

**THE TOWN AND COUNTRY PLANNING LAW, 1957**  
**(LAW 42 OF 1957)**



**The Town and Country Planning**  
**(Tinson Pen Harbour Front)**  
**Provisional Development Order, 1963**

**Tinson Pen Harbour Front**

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# THE TOWN AND COUNTRY PLANNING LAW, 1957

(Law 42 of 1957)

## THE TOWN AND COUNTRY PLANNING (TINSON PEN HARBOUR FRONT)

### PROVISIONAL DEVELOPMENT ORDER, 1963

In exercise of the power conferred upon the Town and Country Planning Authority by section 5(1) of the Town and Country Planning Law, 1957, the following Provisional Development Order is, after consultation with the Kingston and St. Andrew Corporation hereby made:—

1. This Order may be cited as the Town and Country Planning (Tinson Pen Harbour Front) Provisional Development Order, 1963, and shall apply to the area described in the First Schedule to this Order. Citation and application.  
First Schedule.

2. In this Order the expression:

Interpretation.

“the Law” means the Town and Country Planning Law, 1957;

“the Authority” has the meaning assigned to it by section 2 of the Law;

“local planning authority” has the meaning assigned to it by section 2 of the Law;

“planning authority” means local planning authority as defined by section 2 of the Law, and includes the Authority in any case where an application is referred to the Authority pursuant to the provisions of section 12 of the Law;

“development plan” means the plan including any accompanying statements, approved by the Governor in Council in relation to this Order;

“the Minister” has the meaning assigned to it by section 2 of the Law.

3. (1) Where a building or other land is used for a purpose of any class specified in the Second Schedule to this Order, the use of such building or other land for any other purpose of the same class shall not be deemed for the purpose of the Law to involve development of the land. Use Classes.  
Second  
Schedule.

(2) A use which is ordinarily incidental to and included in any use specified in the Second Schedule to this Order is not excluded from that use as an incident thereto merely by reason of its specification in the said Schedule as a separate use.

(3) Where the total floor area of any proposed building or of the existing and proposed buildings on a holding does not exceed 750 sq. ft., planning permission shall not be required if in the opinion of the local planning authority such building or buildings will not be visible from the existing main road or the location of the proposed main road.

4. Subject to the provisions of this Order no development of land within the area to which this Order applies, shall take place except in accordance with the development plan and any planning permission granted in relation thereto; Prohibition of  
development.  
Provided that the planning authority may in such cases and subject to such conditions as may be specified by directions given by the Minister under this Order grant permission for development which does not appear to be provided for in this Order or the development plan, and is not in conflict therewith.

5. (1) An application to the local planning authority for planning permission shall be made in a form issued by the local planning authority and obtainable from that authority or from the Authority, and shall include the particulars required by such form to be supplied, and be accompanied by a plan sufficient to identify the land to which it relates and such other plans and drawings as are necessary to describe the development which is the subject of the application, together with such additional number of copies (not exceeding five) of the form and plans and drawings as may be required by the directions of the local planning authority printed on the form; and the local planning authority may by a direction in writing addressed to the applicant require such further information to be given to them in respect of an application for permission made to them under this paragraph as is requisite to enable them to determine that application. Applications for  
planning  
permission.

(2) Where an applicant so desires, an application expressed to be an outline application may be made under sub-paragraph (1) of this paragraph for permission for the erection of any building, subject to the making of a subsequent application to the local planning authority with respect to any matters relating to the siting, design or external appearance of the buildings, or the means of access thereto; in which case particulars and plans in regard to those matters shall not be required and permission may be granted subject as aforesaid (with or without other conditions) or refused: Provided that—

(a) where such permission is granted it shall be expressed to be granted under this paragraph on an outline application and the approval of the planning authority shall be required with respect to the matters reserved in the planning permission before any development is commenced;

(b) where the planning authority are of opinion that in the circumstances of the case the application for permission ought not to be considered separately from the siting, design or external appearance of the buildings, or the means of access thereto, they shall within the period of one month from the receipt of the outline application, notify the applicant that they are unable to entertain such application,

specifying the matters as to which they require further information for the purpose of arriving at a decision in respect of the proposed development, and the applicant may either furnish the information so required (in which event the application shall be treated as if it had been received on the date when such information was furnished and had included such information) or appeal to the Minister under section 13 of the Law within one month of receiving such notice, or such longer period as the Minister may at any time allow, as if his outline application had been refused by the planning authority.

(3) An application for an approval required by virtue of proviso (a) to sub-paragraph (2) of this paragraph shall be in writing and shall include such particulars and be accompanied by such plans and drawings as are necessary to deal with the matters reserved in the planning permission together with such additional number of copies of the application and plans and drawings as were required in relation to the application for planning permission.

(4) An application to the local planning authority for a determination under section 14 of the Law shall be in writing, and shall contain a description of the operations or change of use proposed and of the land to which such proposal relates.

(5) On receipt of any application under this paragraph the local planning authority shall send to the applicant an acknowledgement thereof in the terms (or substantially in the terms) set out in Part I of the Third Schedule hereto.

(6) The planning authority may by a direction in writing addressed to the applicant require to be produced to an officer of the authority such evidence in respect of an application for permission made to them as they may reasonably call for to verify any particulars of information given to them.

(7) Except where otherwise specifically provided, the period within which the planning authority shall give notice to an applicant of their decision shall be three months or such extended period as may at any time be agreed upon in writing between the applicant and the planning authority.

(8) Every such notice shall be in writing, and—

- (a) where the planning authority decide to grant planning permission subject to conditions or to refuse it, they shall state their reasons in writing and send with the decision a notification in the terms (or substantially in the terms) set out in Part II of the Third Schedule hereto;
- (b) in the case of an application for a determination (whether forming part of an application for planning permission or not) where the planning authority determine that the carrying out of operations or the making of a change in the use of land would constitute or involve development of the land, they shall state in such notice the grounds for their determination and include a statement to the effect that if the applicant is aggrieved by their decision he may appeal to the Minister under section 13 of the Law within one month of the receipt thereof.

(9) The planning authority shall furnish to the Minister and to such other persons as may be specified by directions given by the Minister under this Order, such information as may be so specified with respect to applications made to the planning authority under this paragraph, including information as to the manner in which any such application has been dealt with.

Directions  
restricting the  
grant of  
planning  
permission.

6. (1) The Minister may give directions restricting the grant of planning permission by the planning authority during such period as may be specified in the directions, in respect of any such development or in respect of development of any such class, as may be so specified.
- (2) The planning authority shall deal with applications for permission to develop to which such directions relate in such manner as to give effect to the terms of the directions.

Development  
affecting main  
roads.

7. Before granting permission for development affecting main roads, whether unconditionally or subject to conditions, the planning authority shall consult the Chief Technical Director, Ministry of Communications and Works (Public Works Department).

Reference of  
applications to  
the Authority.

8. On referring any application to the Authority under section 12 of the Law, pursuant to a direction in that behalf, the local planning authority shall serve on the applicant notice of the terms of the direction and of any reason given by the Authority for issuing the direction, and such notice shall inform the applicant that the application has been referred to the Authority and shall contain a statement that the Authority will, if the applicant so desires, afford to the applicant an opportunity of appearing before and being heard by a person appointed by the Authority for the purpose.

Appeals.

9. (1) Subject to the provisions of this Order, any person who desires to appeal—
  - (a) against a decision of the planning authority refusing planning permission or granting planning permission subject to conditions; or
  - (b) against a determination of the planning authority under section 14 of the Law;
  - (c) or on the failure of the planning authority to give notice of their decision or determination, shall give notice of appeal to the Minister within one month of the receipt of notice of the decision or determination, or of the expiry of the period specified in paragraph 5(7) of this Order, as the case may be, or such longer period as the Minister may at any time allow.

- (2) Such person shall also furnish to the Minister a copy of the following documents—
- (i) the application made to the planning authority;
  - (ii) all relevant plans, drawings and particulars submitted to them;
  - (iii) the notice of the decision or determination, if any,
  - (iv) all other relevant correspondence with the planning authority.

10. (1) The planning authority shall keep a register containing the following information in respect of all land within the area to which this Order applies, namely—

Register of applications.

- (a) particulars of any application for permission to develop made to them in respect of any such land, including the name and address of the applicant, the date of the application, and brief particulars of the development forming the subject of the application;
- (b) particulars of any direction given under the Law or this Order in respect of the application;
- (c) The decision, if any, of the planning authority in respect of the application, and the date of such decision;
- (d) the date and effect of any decision of the Minister on appeal, in respect of the application;
- (e) the date of any subsequent approval given in relation to the application.

(2) Such register shall include an index, which shall be in the form of a map unless the Minister approves some other form, for enabling a person to trace any entry in the register.

(3) Such register shall be kept at the office of the planning authority.

(4) Every entry in the register consisting of particulars of an application shall be made within fourteen days of the receipt of such application.

11. (1) Any power conferred by this Order to give a direction or consent shall be construed as including power to cancel or vary the direction by a subsequent direction or, as the case may be to revoke or modify such consent.

Directions, consents and Notices.

(2) Any notice or other document to be served or given under this Order may be served or given in the manner prescribed by section 30 of the Law.

12. (1) Where any land within the area to which this Order applies is subdivided into allotments for the purposes of sale lease or letting or for building purposes, a scheme plan showing the proposed subdivision shall be prepared by a surveyor and submitted to the local planning authority for approval.

Control of subdivision of land.

(2) A person shall not sell, or offer or advertise for sale, or build upon, any allotment in any subdivision to which this paragraph applies, or form any proposed road in connection therewith, unless a scheme plan has been previously approved whether conditionally or unconditionally by the local planning authority.

(3) Every scheme plan prepared for the purposes of this paragraph shall show the whole of the land being subdivided and the several allotments and their areas and dimensions and in addition to existing roads, reserves, access ways and service lanes, and land affected by existing easements shall also show the proposed roads and their approximate grades, the proposed reserves, access ways and service lanes, the situation of any land to be affected by easements, which are to be created and the nature of the easements, and such other particulars as may be specified in writing by the local planning authority.

(4) The local planning authority may refuse to approve any scheme plan or may approve the plan either unconditionally or upon or subject to such conditions as they think fit.

(5) Without prejudice to the generality of sub-paragraph (4) of this paragraph the local planning authority may refuse to approve any scheme plan—

- (a) if in their opinion closer subdivision or settlement of the land shown on the scheme plan is not in the public interest or the land for any other reason whatsoever is not suitable for subdivision.
- (b) if in their opinion adequate provision has not been made for the drainage of any allotment or the disposal of sewage therefrom;
- (c) if the subdivision would in their opinion interfere with or render more difficult or costly the carrying out of any public work or scheme of development which is proposed or contemplated by the Government of the Island or any local authority
- (d) if in their opinion the proposed subdivision does not conform to recognised principles of town planning.

(6) The local planning authority shall give notice of any conditions upon or subject to which a scheme plan has been approved to the person who made application for the approval of the scheme plan.

(7) In any case where the local planning authority have refused to approve the scheme plan or have approved the scheme plan upon or subject to conditions the authority shall so notify the applicant, and he may thereupon appeal to the Minister whose decision shall be final.

(8) Where an appeal under sub-paragraph (7) of this paragraph is made to the Minister, the following persons shall be entitled to be heard, to produce evidence and to put questions to witnesses, namely—

- (a) the local planning authority;
- (b) the owner of the land or interest in the land, to which the appeal relates;
- (c) in any case where a main road is affected, or is likely to be affected, the Chief Technical Director, Ministry of Communications and Works (Public Works Department) or his nominee.

(9) For the purpose of this paragraph—the expression—“owner”, in respect of any land or interest therein, includes an owner thereof, whether beneficially or as a trustee, and mortgagee acting in exercise of the power of sale, and any person whatsoever having power to dispose of the land or interest therein by way of sale; “sale” includes exchange, gift, devise or other disposition affecting the fee simple, and lease for any term (including renewals under the lease) exceeding twenty years and also includes any disposition affecting the leasehold interest under any such lease as aforesaid;

Cap. 211.

“surveyor” has the meaning assigned to it by section 2 of the Land Surveyors Law; and any division of land whether into two or more allotments shall be deemed to be a subdivision of that land for the purposes of sale if at least one of these allotments is intended for sale.

Cap. 227.

13. The provisions of the Local Improvements Law, and Regulations made thereunder shall not apply to the subdivision of land within the area to which this Order applies.

## FIRST SCHEDULE

(Paragraph 1)

### TINSON PEN HARBOUR FRONT DEVELOPMENT AREA—ST. ANDREW

Starting at the south-western corner of the boundary of lands said to belong to the Jamaica Ice Company on the seashore; thence generally north-easterly along the western boundary of lands said to belong to the Jamaica Ice Company and to the Zero Processing and Storage Company Ltd. to the north-western corner of lands said to belong to the Zero Processing and Storage Company Ltd. with Marcus Garvey Drive; thence continuing in a straight line to the southern kerb line of the southern roadway of Marcus Garvey Drive; thence generally north-westerly and northerly along the southerly and westerly kerb line of the southern and western roadway of Marcus Garvey Drive to the northern side of the Railway Track leading from Kingston to Gregory Park belonging to the Jamaica Railway Corporation; thence north-westerly along the northern side of the aforesaid Railway Track to a point which is 435 feet south-easterly of the Survey Department Primary Traverse Station No. P.118 (measured along the northern side of the Railway Track); thence in a straight line following grid bearing south 41 degrees 15 minutes west for a distance of 1,900 feet passing through lands said to belong to the Jamaica Railway Corporation and Joseph Kelly to a point in Kingston Harbour; thence following a straight line grid bearing south 49 degrees east for a distance of 2,160 feet to a point in Kingston Harbour; thence along a straight line grid bearing south 25 degrees east for a distance of 1,900 feet to a point in Kingston Harbour; thence along a straight line grid bearing south 49 degrees east for a distance of 3,670 feet to a point in Kingston Harbour; thence north-easterly along a straight line back to the starting point.

## SECOND SCHEDULE

(Paragraph 3)

### USE CLASSES

In this Schedule—

“shop” means a building used for the carrying on of any retail trade or retail business wherein the primary purpose is the selling of goods by retail, and without prejudice to the generality of the foregoing includes a building used for the purpose of a hairdresser, undertaker, travel agency, or as the receiving office for goods to be washed, cleaned or repaired, or for any other purposes appropriate to a shopping area, but does not include a building used as funfair, garage, petrol filling station, office or bank.

- |          |   |
|----------|---|
| Class 1  | Use as a shop.  |
| Class 2  | Use as an office or bank.   |
| Class 3  | Use as a warehouse for any purpose, except storage of offensive or dangerous goods.   |
| Class 4  | Use as a building for public worship or religious instruction or for the social or recreational activities of the religious body using the building.                            |
| Class 5  | Use as a health centre, a clinic, a creche, a day nursery or a dispensary or use as a consulting room or surgery unattached to the residence of the consultant or practitioner. |
| Class 6  | Use as an art gallery (otherwise than for business purposes), a museum, a public library or a public reading room.  |
| Class 7  | Use as a public hall, a concert hall, an exhibition hall, a social centre or a community centre.  |
| Class 8  | Use as a theatre, a cinema, a music hall.   |
| Class 9  | Use as a dance hall, a swimming bath, a gymnasium or for indoor games.  |
| Class 10 | Use as a hotel, motel or apartment house,   |

### THIRD SCHEDULE

## PART I

(Paragraph 5(5) )

*Notification to be sent to the applicant on receipt of his application*

Your application dated ..... has been received and, if on .....  
 (insert date) (insert date of expiry of the period  
 under paragraph 5 of the Order)

you have not been given notice by the planning authority of their decision you are entitled to appeal to the Minister in accordance with section 13 of the Town and Country Planning Law, 1957, by notice served within one month from that date. You may, however, by agreement in writing with the planning authority extend the period within which the decision of the planning authority is to be given.

## PART II

(Paragraph 5 (8) (a) )

*Notification to be sent to applicant on refusal of planning Permission  
or on the grant of permission subject to conditions.  
(To be endorsed on notices of decision)*

1. If the applicant is aggrieved by the decision of the planning authority to refuse permission for the proposed development, or to grant permission subject to conditions, he may, by notice served within one month of the receipt of this notice, appeal to the Minister in accordance with section 13 of the Town and Country Planning Law, 1957. The Minister has power to allow a longer period for the giving of a Notice of Appeal and he will exercise his power in cases where he is satisfied that the applicant has deferred the giving of notice because negotiations with the planning authority in regard to the proposed development are in progress. The Minister is not, however, required to entertain such an appeal if it appears to him that the planning permission for the proposed development could not have been granted by the planning authority, or could not have been so granted otherwise than subject to the conditions imposed by them, having regard to the provisions of section 11 of the Law and of the Development Order and to any directions given in the Order.

2. In certain circumstances provided in section 17 of the Town and Country Planning Law, 1957, a claim may be made against the Town and Country Planning Authority for compensation where permission is refused or granted subject to conditions by the Minister on appeal.

D. W. SPREULL,

Government Town Planner,

Town and Country Planning Authority.

Dated at Halfway Tree, St. Andrew,  
this 26th day of February 1963.

TINSON PEN HARBOUR FRONT  
PROVISIONAL DEVELOPMENT ORDER

## GENERAL DESCRIPTION

The intention of this Order is to make provision for the orderly and progressive development of new wharves, warehouses, factories, offices and ancillary uses. It is also intended to ensure proper traffic circulation, car parking, building-lines, road verges and other amenities in the layout.

The development programme will extend from the northwest boundary of the Government Railway lands, along the southwest boundary of Marcus Garvey Drive and its proposed extension to the northwest to the limit of the Government lands to the north-western boundary of the Zero Processing factory site. The southeast boundary will be slightly east of right-angles to Marcus Garvey Drive. The south-western boundary will extend into the harbour for a distance of approximately 1,454 ft. southwest of Marcus Garvey Drive.

The whole of the area of land contained within the boundary of the scheme shall be reclaimed with material taken from within the harbour. This reclamation programme may be carried out in stages at different times and the development programme will be restricted to the areas which have been reclaimed. Eventually a deep-water shipping channel will be established along the new frontage to the harbour.

### Wharves, Warehouses and Industry

The provision of wharves of the alongside type will be permitted along the waterfront. Rail connections to such wharves will be permitted. Parallel and adjacent to the wharves, lands will be zoned for warehouse and industrial purposes and rail facilities may also be provided to this area. Between this zone and Marcus Garvey Drive lands will be reserved for warehouse, office and commercial purposes, with provision for shopping facilities which will serve the exclusive needs of this vicinity.

### Roads and Parking

No development will be permitted which will conflict with the proposed improvements to Marcus Garvey Drive. The number of openings into this arterial road will be restricted in accordance with the road layout in the Development Plan. No other openings will be permitted into this main highway within 200 ft. of a roundabout or intersection with another roadway.

Developers may be required to setback the building-line in order to provide customers' car parking facilities off the roadway and may also be required to provide car parking areas within the curtilage of the site to be developed, in the ratio of one car per 400 feet of floor space in buildings to be used as shops, offices, clubs or bars and one car per 1,000 feet of floor space in buildings to be used for warehouse or industrial purposes.

In considering applications to develop or to subdivide land, provision may be required for loading and unloading vehicles within the site, as well as provision for service roads. The standard of new roads and improvement to existing roads will be as follows:—

(A) *Main Roads*

Marcus Garvey Drive will be extended to a reservation of 120 ft. to provide two 24-foot dual carriageways, a median strip of varying width, the minimum to be 40 ft. where road junction crossings are necessary; two 6-foot footpaths if necessary with a reserve on the south and on the north side of the road for tree-planting or such requirements as the local planning authority may consider adequate because of special circumstances.

(B) *Main Estate Roads*

60 ft. reservation, 40 ft. carriageway, two 10-foot footpaths.

(C) *Estate Roads*

This will be a one-way road from east to west parallel to Marcus Garvey Drive having a 30 ft. reservation 22 ft. carriageway and one 8-foot verge on the south side, which may be paved.

(D) *Service Roads*

30 ft. reservation, 20 ft. carriageway, with two 5-foot verges which may be paved if required.

All road intersections must have a minimum kerb radius of 35 feet. It may also be necessary to provide kerbs to all roadways. These will be in accordance with the requirements of the local planning authority.

Sight lines at corners will be established by setting back building lines, which for corner sites will be the line connecting points 35 ft. from the corner of each frontage. No obstruction to traffic view will be permitted closer to the corner than this line.

*Buildings and Other Structures*

The provision and siting of community facilities, the layout of building areas, including density, spacing, grouping and orientation will be considered in the grant of permission to develop. The size, height, colour and finishing materials of buildings, the objects which may be affixed to buildings, the layout and site coverage of buildings, and the use to which land or buildings are to be put will all be subject to control by the local planning authority in order to improve standards of design and amenity.

Display windows and doorways in each block of development shall be to standard heights. Similarly, canopies over the entire frontage of each building block shall be designed to standard heights and thicknesses so that they may provide a single and continuous overhead canopy. Columns may be used as supports to canopies, or canopies may be cantilevered, but uniformity of appearance will be maintained. Where buildings are taken above ground-floor height, the first floor shall be kept to uniform heights throughout each block. Windows, eaves and parapets shall be to constant heights so that even if first-floor buildings are not continuous there will be harmony in the features of the facade.

All signs, notices, advertisements, etc., shall be kept below the top of the canopy, parapet or eaves; no advertisements, wall writings, neon signs, etc. will be permitted above the canopy, parapet or eaves line except with the special permission of the local planning authority. Special buildings within the commercial areas such as petrol service stations, etc., may be permitted to erect standard coloured trade signs, etc., with the approval of the local planning authority.

Shopping centres will be planned to serve this development area, and no shops will be permitted except in specific areas in accordance with the Development Plan. The facades to all groups of shops will be continuous. This does not mean that the whole frontage to each shopping lot need be built over. Where an entry is required into the back of a lot, it will be through a gateway which can be closed and designed to ensure that the facade is normally unbroken. Gaps between adjoining buildings will be closed by a wall or fence in harmony with the appearance of the building. Where a developer wishes to setback the property line this may be permitted without breaking the continuity of the frontage.

*Amenities*

(a) Advertisement control will be introduced in accordance with regulations.

(b) *Services*

Provision may have to be made for the reservation of sites for the establishment of future water supply, sewerage and power sub-stations. Road reservations have been made sufficiently wide to allow for the installation of works by statutory or other undertakers in relation to power, lighting, water supply, sewage disposal, drainage and any other public services. Any installation above ground will require planning permission. Where it is practical, electrical and telephone lines should be taken underground for reasons of amenity and for safeguard against hurricane and storm damage. Where this is not practical, these services may be situated other than along the main road frontage of properties.

(c) A public bathing beach with a shoreline of not less than 500 feet will be established and made available constantly to the public. A further public reserve of up to 20 acres, at Government's request, shall be situated adjoining this beach. For the present these amenities will be situated immediately to the west of the Cockburn Pen Gully outlet

In the event of this beach and land being required for development of another type, further provision will first be made for similar public beach and reserve facilities to serve the area so that these amenities are available continuously.

*Zoning Related to Use Classes*

The attached chart shows an intended relation of uses to the zones shown in the Development Plan. For example, in the case of an application to construct a warehouse, this would normally be permitted in the industry zone and considered in certain cases within the commerce zone. It would not normally be permitted in the shopping zone. The establishment of petrol and service stations will be considered in certain cases in the commerce and shopping zones, but will not normally be permitted in other zones.

*Miscellaneous*

In considering applications to subdivide land, it will be necessary to prescribe the character and type of public services and other works which shall be undertaken and completed by the applicant as a condition of the grant of permission to subdivide. It will also be necessary to co-ordinate the subdivision of contiguous properties in order to give effect to the overall scheme of development.

D. W. SPREULL,  
Government Town Planner,  
Town and Country Planning Authority

STATEMENT OF INTENDED RELATION OF USES TO THE ZONES SHOWN IN THE  
DEVELOPMENT PLAN

Zone	Shops	Offices	Industry	Warehouses	Churches, etc.	Health Centres, etc.	Halls, etc.	Cinemas, etc.	Petrol Filling Stations	Hotels, etc.	Residences	Clubs, Bars
Industry ..	3	2	1	1	3	1	2	3	3	3	3	3
Commerce ..	3	1	3	2	3	1	2	3	2	3	3	2
Shops ..	1	2	3	3	3	1	2	3	2	3	3	1
Unzoned Areas ..	Applications to be given individual consideration.											

Normally permitted ..	..	..	1
Considered in certain cases ..	..	..	2
Not normally considered ..	..	..	3