

# REGULATORY MAPPING: GUIDE BOOK ON GOVERNMENT SERVICES URBAN DEVELOPMENT AUTHORITY



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International  
Development

**REGULATORY MAPPING:  
GUIDE BOOK ON  
GOVERNMENT SERVICES**

**URBAN DEVELOPMENT AUTHORITY**

May 2008



**The Asia Foundation**

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Version One

For reproductions of this publication please contact:



**The Asia Foundation**

3 1/A Rajakeeya Mawatha  
Colombo 7, Sri Lanka  
Phone: +94 11 2698356  
Fax: +94 11 2698358  
[www.asiafoundation.org](http://www.asiafoundation.org)

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Printed in Sri Lanka

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# Introduction

This publication is intended to serve as a guide to clarify services provided by the Urban Development Authority (UDA). It provides a detailed outline of the legalities, fees, application process, timeline and recourse available for a broad range of UDA services. Individuals and businesses have found navigating the legal and procedural environment of UDA services difficult and unclear at best. The results of a recent survey sponsored by The Asia Foundation indicated that information of this type was not readily available to the public in a simple and comprehensive manner.

This Guidebook seeks to clarify step-by-step what is involved in the obtaining a permit for a change of use of residential buildings, or the process of demolishing unauthorized constructions, for example. It seeks to inform members of the public and business community about the services, authority, and responsibilities of the Urban Development Authority and its role in improving the conditions for economic growth and creating an enabling environment for small and medium enterprises to flourish in Sri Lanka.

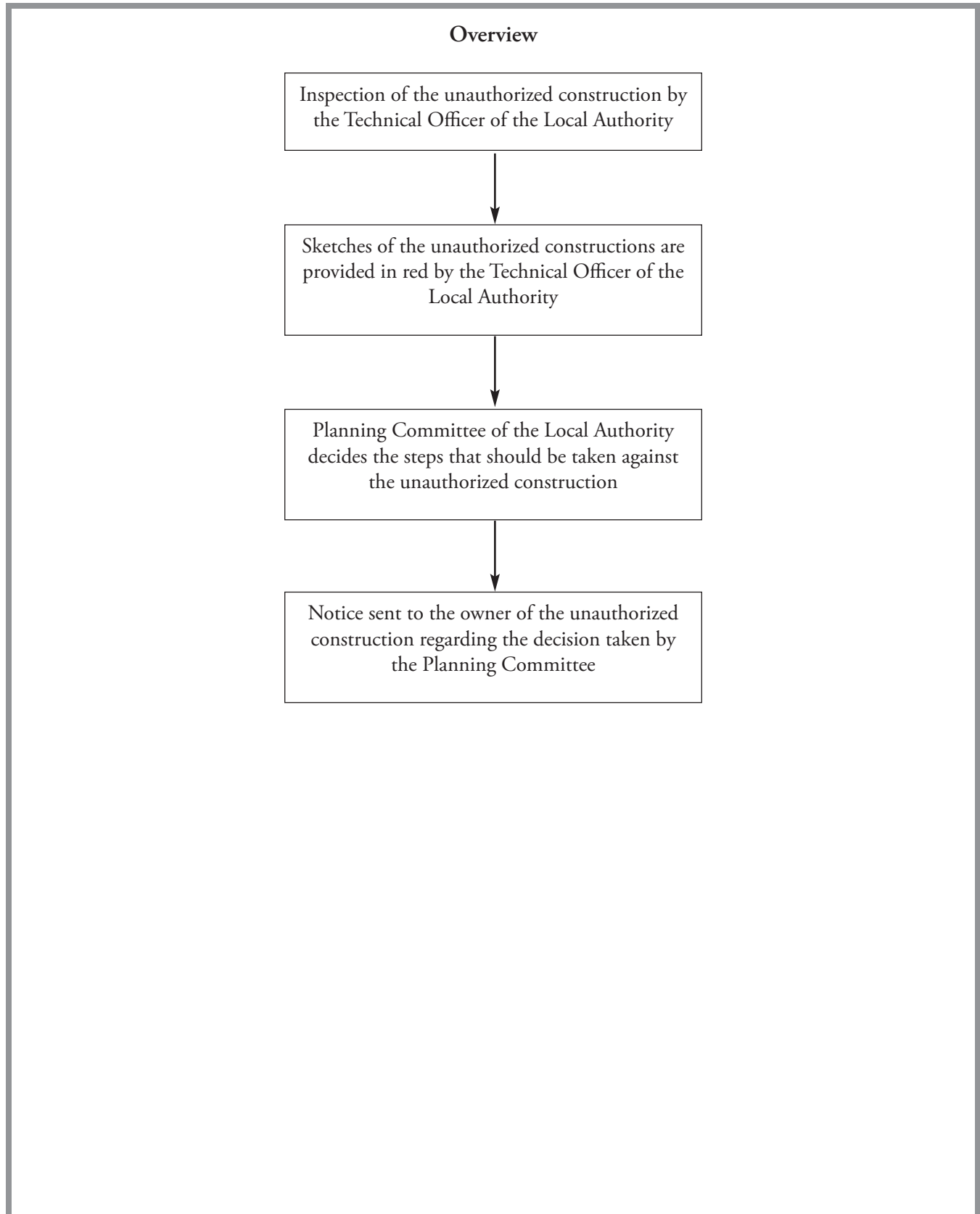
Financial support for this study was provided by the Australian Agency for International Development and the Department for International Development (UK).

# Regulatory Mapping – User Guide

- The different “Interactions” are set out in alphabetical order.
- Each section begins with a flow diagram that sets out in summary form the procedure/process.
- The substantive description that follows gives in detail the process under consideration.
- Every section begins with an Introduction that describes the purpose and context of the Interaction in question.
- This is followed by a short description of the “Legal Authority” for the interaction with specific reference to the acts and by-laws.
- The rest of the information contained in each section depends on the nature of the Interaction. In every case there is a step-by-step description of how to make an application or a request, to whom it should be submitted, what payments, if any, are required and the supporting information and documentation that the application must contain. In some Interactions disputes can arise between the applicant and the UDA. In such cases we have also described the dispute resolution procedure.
- In general there is no overall time specification for the Interactions that have been specified in this publication, except for a few Interactions – e.g. land acquisition. In general there is also a time limit specified for an applicant to make an appeal when a decision of the UDA is disputed.
- For most Interactions the UDA provides a standard form to obtain information from the members of the public. In general these forms are most readily available in Sinhala.



## DEMOLITION OF UNAUTHORIZED CONSTRUCTIONS





## 1. Introduction

It is a legal requirement to obtain approval from the UDA for any type of construction in areas which are declared as developed areas under the UDA Act. The Urban Development Authority has the power to demolish unauthorized constructions.

## 2. Legal Authority

- Urban Development Authority Law No 41 of 1978 as amended by Act No 4 of 1982 & Act No44 of 1984.
- Section 28A (5) of the Urban Development Authority Act.

## 3. Process

Procedure	Time Frame	Authority
Inspection of the unauthorized construction		Technical Officer of the Local Authority
Sketches of the unauthorized constructions are provided in red		Technical Officer of the Local Authority
Decision regarding the steps taken against the unauthorized construction.		Planning Committee of the Local Authority
Notice sent to the owner of the unauthorized construction regarding the decision		Chairman of the Planning Committee.
Owner has to adhere to the instructions given by the Local Authority.		

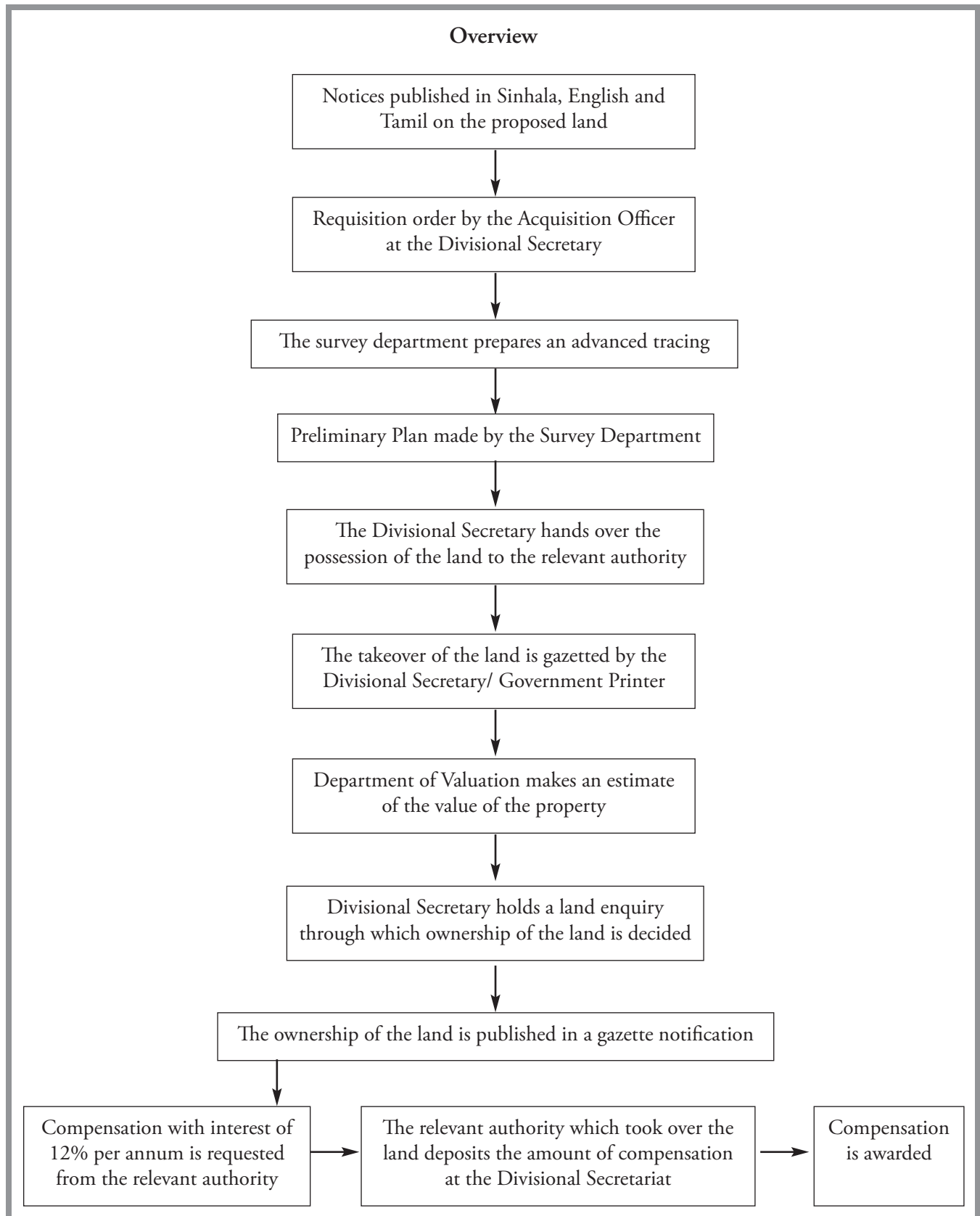
#### 4. Legal Consequences of non-compliance

Procedure	Time Frame	Authority
Planning Committee makes decision as to whether legal action should be taken or not.		
Local Authority takes legal action		Magistrate's Court
If Legal action is not taken by the Local Authority, legal action is taken by the UDA.		Magistrate's Court
Demolition will take place accordingly		

**Note:**

*The Urban Development Authority is entitled to recover all expenses spent for demolition under Section 28A (5) of the Urban Development Authority.*



**LAND ACQUISITION**

## 1. Introduction

When a decision is taken by the Government to acquire land for a public purpose such as for developing urban facilities, construction of an administrative centre or market, playground etc. by the UDA, there is a process to be followed.

## 2. Legal Authority

- Section 2, 5 ,6,7, 9, 10,17 & 38 (a)of the Land Acquisition Act No 09 of 1950 as amended by Act No 13 of 1986

## 3. Process

Procedure	Time Frame	Authority
Notices placed in Sinhala, English and Tamil on the proposed land	14 days	Divisional Secretary
Requisition order	1 week	Divisional Secretary
An advanced tracing is prepared	1 month	Survey Department
Preliminary Plan is prepared	1 week	Survey Department
The possession of the land is handed over to the relevant authority.	1 week	Divisional Secretary
The takeover of the land is gazetted	1 week	Divisional Secretary / Government Printer
An estimate of the value of the property is conducted	2 weeks	Department of Valuation
An enquiry is held through which ownership of the land is decided	2 weeks	Divisional Secretary
The ownership of the land is published in a gazette notification	2 weeks	Divisional Secretary
Compensation with interest of 12% per annum on the acquired land is requested from the relevant authority	1 week	Divisional Secretary
The amount of compensation is deposited at the Divisional Secretariat	1 week	Relevant authority which has taken over the land
Compensation is awarded to owner/s	1 week	Divisional Secretary

#### 4. Appealing against the decision about the amount of compensation

Procedure	Time Frame	Authority
Appeal against decision regarding compensation by the owner	Within 14 days	Board of Review

**Note:**

*Board of Review comprises 10 members. The Chairman of the Board of Review will be a retired judge, five members will be from the legal sector, the rest is comprised of valuers nominated by the Valuation Department.*



## PERMIT FOR CHANGE OF USE OF RESIDENTIAL BUILDINGS

### Overview

Obtain application form from the Regulation Division of the UDA Head Office or UDA sub offices



Completed application form to be submitted to the relevant subject clerk at the UDA



Permit for change of use of residential buildings issued by the Director Regulation Division of the UDA Head Office or Provincial Directors of the Sub-offices



## 1. Introduction

If a person wants to change the use of an existing residential building to a commercial purpose it is essential to obtain a permit from the UDA.

## 2. Legal Authority

- By law Section 8 (i and ii) Sub Section V of UDA Gazette of 10.03.1986.
- Planning regulation of the Development Plan for the area as Gazetted (Part ii)
- Urban Development Authority (Amended) Act No 04 of 1982.

## 3. Fees

The applicant has to pay a processing fee to the UDA office according to the floor area of the residential building which is to be used for another purpose.

Floor (SQ Metres)	Fee Rs+VAT
Below 45	500
45-90	750
91-180	1,000
181-270	2,500
271-450-	3,750
451-675	5,000
676-900	7,500
	1,000 for every additional 90 Sq.m.

### Note:

*Residential building is a building exclusively consisting of one dwelling unit or a number of dwelling units.*

## 4. Supporting Documents

- A Sketch Plan of the proposed location to be converted indicating the surrounding area in order to identify the premises.
- Copy of the Survey Plan.

- A clear copy of the Approved Building Plan and Permit issued by the Local Authority.
- Copy of the Certificate of Conformity (C of C)
- A sketch plan of parking provided within the premises (Parking Diagram)
- A copy of the National Identity Card of the land owner and the occupant
- Landscaping plan indicating:
  - i. Trees and vegetation to be retained
  - ii. Landscape proposals
  - iii. Describe proposals with an outline design

*Note:*

- *The area to be converted should be indicated in red on all plans.*
- *All dimensions of the room and different parts of the building should be indicated and the proposed use for which each room and part of the building is intended to be put to should be indicated on the plan.*

## 5. Process

Procedure	Time Frame	Authority
Obtain application form		Regulation Division of the UDA Head Office or UDA sub-offices.
Completed application form to be submitted		The relevant subject clerk at the UDA
Decision on issue of permit for change of use of residential buildings		Director Regulation Division of the UDA Head Office or Provincial Directors of the Sub-offices

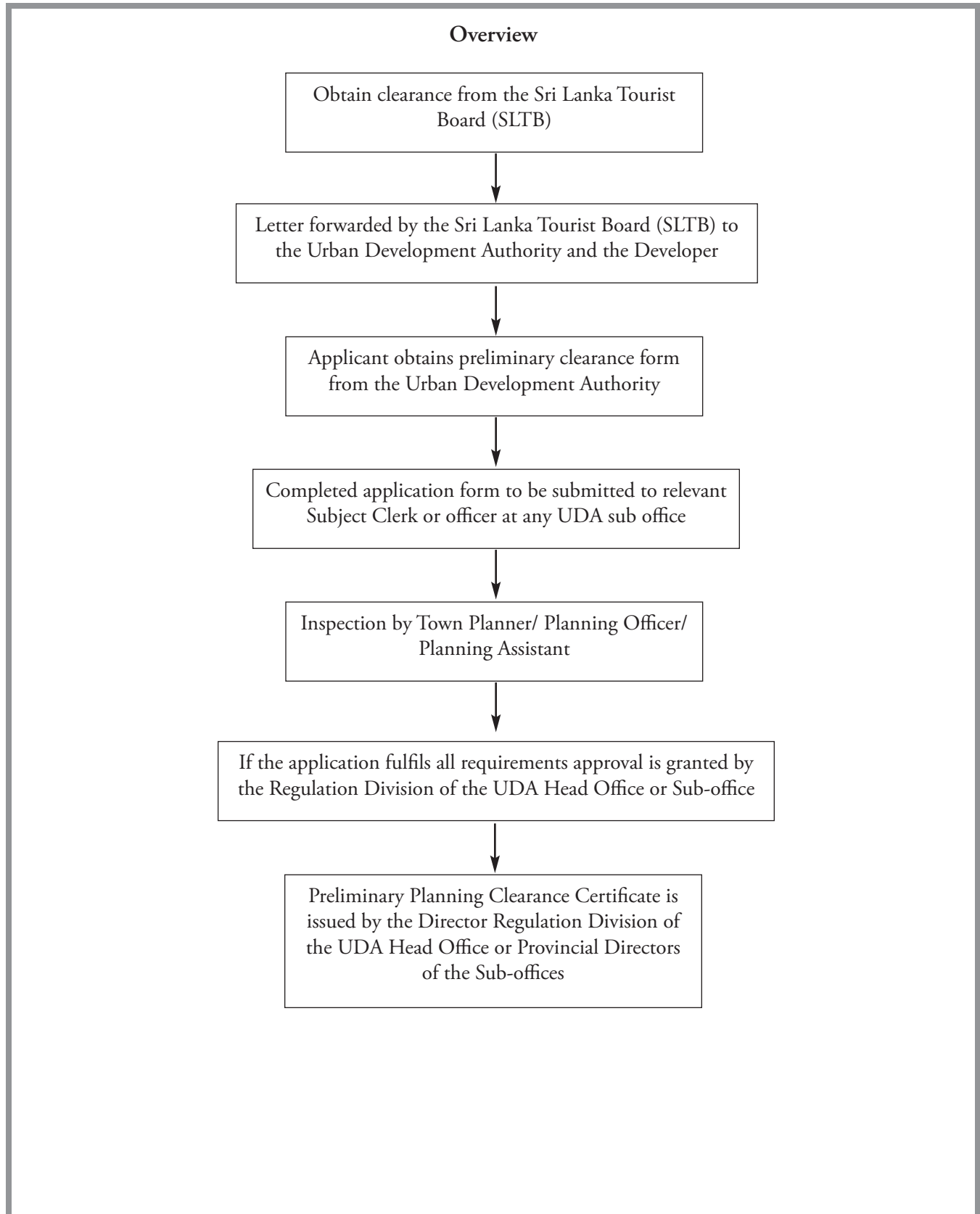
## 6. Legal Consequences of non-compliance

Legal action can be taken in accordance with the Urban Development Authority (Amended) Act No 04 of 1982.

Procedure	Time Frame	Authority
The particular building is sealed		UDA
Legal action is taken by the UDA		Magistrate's Court



## PRELIMINARY PLANNING CLEARANCE CERTIFICATE FOR CONSTRUCTION OF TOURIST-RELATED PROJECTS



## 1. Introduction

It is mandatory to obtain a clearance certificate from the Urban Development Authority for projects such as the construction of Tourist hotels, Tourist Parks, Restaurants etc.

## 2. Legal Authority

- The UDA Regulations under Section 10 (1-3) published in the Extraordinary Gazette No.392/9 of 10.03. 1986.
- Urban Development Authority (Amended) Act No 04 of 1982.

## 3. Fees

The cost of the application form may differ as below:

Distance	Cost for application form Rs
Distance up to 50 Km. from UDA Sub Office	3,450
Distance between 50 Km-100 Km. from UDA Sub Office	5,750
Distance more than 100 Km from UDA Sub Office	8,625

Processing fee may differ as follows:

Distance	Cost for application form Rs
Within the Municipal Council limits	5,000+VAT
Out of the city up to 50 Km	7,500+VAT
Between 50Km-75 Km from the city limits	10,500+VAT
Beyond 75 Km from the city limits	12,500+VAT

### Note:

*If payment is made in the form of a cheque it should be written in favour of "Chairman, Urban Development Authority"*

#### 4. Supporting Documents

- A Copy of the
  - i. Concept Design Proposal if a new development.
  - ii. Approved Building Plan and Certificate of Conformity if an existing building
- A Copy of survey plan of the land.
- Location map indicating all access roads, permanent land marks etc. (enabling Urban Development Authority officer to visit the site.)

#### 5. Process

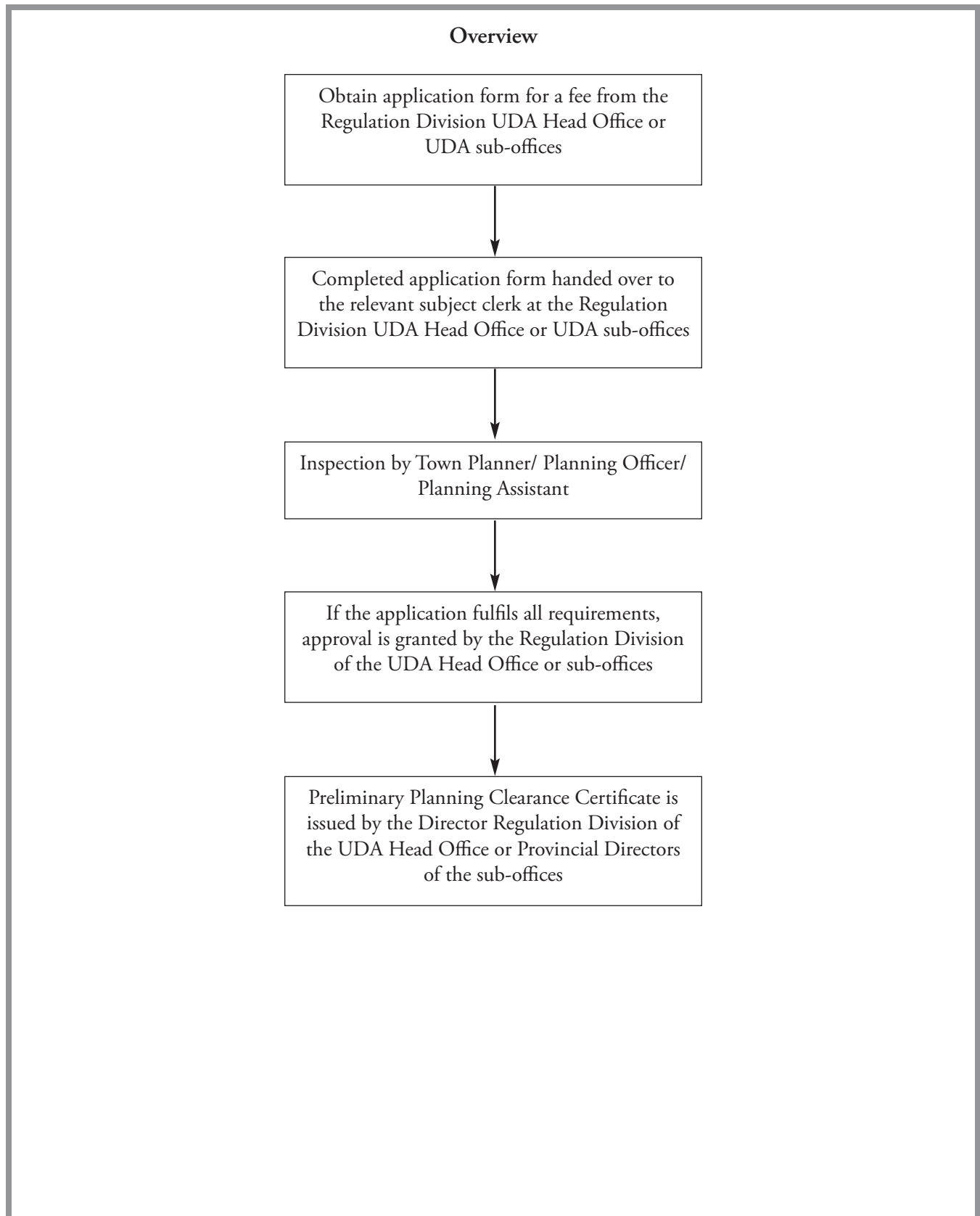
Procedure	Time Frame	Authority
Obtain clearance from		Sri Lanka Tourist Board (SLTB)
A letter forwarded in duplicate by SLTB		<ul style="list-style-type: none"> <li>• Urban Development Authority</li> <li>• Developer</li> </ul>
Applicant obtains preliminary clearance form		Urban Development Authority
Completed application form to be submitted		Relevant Subject Clerk or officer at any UDA sub-office.
Inspection	1-3 weeks	Town Planner/ Planning Officer/ Planning Assistant/ Deputy director level officer.
If the application fulfils all requirements approval is granted.		Regulation Division of the UDA Head Office or Sub-office.
Preliminary Planning Clearance Certificate with conditions (Guidelines) is issued		Director Regulation Division of the UDA Head Office or Provincial Directors of the Sub-offices

#### 6. Legal Consequences of non-compliance

Legal action can be taken in accordance with the Urban Development Authority (Amended) Act No 04 of 1982.

Procedure	Time Frame	Authority
Planning Committee of the Local Authority makes decision as to whether legal action should be taken or not		
Local Authority takes legal action		Magistrate's Court
<p>If Legal action is not taken by the Local Authority legal action is taken by the UDA.</p> <p>Accordingly a fine not exceeding fifty thousand rupees or imprisonment for a time period not exceeding 2 years can be imposed</p>		Magistrate's Court

## PRELIMINARY PLANNING CLEARANCE CERTIFICATE





## 1. Introduction

In areas within the jurisdiction of the UDA, a Preliminary Planning Clearance Certificate must be obtained for any land / real estate development project whatsoever. This is because development activity should be in accordance with the zoning plan for the declared areas. The Certificate is in written form and includes restrictions and conditions which may be imposed by the UDA for any land / real estate development activity. This certificate has a validity period of one year. The Preliminary Planning Clearance Certificate does not constitute a permit and does not entitle the applicant or any person to commence or carry out any development activity whatsoever.

Preliminary Planning Clearance Certificate/ Letter with conditions (Guidelines) is issued by the Regulations Division of the UDA Head Office or Director of the relevant Provincial Office.

## 2. Legal Authority

- The UDA Regulations under Section 10(1-3) published in the Extraordinary Gazette No.392/9 of 10.03.1986.
- Urban Development Authority (Amended) Act No 04 of 1982.

## 3. Fees

The cost of the application form may differ as below:

Purpose	Cost for application form Rs
Residential Purpose	575
Commercial, land subdivision, service stations, industries etc.	862

Processing fee may differ as follows:

Distance	Processing fee Rs
Within the Municipal Council limits	5,000+VAT
Out of the city up to 50 Km	7,500+VAT
Between 50Km-75 Km from the city limits	10,500+VAT
Beyond 75 Km from the city limits	12,500+VAT

#### 4. Supporting Documents

- “C” form to be filled
- Copy of deed.
- Copy of survey plan
- Letter of consent by the owner of the land.
- Sketch plan showing the location.

#### 5. Process

Procedure	Time Frame	Authority
Obtain application form for a fee.		Regulation Division UDA Head Office or UDA sub-offices.
Completed application form to be handed over.		Regulation Division of the UDA Head Office or to the relevant subject clerk of any provincial or sub-office of the UDA.
Inspection	1-3 weeks	Town Planner/ Planning Officer/ Planning Assistant
If the application fulfils all requirements, approval is granted.	Within 2-3 days	Regulation Division of the UDA Head Office or Sub-offices
Preliminary Planning Clearance Certificate Letter with conditions (guidelines) is issued.		Director Regulation Division of the UDA Head Office or Provincial Directors of the Sub-offices

#### Note:

- 1 *An extension for the same clearance could be taken by a written request from the same place that issued the initial certificate (either Regulation Division of the UDA Head Office or UDA sub office).*
- 2 *In a blocking-out plan, if a parcel of land or site to be subdivided exceeds 1.0 hectare, an area of not less than ten percent of the land or site, excluding streets is reserved for community and recreation uses in appropriate locations. Such reserved space shall be vested by the Urban Development Authority free of any charge.*

#### 6. Legal Consequences of non compliance

Legal action can be taken in accordance with the Urban Development Authority (Amended) Act No 04 of 1982.

Procedure	Time Frame	Authority
Planning Committee of the Local Authority makes decision as to whether legal action should be taken or not.		
Local Authority takes legal action		Magistrate's Court
<p>If legal action is not taken by the Local Authority, legal action is taken by the UDA.</p> <p>Accordingly a fine not exceeding fifty thousand rupees or imprisonment for a time period not exceeding 2 years can be imposed</p>		Magistrate's Court

## PRELIMINARY PLANNING CLEARANCE CERTIFICATE FOR ANTENNA TOWERS

### Overview

Obtain application form from the Regulation Division UDA Head Office or UDA sub-offices



Completed application form handed over to the relevant subject clerk at the Regulation Division UDA Head Office or UDA sub-offices



Inspection by Town Planner/ Planning Officer/ Planning Assistant



If the application fulfils all requirements approval is granted by the Regulation Division of the UDA Head Office or Sub-offices



Preliminary Planning Clearance Certificate is issued by the Director Regulation Division of the UDA Head Office or Provincial Directors of the Sub-offices

## 1. Introduction

With the development and expansion of communication facilities, various companies handling telecommunication services must obtain permission from the UDA to construct antenna towers, as these towers may create visual pollution and problems for the surrounding settlements.

## 2. Legal Authority

- The UDA Regulations under Section 10(1-3) published in the Extraordinary Gazette No.392/9 of 10.03.1986.
- Urban Development Authority (Amended) Act No 04 of 1982.

## 3. Fees

The cost of the application form may differ as below:

Distance	Cost for application form Rs
Distance up to 50 Km from UDA Sub Office	3,450
Distance between 50 Km-100 Km. from UDA Sub Office.	5,750
Distance more than 100 Km from UDA Sub-office.	8,625

Processing fee may differ as follows:

Distance	Processing fee Rs
Within the Municipal Council limits	5,000+VAT
Out of the city up to 50 Km	7,500+VAT
50Km-75 Km from the city limits	10,500+VAT
Beyond 75 Km from the city limits	12,500+VAT

### Note:

*If payment is made in the form of a cheque it should be written in favour of "Chairman, Urban Development Authority"*

#### 4. Supporting Documents

- A certificate from a qualified structural engineer regarding the stability of the structure of the tower.
- Clearances from
  - i. Ministry of Defense
  - ii. Department of Civil Aviation
  - iii. Central Environment Authority

#### 5. Process

Procedure	Time Frame	Authority
Obtain application form for a fee.		Regulation Division UDA Head Office or UDA sub-offices.
Completed application form to be handed over.		Regulation Division of the UDA Head Office or to the relevant subject clerk of any provincial or sub-office of the UDA.
Inspection	1-3 weeks	Town Planner/ Planning Officer/ Planning Assistant
If the application fulfils all requirements approval is granted.	Within 2-3 days	Regulation Division of the UDA Head Office or Sub-offices
Preliminary Planning Clearance Certificate Letter is issued.		Director Regulation Division of the UDA Head Office or Provincial Directors of the Sub-offices.

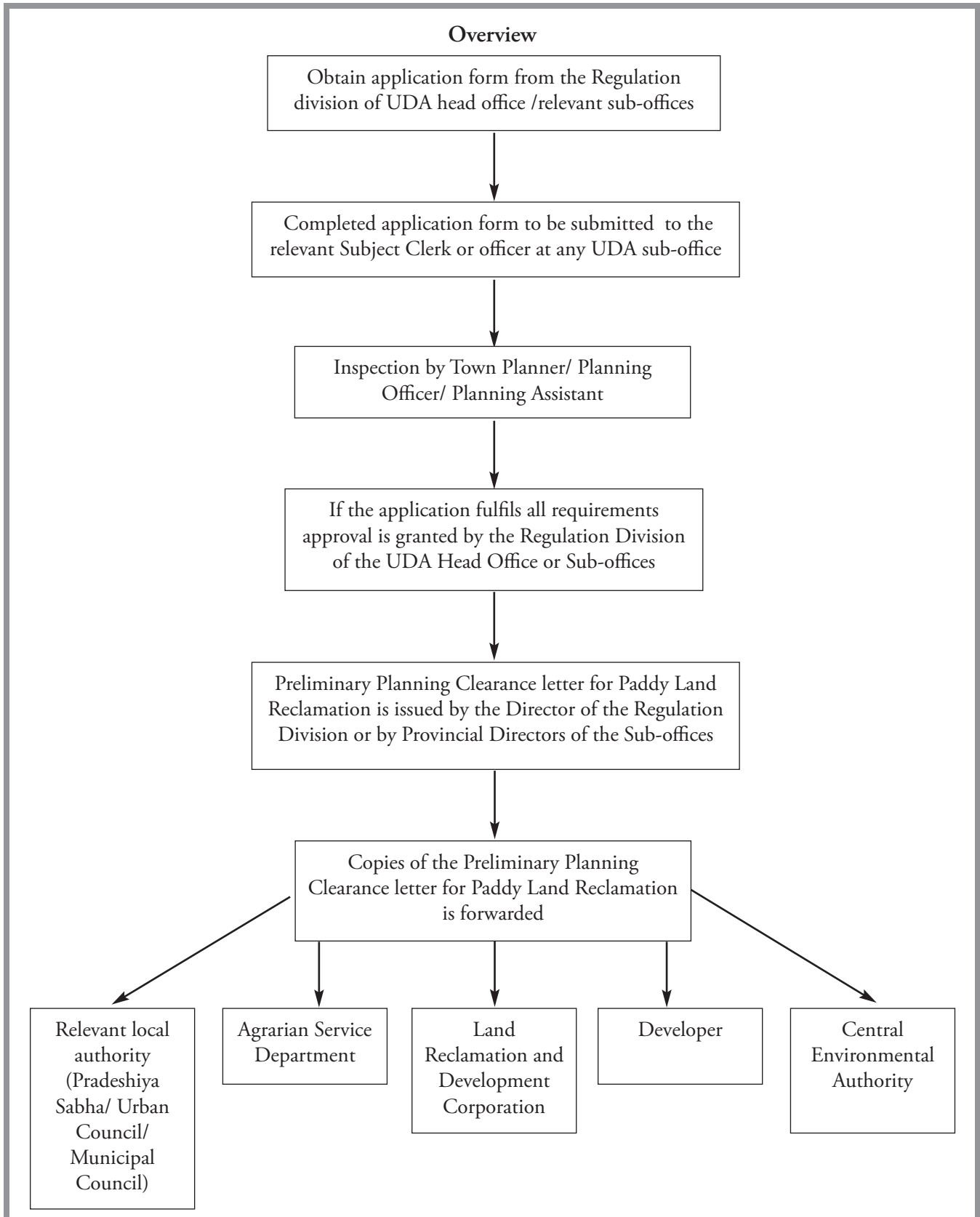
#### 6. Legal Consequences of non-compliance

Legal action can be taken in accordance with the Urban Development Authority (Amendment) Act No 04 of 1982.

Procedure	Time Frame	Authority
Planning Committee of the Local Authority takes decision as to whether legal action should be taken or not.		
Local Authority takes legal action		Magistrate's Court
If legal action is not taken by the Local Authority legal action is taken by the UDA.  Accordingly a fine not exceeding fifty thousand rupees or imprisonment for a time period not exceeding 2 years can be imposed		Magistrate's Court



## PRELIMINARY PLANNING CLEARANCE CERTIFICATE/LETTER FOR FILLING OF PADDY LANDS





## 1. Introduction

It is a legal requirement to obtain approval from the Agrarian Services Department for filling of paddy lands. In the UDA declared areas the Agrarian Services Department seeks approval from the Urban Development Authority for such purposes.

## 2. Legal Authority

- The UDA Regulations under Section 10(1-3) published in the Extraordinary Gazette No.392/9 of 10.03.1986.

## 3. Fees

The cost of the application form may differ as below:

Distance	Cost for application form Rs
Residential Purpose	575
Commercial, land subdivision, service stations, industries etc.	862

Processing fee may differ as follows:

## 4. Supporting Documents

Distance	Processing fee Rs
Within the Municipal Council limits	5,000+VAT
Out of the city up to 50 Km	7,500+VAT
Between 50Km-75 Km	10,500+VAT
Beyond 75 Km	12,500+VAT

- Copy of deed
- Copy of survey plan
- Letter of consent by the owner of the land
- Sketch plan showing the location

## 5. Process

Procedure	Time Frame	Authority
Obtain application form.		Regulation division of UDA head office/ relevant sub-offices.
Completed application form to be submitted.		Relevant Subject Clerk or officer at any UDA sub-office.
Inspection	1-3 weeks	Town Planner/ Planning Officer/ Planning Assistant
If the application fulfills all requirements approval is granted.		Regulation Division of the UDA Head Office or sub-offices
Preliminary Planning Clearance letter for Paddy Land Reclamation is issued.		The Director of the Regulation Division or by Provincial Directors of the sub-offices.
Copies of the Preliminary Planning Clearance letter for Paddy Land Reclamation is forwarded to : 1. Relevant local authority(Pradeshiya Sabha, Urban Council, Municipal Council). 2. Agrarian Service Department. 3. Land Reclamation and Development Corporation. 4. Central Environmental Authority if necessary. 5. To the Developer.		
Final clearance letter for filling of paddy land is issued by the Agrarian Service Department		Agrarian Service Department

### Note:

- *A developer who wishes to fill a paddy land should get clearances from many organizations other than from the UDA, such as the Grama Seva Niladhari, Road Development Authority( RDA), Municipality/Pradeshiya Sabha,Sri Lanka Land Reclamation Co-operation, Central Environment Authority if necessary.*
- *The Planning Clearance letter is issued for a period of one year.*

**6. Legal Consequences of non-compliance**

<b>Procedure</b>	<b>Time Frame</b>	<b>Authority</b>
Agrarian Services Department takes legal action		Magistrate's Court



## **The Asia Foundation**

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The Asia Foundation is a non-profit, non-governmental organization committed to the development of a peaceful, prosperous, just, and open Asia-Pacific region. The Foundation supports programs in Asia that help improve governance, law, and civil society; women's empowerment; economic reform and development; and international relations. Drawing on more than 50 years of experience in Asia, the Foundation collaborates with private and public partners to support leadership and institutional development, exchanges, and policy research.

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### **SRI LANKA**

3 1/A Rajakeeya Mawatha

Colombo 7, Sri Lanka

Tel: +94 11 2698356/7

Fax: +94 11 2698358

[tafsrilanka@asiafound.org](mailto:tafsrilanka@asiafound.org)