risk assessment and a drainage strategy and this will apply whether the proposal is a government-led or private development and to all permanent buildings and structural changes.

(3) The Authority shall publish the draft land use plan for the district, zone, island, or group of islands with members of the public digitally, inviting the public to file their objections and comments within 30 days of its publication.

(4) The Authority shall give notice to the public of the publication of the land use plan for their inspection.

Draft Land Use Plan Publication

8. Subject to regulation 7 (1), where —
- (a) a land use plan for a district, zone, or island is prepared pursuant to section 22 of the Act; or
 - (b) a national land use plan is prepared pursuant to section 23 of the Act;

- (c) a land use plan for a district, zone or island or a national land use plan is updated pursuant to section 24 and the update involves a change of classification of land use; or
- (d) a land use plan is reviewed pursuant to section 25 of the Act,

the Authority shall cause to be published in the national media and the Authority's website and other referral agencies' websites, a notice —

- (i) that the Authority has prepared a plan referred to in paragraphs (a), (b), (c), or (d);
- (ii) of the place or places where copies of such plan may be inspected by the public; and
- (iii) that any person may make objections or representations in writing to the Authority with respect to such plan.

Objections and Representations

9.(1) Any objections shall be made in writing to the Authority, within 30 calendar days of the first publication of a notice under regulation 8.

(2) If within 30 calendar days of the first publication of a notice under regulation 8, any objection or representation with respect to a plan made in writing to the Authority, the Authority shall consider the objection or representation and make a determination upon such objection or representation specifying the reasons therefore.

(3) If as a result of any objection or representation considered under subregulation (2), the Authority is of the opinion that any person or authority ought to be consulted, the Authority shall before they make any determination, consult with that person or authority but shall not, be obliged to consult any other authority or person, or to afford any opportunity for further objections or representations.

(4) After considering any representation or objection and making any necessary determination the Authority shall finalise the land use plan.

Land Use Plan Approval

10.(1) The Authority shall, upon finalisation of the land use plan under regulation 9, present it to the Minister for approval as provided under section 28.

(2) A land use plan, national land use plan, update, review or part of such plan, update or review shall be published in the *Gazette*, which become operative on the date on which it is so published.

Part IV - Use of Land

Sub-Part I Development Plot Coverage

Development plot coverage

11.(1) An application to develop land shall be in accordance with the development plot coverage limit as specified under Schedule 2.

(2) The development plot coverage is expressed as a percentage of the total area of sealed surfaces over parcel size or buildable area which is calculated using the following formula —

Formula:

$$\textit{Percentage of Development Plot Coverage} = \frac{A+B}{\textit{Area of Parcel}} \times 100$$

(3) Where the development plot coverage is spread across split-use parcels the calculation shall be as calculated using the following formula:

Formula:

$$\textit{Development Plot Coverage Formulae} = \frac{A+B}{Y} \times 100$$

Where “Y” is the Area of the Land use classification polygon within the parcel in question.

(4) The development plot coverage of a particular parcel shall be determined by the land use classification in accordance with Schedule 1.

(5) Where a parcel is classified in more than one land use, and the

proposed development is on one land use only, the calculation shall be based on that land use only.

(6) Where the proposed development is on more than one land use, the calculation shall be based on the land use where the majority of the building footprint is being proposed.

Plot coverage for natural vegetation landscaping

12. Subject to regulation 11, Schedule 2 (1), Column 4 illustrates the remaining percentage of non-developed area that shall be used for the purpose of natural green landscaped vegetation, to provide environmental, ecological and social functions and this may include, but is not limited to —

- (a) provide shade;
- (b) water filtration & storage;
- (c) reduce surface runoff through rainwater infiltration;
- (d) atmospheric remediation;
- (e) ecosystem services;
- (f) aesthetics; and
- (g) wellbeing.

Building Height

13. Maximum permitted building height shall be determined by considering, on a case-by-case basis —

- (a) existing local area character;
- (b) surrounding development;
- (c) topography;
- (d) land use classification;

- (e) skyline;
- (f) visual impact;
- (g) consistency of building lines;
- (h) strategic views;
- (i) local street views;
- (j) the potential effect of overshadowing neighbouring properties;
- (k) micro-climatic factors; and
- (l) the relationship of height to frontage width and building depth.

Sub-Divisions

14. All sub-divisions shall be according to the minimum plot sizes established according to Schedule 2 (1), (column 5).

Sub-Part II - Change of Use & Use Variances

Change of Use

15. Any change of use of a building may be approved if the new use is permitted in the zoning table of the scheme text.

Use Variances

16.(1) A person may apply for a use variance by application to the Authority in the prescribed form provided under Schedule 5.

(2) Grant of a use variance shall be determined on the conditions stipulated in Schedule 5 row 1, and approval by the planning authority following the criteria in Schedule 5 row 2.

(3) A use variance application is not subject to appeal.

Non-Conforming Uses

17.(1) Except as otherwise provided in this regulation, no provision of this regulation is to be taken to prevent —

- (a) the continued use of any land for the purpose for which it was being lawfully used immediately prior to the gazettal date; or
- (b) the carrying out of any development on that land for which, immediately prior to the gazettal date, an approval or approvals, lawfully required to authorize the development to be carried out, were duly obtained and are current.

Extensions and Changes to a non-conforming Use

18. A person shall not —

- (a) alter or extend a non-conforming use in relation to a building, unless such building or structure is changed to conform with the applicable land use specifications;
- (b) erect, alter, or extend a building used in conjunction with or in furtherance of a non-conforming use; or
- (c) change the use of land from a non-conforming use to another non-conforming use, unless the proposed use is less detrimental to the amenity of the locality than the existing non-conforming use and is closer to the intended purpose of the zone;
- (d) an application for planning approval under this regulation shall be in accordance with section 36 of the Act;

Discontinuance of non-conforming use

19. Where a non-conforming use of any land or buildings has been discontinued for a period of three years (3 years) such land or buildings shall not thereafter be used otherwise than in conformity with the provisions of the scheme text.

Sub-part III - Declaration of No Development Zones

No Development Zones

20.(1) No development zones shall be —

- (a) represented as an overlay layer in land use plans and such overlay layers do not entail the obligation for re-classification of zoning categories;
- (b) are excluded from any compensation payments as stated in section 53 of the Act; and
- (c) pursuant to section 32 of the Act, development is prohibited except for those necessary for the national interest, such as but not limited to water catchment structures, access roads, and power infrastructure.

(2) No development zones shall be declared based on the following criteria —

- (a) for areas devastated by natural disasters not suitable for reconstruction;
- (b) areas with a high probability or expected big magnitude of hazard events such as flooding, erosion, landslides; or
- (c) areas that are in general not suitable for settlement such as excessive steepness.

(3) Existing buildings and structures within no-development zones may be allowed to exist but, it shall be prohibited to extend or reconstruct such buildings.

(4) Subject to sub-regulation (3), in the event of destruction of such existing buildings and structures, reconstruction is prohibited.

(5) The Minister may at any time, on the advice of the Authority, reclassify a “No-development Zone” if the following criteria apply —

- (a) the affected area is no longer defined as a high-risk area due to the implementation of long-term protection measures; or
- (b) detailed assessments that have improved the knowledge of the hazard process and have allowed an adjustment of the no-development zone.

SCHEDULE 1**Classification of Land Uses**

Zone	Zoning Code	Land Use Classification	Code	Description
Agriculture & Fisheries	A010	Intensive Crop Production	A10	Industrialized crop farming
		Extensive Crop Production	A20	Small-scale non-industrial crop farming
		Intensive Livestock Production	A30	Industrialized livestock production (10/+ animals)
		Extensive Livestock Production	A40	Small-scale livestock (<10 animals)
		Aquaculture	A60	Places devoted to the process of cultivating aquatic organisms
Environmental Zones	J010	Environmental Assets	J10	Places devoted to areas of conservation and management of the environment
Residential	R010	Low-density Residential	R10	refers to residential areas occupied primarily by single-family homes or buildings with a small number of units
		Low-density Residential & Agriculture	R20	refers to residential areas occupied primarily by single-family homes or buildings with a small number of units with the addition of small scale crop production
		Low-density Residential & Tourism	R30	refers to residential areas occupied primarily by single-family homes or buildings with a small number of units with the addition of tourism accommodation
		Medium Density Residential	R40	middle-sized or cluster development that fits between neighborhoods with single family homes

		Medium Density Residential & Agriculture	R50	middle-sized or cluster development that fits between neighborhoods with single family homes with small scale agriculture
		Medium-Density Residential & Tourism	R60	middle-sized or cluster development that fits between neighborhoods with single family homes with added tourism accommodation
		High Density Residential	R70	Places devoted to compact residential development
Redevelopment Areas	G010	Strategic Sites	G10	Developments should seek to optimize use of land through apartment (stacked townhouse, residential block and mixed use block and mixed use block)
Tourism	T010	Tourism Accommodation	T10	All types of tourism accommodation (not in combination with residential use)
Residential	R010	Outdoor Amenity and Open Spaces	L10	Intended for outdoor amenity and open spaces e.g. gardens, parks, zoos, picnic areas, and play areas.
		Sports Facilities and Grounds	L20	Intended for land and water sports facilities e.g. playing fields, stadiums, sports centers, gymnasias, swimming pools, skating rinks, indoor sports, and vehicle race tracks.
		Amusement and Show Places	L30	Intended for amusement and entertainment places e.g. cinemas, theatres, concert halls and arenas, broadcast studios, dance halls, bingo halls, nightclubs, gaming and gambling clubs, and premises.

Community Facility	Libraries, Museums and Galleries	L40	Buildings, places, or institutions devoted to the acquisition, conservation, study, exhibition, and educational interpretation of objects having scientific, historical, or artistic value e.g. museums, libraries, art galleries, public and exhibition halls.
	Medical and Health Care Facilities	M10	These are areas used or intended to be used for hospitals, clinics, health stations, asylums/ wellness clinics; morgues; clinical laboratories; medical research institutes; quarantine facilities
	Civic & Community Services	M20	These are areas used or intended to be used mainly for civic, community or cultural facilities or other similar purposes.
	Places of Worship	M30	These are areas used or intended to be used mainly for religious buildings.
	Cemetery	M40	Places for storage and disposal of human remains e.g. mortuaries, chapels of rest, crematoria, cemeteries, and church yards.
	Educational	M50	These are areas used or intended to be used for educational purposes including tertiary education.

Physical Infrastructure	B010	Roads	B10	means any road whether public or private and includes any street, square, court, alley, lane, bridge, footway, trace, bridle path, passage, or highway, whether a thoroughfare or not;
		Car Parks	B20	Long and short stay car parks and 'Park and Ride' terminals.
		Air Field	B30	an area of land designated for the take-off, landing, and maintenance of aircraft.
		Goods & Freight	B40	These are areas used or intended to be used for Terminals and transshipment places for goods e.g. air freight terminals, rail freight terminals, container depots, docks, railway yards and depots, and customs depots. + Mechanised handling of goods and raw materials e.g. aerial ropeway, conveyor, lift.
		Transport Terminal & Interchanges	B50	Terminals and transport interchanges for people e.g. airport, ship passenger terminal, railway station, bus station, coach station.
Industry & Business	I010	Large/Heavy Manufacturing	I10	a category of complex and capital-intensive nature that produces large products and may require large scale facilities and machinery to produce product. Pollution like waste, air and sound are likely to be high.
		Enterprise Centres	I20	Apart from provision of operating space; workshop, factory floors and common sales outlet, it provides business-related assistance and knowledge to help entrepreneurs run, and grow their business to full potential. May include manufacturing ICT.

		Industrial Mixed Use	I30	Wide range of low-impact uses such as storage, warehouse, wholesale and distribution, production, small manufacturing & artisan production such as food, beverage, printing, apparel, design, laundry, furniture, etc. ...
		Light Scale Industrial Manufacturing/ Services	I40	any manufacturing industry that does not involved heavy and capital intensive products or production equipment and that do not in their transformation create smoke, gas, odor, dust, noise, vibration of earth, soot or lighting to a degree that is offensive when measured at the property line of adjoining properties
		Commercial & Residential	C10	These are areas used or intended to be used mainly for commercial development with residential on top floors.
		Commercial	C20	These are areas used or intended to be used for mainly for commercial development
		Mixed Use	C30	These are areas used or intended to be used for Mixed Commercial, residential development and any other use compatible with aforementioned.

Utility Infrastructure	U010	Power Production and Distribution	U10	Power stations, using thermal, nuclear, hydroelectric, gas turbine, diesel or renewable sources, for electricity production and generation.
		Sewage Treatment	U20	All sewage treatment plants
		Water Treatment and storage	U30	Water treatment and purification facilities, including extraction from springs, rivers or aquifers. + Water storage and distribution places e.g. reservoirs, water towers and pumping stations.
		Solid Waste Management	U40	Landfill, storage and sorting of solid waste site
		Telecommunications	U50	Telecommunication facilities for transmitting and receiving messages by telephone, radio, radar, cable, television, microwave and satellite.
Defence/Police	D010	Defence	D10	Defence establishments, including camps, airfields, live firing training areas and other defence facilities and places.
Unallocated	S010	Unallocated	S10	Semi-natural areas of land which are not part of routine cultivations or being grazed and which have never been used for development, including scree, cliff, dunes, marsh and beach and reclaimed land which has not been grazed or developed. + Land or water bodies for which no specific primary use can be determined.

SCHEDULE 2*[Regulation 4(2) and (6)]***(1) Maximum Development Plot Coverage**

<u>LAND USE CLASSIFICATION</u>	<u>MAXIMUM DEVELOPMENT PLOT COVERAGE</u>	<u>IF CONNECTED TO CENTRAL SEWER LINE</u>	<u>REMAINING % OF NON-DEVELOPED AREA</u>	<u>MINIMUM SUBDIVISION PLOT SIZE</u>
High-density Residential	45%	50%	55-50%	400m ²
Medium-density Residential	35%	40%	65-60%	600m ²
Low-density Residential	30%	35%	70-65%	1200m ²
Tourism	60%		40%	600m ²
Commercial	60%		40%	400m ²
Industrial & Business	60%		40%	400m ²
Community	60%		40%	-

(2) Surface Types and Materials

One of the main purposes of the *Development Plot Coverage* limitations is to manage stormwater runoff. The table in Schedule 2 (2) is a guide on how different surfaces are counted in the calculation above.

Column A - The area of Sealed and covered surfaces should be taken as 100% of its area, as there is no infiltration.

Column B - The area of Semi-pervious surfaces should be taken as 50% of its total area, as half the precipitation is infiltrated in the soil.

Column C - The area of pervious surfaces/ excluded surfaces should be taken as 0% of its total area, as all precipitation is infiltrated in the soil.

A	B	C
<p>SEALED & COVERED SURFACES 100%</p>	<p>SEMI-PERVIOUS SURFACES 50%</p>	<p>PERVIOUS SURFACES/EXCLUDED SURFACES 0%</p>
<ul style="list-style-type: none"> • BUILDING FOOTPRINT • BUILDINGS ON COLUMN OVERHANGS EXCEEDING 1M IN LENGTH • ROOF EAVES OVERHANG AND CANTILEVERS EXCEEDING 1M IN LENGTH • CONCRETE PAVEMENT/ DRIVEWAY/ ASPHALT ROAD 	<ul style="list-style-type: none"> • ARTIFICIAL TURF • ROOF GARDENS • WOODEN DECKING • SWIMMING POOL • PAVING BRICKS 	<ul style="list-style-type: none"> • RETAINING WALL • BOUNDARY WALL • SEPTIC TANK • NATURAL UNCOMPACTED SOIL • VEGETATED COVER • ALL-SIZE AGGREGATE • DRAINS/WATER TANKS

SCHEDULE 3*[Regulations 4(2)(c) and 7(2)(c)]***No Development Zone Hazard & Risk Considerations**

Land Use Criteria	<p>1. Any land area receiving a zoning classification in a land use plan that allows development has to be suitable in terms of hazard exposure. This suitability of land for development has to be assessed before a zoning classification is proposed by the Seychelles Planning Authority using the following criteria:</p> <ul style="list-style-type: none"> • <i>Infrastructure</i>: Plots of land need to be already connected to public infrastructure or it has to be feasible to make accessible through private investments. Criteria include road connection accessible for ambulances and the fire brigade, connection to electricity, drinking water supply, and sewage system. • <i>Hazard exposure</i>: Overall, the ground needs to be stable enough to carry and sustain buildings and structures to be suitable for any development. Plots of land with existing significant exposure to natural hazards and where any development will result in an increase in risk, either directly or elsewhere, must not receive a zoning classification that allows development.
Requirements	<p>2. Development in moderate and low-hazard areas is subjected to conditional permitting enforcing a site-adapted development that</p> <ul style="list-style-type: none"> • reduces the vulnerability and hazard exposure and • does not contribute to the worsening of hazards and risks. <p>3. Development in high-risk and moderate risk areas that are not declared as no development zones yet, requires a detailed risk assessment and mitigation plan by the applicant. The appraisal of cumulative effects lies within the responsibility of the Seychelles Planning Authority with support from the relevant government agencies.</p>

SCHEDULE 4

[Regulation 7(2)(a)]

National Strategic Land Use & Development Framework

<p>SSLUDP</p>	<p>The Plan sets out the long-term spatial planning framework for the country up to 2040. It guides the amount and location of development, helps ensure infrastructure provision is aligned with growth locations, and provides a tool for coordinated decision-making and investment. In order to do this, it:</p> <ul style="list-style-type: none"> • describes the forecast growth in population and employment; • explains the residential, tourism, industrial, office, and retail growth required and where it will be located; • outlines the strategy for each topic, which is supported by strategic diagrams and policies; • contains a greater level of detail on the locations for growth on Mahé through a series of framework plans; and • sets out how the identified proposals and projects should be implemented.
<p>Mahe Framework</p>	<p>The Overall Mahé Framework illustrates how the vision, guiding principles, and Spatial Strategy for Seychelles apply to Mahé. It will help ensure that future housing and economic growth will be accommodated sensitively, provide opportunities for all, and respond to Seychelles’ unique environment, culture, and heritage. In doing so, it promotes and supports the following outcomes:</p> <ul style="list-style-type: none"> • concentration of the majority of growth in Greater Victoria and along the east coast to Anse Royale; • strengthening of the island’s national and existing regional centres at Victoria, Anse Royale, Anse Boileau, and Beau Vallon and in the longer term at the future regional centres of Grande Anse, Mahé, Anse Etoile-Ile Aurore, and Anse aux Pins-Ile Soleil to ensure they provide housing, employment, and recreational facilities and the critical mass for service provision; • introduction of urban growth boundaries, which encourage intensification within existing settlements to make the best use of land and help retain the distinctiveness of places. Urban growth boundaries will be supported by strategic gaps to help reinforce settlement edges and reduce the likelihood of sprawl; • promotion of settlement centres in each district which provide a focus for employment uses and community facilities; • promotion of mixed-use development to support sustainable communities, particularly in national and regional centres;

	<ul style="list-style-type: none"> • balance in the protection of agricultural land at Anse Royale and along the west coast with strategic release along the north and east coasts; • identification of strategic locations for industrial uses at Ile Perseverance, Providence, and New Port Industrial Estate; • promotion of the diversification of tourism offered through: <ul style="list-style-type: none"> ○ redevelopment of older hotel sites which may become available for development within the Plan period; ○ identifying locations for different types of tourism accommodation including eco-accommodation; and ○ promoting strategic sites for larger hotel developments. • support for a hierarchy of protected areas to ensure the terrestrial, marine, and built environment is protected and enhanced; and • support for the provision of additional transport and utilities infrastructure and community facilities.
<p>Victoria Master Plan</p>	<p>The overall aspiration for Victoria is to create an attractive place to live, work, visit and invest that ensures Victoria can respond to the challenges of the 21st Century, the need to accommodate development and growth whilst protecting its environment and heritage and seamlessly blending the past with the future. The vision, combined with an understanding of the opportunities for the city and stakeholder aspirations, has resulted in the masterplan for Victoria.</p> <p>An integrated approach to the design of built form, open space networks and urban systems will lead to the creation of a sustainable place where people will want to live, work and visit.</p> <p>The projects include new development, transport infrastructure, public realm investment, and cultural facilities, and will be subject to further investigation and detailed planning prior to delivery.</p>

SCHEDULE 5

[Regulation 16(1)]

Use Variances

Application Form

Use Variance Application Form

1. AGENT/APPLICANT INFORMATION

NAME:

ADDRESS:

.....

PROPERTY OWNER NAME(S):

.....

PHONE NUMBER:

EMAIL:

2. PROPERTY INFORMATION

DISTRICT:

PARCEL NUMBER:

AREA OF PARCEL (SQM):

ZONE/LAND USE CLASSIFICATION:

.....

ZONE OVERLAY (IF APPLICABLE):

.....

3. PROJECT DESCRIPTION

CURRENT USE:

PROPOSED USE:

Briefly describe the proposed project, including the type of use you are applying to get a variance.

REQUIREMENTS FOR ALL APPLICATIONS

A complete submittal consists of the following forms and materials. Additional Information may be requested.

Use Variance Form

Notarized Consent of property owner /Title Deed

The owner consent form is required for the following applicants:

The Applicant is not the owner of record for the subject parcel(s)

The property has multiple owners (requires signature from each owner of record); or

The applicant is a corporation or other entity (requires a signatory)

Photographs of the site of the variance request

Site plans, elevations, floor plans, or other supporting documents

The Seychelles Planning Authority will only grant a use variance if the applicant provides evidence that they meet all three legal tests below. Briefly describe how each of the three variance tests are met. Attach all supporting materials.

- (i) **Unnecessary hardship** exists only if the property owner shows that they would have no reasonable use of the property without a variance. If the property currently supports a reasonable use, the hardship test is not met and a variance may not be granted. If a variance is required to allow reasonable use of a property, only that variance which is essential to support reasonable use may be granted and no more. The alleged hardship should not be self-created and should be peculiar to the property.

A proposed use may be reasonable when it:

does not conflict with uses on adjacent properties or in the neighbourhood,
 does not alter the basic nature of the site (e.g., conversion of wetland to upland),
 does not result in harm to public interests, and
 does not require multiple or extreme variances.

Description of Hardship. Provide evidence of unnecessary hardship and describe how the alleged is not self-created.

.....

- (ii) **Unique property limitations:** Unnecessary hardship must be due to unique physical limitations of the property, such as steep slopes or wetlands that prevent compliance. The circumstances of an applicant (growing family, need for a larger garage, etc.) are not a factor in deciding variances.

Unique Circumstances of the property. Describe how alleged hardship related to the property in question is unique and does not apply to substantial portion of the zone or neighbourhood.

.....

- (iii) **No harm to public interests:** A variance may not be granted which results in harm to public interests such as:
 - Promoting and maintaining public health, safety, and welfare
 - Protecting water quality
 - Protecting biodiversity and wildlife habitat
 - Maintaining natural scenic beauty
 - Minimizing property damages
 - Ensuring efficient public facilities and utilities
 - Requiring eventual compliance for nonconforming uses, structures, and lots
 - Any other public interest issues

Description of the Preservation of Public Interest. Provide evidence.

.....

4. DISCLOSURE AFFIDAVIT

I certify that the information provided above is true and accurate to the best of my knowledge:

PROPERTY OWNER OR APPLICANT NAME:

PROPERTY OWNER OR APPLICANT SIGNATURE:

DATE:

5. OFFICIAL USE ONLY (To be completed by Planning Officer)

DATE APPLICATION RECEIVED:

.....

APPLICATION NUMBER:

INTERNAL CHECKLIST:

- Use Variance Form
- Notarized Consent of property owner /Title Deed
 - The owner consent form is required for the following applicants:*
 - The Applicant is not the owner of record for the subject parcel(s)
 - The property has multiple owners (requires signature from each owner of record); or
 - The applicant is a corporation or other entity (requires a signatory)
- Photographs of the site of the variance request
- Site plans, elevations, floor plans, or other supporting documents
- Application Fee

DATE OF DECISION:

- Approved
- Approved with Conditions
- Refused

NAME/SIGNATURE OF PLANNING AUTHORITY OFFICER/ASSESSOR:

.....

DATE SITE VISITED:

Use Variances

Use variance conditions

[Regulation 16(2)]

<p>1. Use Variance Conditions</p>	<p>Use variances can be considered for:</p> <p>(i) Uses not listed in Zoning Table A new use class can be considered through a use variance application if it is not listed in the use class column of the zoning table.</p> <p>(ii) Sui Generis Use are currently “A” uses under the Zoning Table which means permitted subjected to the use complies with all development standards and requirements of referral agencies, and that an Environmental Social Impact Assessment (ESIA) is successful & satisfactorily conducted prior granting planning approval. But a use variance may also be applied.</p> <p>(iii) A non-conforming use can be granted under a use variance application.</p>
<p>2. Criteria</p>	<p>To qualify for a use variance, an applicant should demonstrate proof of three main criteria:</p> <p>1. Unnecessary Hardship must be established; Unnecessary hardship exists only if the property owner shows that they would have no reasonable use of the property without a variance. If the property currently supports a reasonable use, the hardship test is not met and a variance may not be granted. If a variance is required to allow reasonable use of a property, only that variance which is essential to support reasonable use may be granted and no more. A proposed use may be reasonable when it:</p> <ul style="list-style-type: none"> • does not conflict with uses on adjacent properties or in the neighborhood, • does not alter the basic nature of the site (e.g., conversion of wetland to upland), • does not result in harm to public interests, and • does not require multiple or extreme variances. <p>2. Unique property limitations Unnecessary hardship must be due to unique physical limitations of the property, such as steep slopes or wetlands that prevent compliance. The circumstances of an applicant (growing family, need for a larger garage, etc.) are not a factor in deciding variances.</p>

3. *No harm to public interests*

A variance may not be granted which results in harm to public interests such as:

- Promoting and maintaining public health, safety, and welfare
- Protecting water quality
- Protecting biodiversity and wildlife habitat
- Maintaining natural scenic beauty
- Minimizing property damages
- Ensuring efficient public facilities and utilities
- Requiring eventual compliance for nonconforming uses, structures, and lots
- Any other public interest issues

MADE this 23rd day of October, 2023.

**BILLY RANGASAMY
MINISTER OF LANDS AND HOUSING**
