

**SECTION 7-TOWN PLANNING (INTERIM DEVELOPMENT)
REGULATIONS**

Regulations 23rd June, 1960 [in force 1st Sept], 1960),

28th Dec., 1961, 25th May, 1964.

Made by the Governor in Council

PART I. PRELIMINARY

Short title

1. These Regulations may be cited as the Town Planning (Interim Development) Regulations.

Application

2. These Regulations shall apply to all town planning areas constituted under the Act, excepting those areas in respect of which a scheme has been approved under section 24 of the Act.

Interpretation

3. In these Regulations, unless the context otherwise requires-

"advertisement" means any word, letter, model, sign, placard, board, notice, device or representation, employed wholly or in part for the purposes of advertisement, announcement or direction, and without prejudice to the foregoing provision includes any hoarding or similar structure used or adapted for use for the display of advertisements, and references to the display of advertisements shall be construed accordingly;

"agricultural land" means land used for farming purposes including horticulture, fruit farming, the growing of crops of all descriptions, dairy farming, bee keeping, poultry keeping and breeding, and the breeding and keeping of livestock;

"building" includes any house, hut, shed, or roofed enclosure, whether used for the purpose of a human habitation or otherwise, and also any, wall, fence, platform, septic tank, staging, gate, post, pillar, paling, frame, hoarding, slip, dock, wharf, pier, jetty, landing stage or bridge or any structure or erection connected with the foregoing;

"business premises" means any building, normally used for the carrying on of any professional, commercial or industrial undertaking, or any undertaking for the provision of services for profit, and without prejudice to the generality thereof includes public restaurants, licensed premises and places of public entertainment; but in the case of any buildings used principally for residential purposes includes only that part of the building normally used as business premises;

"dwelling-house" does not include a flat or tenement building;

"enclosed land" means land which is wholly or for the most part enclosed within a hedge, fence, wall or similar screen or structure, but shall not include any public park, public garden or other land held for the use or enjoyment of the public;

"forestry" includes logging, afforestation and re-afforestation but does not include saw milling;

"front" in relation to a dwelling-house includes any wall of such dwelling house which faces towards a street other than a rear access road;

"industrial building" means a building used for the carrying on of any process for or incidental to any of the following purposes, namely-

(a) the making of any article or part of any article; or

(b) the altering, repairing, ornamenting, finishing, cleaning, washing, packing or canning, or adapting for sale, or breaking up or demolition of any article; or

(c) the getting, dressing or treatment of minerals,

being a process carried on in the course of trade or business other than agriculture, and for the purposes of this definition the expression "article" means an article of any description, including a ship or vessel;

"light industrial building" means an industrial building (not being a special industrial building) in which the processes carried on or the -machinery installed are such as could be carried on or installed in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit;

"general industrial building" means an industrial building other than a light industrial building or a special industrial building;

"special industrial building" means an industrial building used for one or more of the purposes specified in Classes V, VI, VII and VIII referred to in the Third Schedule;

"original" means, in relation to a building existing at the commencement of these Regulations as existing on that date; and in relation to a building built after that date, as so built;

"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 includes a building used for the purposes of a hairdresser, undertaker or ticket agency or for the reception of goods to be washed, cleaned, or repaired, or for any other purpose appropriate to a shopping area, but does not include- a building used as a garage, petrol, filling station, office, or hotel or premises licensed for the sale of intoxicating liquor for consumption on the premises;

"site" in relation to an advertisement, means any land, or any building other than an advertisement as herein defined, on *which* an advertisement is displayed.

Applications for permission under section 6 of the Act.

4.-(1) An application to a local authority for permission under section 6 of the Act shall be made on a form, submitted in triplicate, as set out in the Fourth Schedule, 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 information, plans and drawings as are necessary to describe the development which is the subject of the application.

(Amended by Regulations, 28th December, 1961.)

(2) An application, expressed to be an outline application, may be made to the local authority for approval in principle for the erection of any buildings, subject to the subsequent approval of the local authority with respect to any matters relating to the sitting, 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 approval in principle may be granted subject as aforesaid (with or without other conditions) or refused:

Provided that-

(a) no development may be commenced before the permission of the local authority has been granted under section 6 (1) of the Act with respect to the matters reserved in the approval of an outline application;

(b) where the Director is of the opinion that in the circumstances of the case the outline application ought not to be considered separately from the sitting, design or external appearance of the buildings, it shall notify the local authority that it is unable to entertain such application, specifying the matters as to which it requires further information for the purpose of arriving at a decision on the outline application in respect of the proposed development.

PART II.-GENERAL PROVISIONS

Permitted development

5.-(1) Subject to the subsequent provisions of these Regulations, development of any class specified in the First and Second Schedules is permitted by these Regulations and may be undertaken upon land to which these Regulations apply, without the express permission of the local authority under section 6 of the Act:

Provided that the permission granted by this regulation in respect of any such class of development shall be subject to any condition or limitation imposed in the First and Second Schedules in relation to that class.

(2) -Nothing in this regulation .or in the First or Second Schedules shall operate so as to permit any development contrary to a condition imposed in any permission granted under section 6 of the Act otherwise than by this regulation.

Conditions applicable to all advertisements

6.-(1) Without prejudice to the power of the local authority to impose additional conditions upon a grant of permission under section 6 of the Act, the standard conditions and 2 set out in Part II of the Second Schedule shall apply without further notice to the display of all advertisements, including those being displayed on the commencement of these Regulations.

(2) For the purposes of this Regulation all advertisements existing at the commencement of these Regulations shall be deemed to be displayed in accordance with permission granted under section 6 of the Act.

Exclusion from "development" of certain changes of use

7. Where land or any building is used for a purpose of any class specified in the Third Schedule, the use of such land or building for any other purpose of the same class shall not be deemed for the purposes of the Act to involve development.

Directions restricting permitted development

8. -(1) If the Director, after consultation with the local authority, is satisfied, whether upon representations made to it by the local authority or otherwise, that it is expedient that development of any of the classes specified in the First and Second Schedules should not be carried out in any particular area, or that any particular development of those classes should not be carried out, unless permission is granted on an application in that behalf, the Director may direct that the permission granted by regulation 5 shall not apply to-

(a) all or any development of all or any of those classes in any particular area specified in the direction; or

(b) any particular development, specified in the direction, falling within any of those classes.

(2) Notice of any direction specifying any particular area given under subparagraph (a) of paragraph (1) shall be advertised in the Gazette and in one or more newspapers circulating in Fiji, and such notice shall contain a concise statement of the effect of the direction and name a place or places where a copy thereof and of a map defining the area to which it relates may be seen at all reasonable hours; and any such direction shall come into force on the date on which notice thereof is first published.

(3) Notice of any direction specifying any particular development given under sub-paragraph (b) of paragraph (1) shall be served by the local authority on the owner and occupier of the land affected, and any such direction shall come into force on the date on which notice thereof is served on the occupier or, if there is no occupier, on the owner.

Notices relating to revocation and modification of permission

9.-(1) Where a local authority intends to revoke or modify under section 8 of the Act, any permission to develop land previously granted under section 6 of the Act, that authority shall serve notice to that effect on the owner and on the occupier of the land affected, and on any other person who in its opinion will be affected by the revocation or modification of permission.

(2) A notice under paragraph (1) shall specify the reason or reasons for, the revocation or modification of the grant of permission to which the notice refers, and shall prescribe a period (not being less than 28 days from the service of the notice) within which representations in writing may be made to the local authority.

(3) When making application to the Director for the confirmation of a revocation or modification of permission under section 8 of the Act, the local authority shall forward to the Director at the same time copies of all representations made to that authority under paragraph (2), together with a statement of its opinion as to the merits thereof.

(4) The Director shall consider all representations made to the local authority under paragraph (2) and any statement of opinion by the local authority as to the merits thereof, and may confirm, with or without modifications, or disapprove, the revocation or modification of permission.

(5) In the event of the Director confirming, with or without modifications, any revocation, or modification, under subsection (1) of section 8 of the Act, the local authority shall not be liable for any compensation under subsection (3) of that section in respect of any expenditure, loss or damage arising from any work carried out after the date of any notice served by the local authority under paragraph (1).

Orders relating to authorised development

10.-(1) An order made by a local authority under section 9 of the Act shall specify the use which is required to be discontinued, or the conditions under which such use may be continued, or the steps required to be taken for the alteration or removal of the building or works, as the case may be.

(2) Notice of intention to make an order by a local authority under section 9 of the Act shall be served by that authority on the owner and on the occupier of the land affected, and on any other person who in its opinion will be affected by the order.

(3) A notice served under paragraph (2) shall specify the reason or reasons for the making of the order, and shall prescribe a period (not being less than 28 days from the service of the notice) within which representations in writing may be made to the local authority.

(4) When making application to the Director for the confirmation of an order under subsection (1) of section 9 of the Act, the local authority shall forward to the Director at the same time copies of all representations made to that authority under paragraph (3) together with a statement of its opinions as to the merits thereof.

(5) The Director shall consider all representations made to the local authority under paragraph (3) and any statement of opinion by the local authority as to the merits thereof, and may confirm, with or without modifications, or refuse to confirm the order.

(6) In the event of the Director confirming, with or without modifications, any order under subsection (1) of section 9 of the Act, the local authority shall not be liable for any compensation under subsection (4) of section 9 of the Act in respect of any damage arising from any building or other work carried out on the land by the owner or the occupier after the date of any notice served by the local authority under paragraph (2).

SCHEDULE

PART I

The following development is permitted under regulation 5 subject to the conditions set out opposite the description of that development in column (2). The references in that column to standard conditions are to the conditions numbered and set out in Part II.

<i>Column (1)</i> <i>Description of Development</i>	<i>Column (2)</i> <i>Conditions</i>
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Class I- Development within the cartilage of a dwelling-house

1. The enlargement, improvement or other alteration of a dwelling-house (not being a separate outbuilding) so long as the floor area of the original dwelling-house is not increased by more than 100 square feet or one-tenth, whichever is the greater.

(1) The height of such development shall not exceed the height of the original dwelling-house.

(2) No part of such development shall project beyond the forward most part of the front or the original dwelling-house.

(3) The development referred to in column (1) shall not include any development in relation to a dwelling-house which is subject to a closing

order under section 21 of the Public Health Act, or to a demolition order under section 26 of that Act.

(4) Standard conditions 1, 2 and 3.

(2) the erection, construction of placing, and the maintenance, improvements or other alteration, within the cartilage of a dwelling-house, of any building or enclosure (other than a dwelling-house or garage) required for a purpose incidental to the enjoyment of the dwelling-house as such including the keeping of poultry, bees, pet animals, birds or other livestock for the domestic needs or personal enjoyment of the occupants of the dwelling-house.

(1) The height shall not exceed, in the case of a building with a ridged roof, 12 feet, or in any other case, 10 feet.

(2) No part of such building or enclosure shall project beyond the forward most part of the front of the dwelling-house.

(3) Standard conditions 1, 2, and 3.

Class II- Sunday minor operations

The erection or construction, in materials other than sheet metal, corrugated or otherwise, of gates, fences, walls or other means of enclosure not exceeding 3 feet in height where abutting on a road or public footpath used by vehicular or pedestrian traffic or 7 feet in height in any other case, and the maintenance, improvement or other alteration of any gates, fences, walls or other means of enclosure.

(1) No improvement or alteration shall increase the height above the height appropriate for a new means of enclosure.

(2) Standard conditions 1, 2 and 3.

Class III- Changes of use

Development consisting of a change of use to use as a light industrial building from use as a general industrial building.

Class IV- Temporary buildings and uses

1. The erection or construction on land which building operations are being or about to be carried out in pursuance of permission granted or deemed to be granted under section 6 of the Act, or on adjoining land, of contractors' huts or storage sheds needed temporarily in connexion with those operations, for the period of such operations.

2. The use of land for any purpose other than the display of advertisement, on not more than 28 days in total in any calendar year, and the erection or placing of movable structures on the land for the purpose and period of that use.

Standard conditions 1, 2 and 3.

(Amended by Regulations 25th May, 1964.)

Class V-Users of land for recreational purposes

The use of land other than buildings and not within the cartilage of a dwelling-house for the purpose of recreation.

Standard condition 1.

Class VI- Agricultural buildings

The carrying out on agricultural land having an area of more than one acre and comprised in one agricultural holding of building operations, other than the provision and alteration of dwellings, requisite for the use of that land for the purpose of agriculture. Standard conditions 1, 2 and 3.

Class VII- Forestry buildings

The carrying out on land used for the purposes of forestry of building operations, other than the provision or alteration of dwellings, requisite for the carrying on of those purposes. Standard conditions 1, 2, and 3.

Class VIII- Development for purposes of water transport

Development required for the purposes of shipping or in connexion with the embarking, disembarking, loading, discharging or transport of passengers, livestock or goods at a dock, pier or wharf except the construction or erection, or reconstruction or alteration as to materially affect the design or external appearance thereof, of docks, piers and wharves, and of sheds or other roofed enclosures (not being structures required in connexion with the handling of traffic). Standard conditions 1 and 2.

Class IX- Use of aerodrome buildings

The use of buildings on an aerodrome for purposes connected with the air transport service or other flying activities at such aerodrome.

Class X- Vehicular access

The formation, laying out or material widening of a means of vehicular access to a street, not being a street which is declared as a principal highway under section 3 of the Roads Act.

Class XI- Septic tanks

The construction of septic tanks.

PART II-STANDARD CONDITIONS

1. This permission shall not authorise any development which involves the formation, laying out or material widening of a means of access to a street, which is declared as a principal highway under section 3 of the Roads Act.
2. No development shall be carried out which creates an obstruction to the view of persons using any road used by vehicular traffic at or near any bend, corner, junction or intersection so as to be likely to cause danger to such persons.
3. This permission shall not authorise any development contrary to the provisions of restricting regulations under section 10 of the Civil Aviation Act.

SECOND SCHEDULE

PART I

The display of advertisements of the following classes is permitted under regulation 5 subject to any conditions specified within those classes and to the Standard Conditions set out in Part II.

CLASS I-TRAFFIC SIGNS AND FUNCTIONAL ADVERTISEMENTS OF PUBLIC TRANSPORT UNDERTAKERS

1. Advertisements in the nature of traffic signs employed wholly for the control, guidance or safety of traffic.
2. Advertisements employed wholly for the purposes of announcement or direction in relation to any of the functions of public transport undertakers engaged in the carriage of passengers; being advertisements which are reasonably required to be displayed in the manner in which they are displayed in order to secure the safe and efficient performance or operation of that undertaking.

CLASS II: MISCELLANEOUS ADVERTISEMENTS RELATING TO PREMISES ON WHICH THEY ARE DISPLAYED

1. Advertisements for the purpose of identification; direction or warning with respect to the land or buildings on which they are displayed, and not exceeding two square feet in area in the case of any such advertisement.
2. Advertisements relating to any person, partnership or company separately carrying on a profession, business or trade at the premises where any such advertisement is displayed; limited to one advertisement, not exceeding three square feet in area, in respect of each such person, partnership or company, or, in the case of premises with entrances on different street frontages, one such advertisement at each of two such entrances.
3. Advertisements relating to any institution of a religious, educational, cultural, recreational or medical or similar character, or to any residential hotel, block of flats, club, boarding house or hostel situated on the land on which any such advertisement is displayed; limited to one advertisement, not exceeding twelve square feet in area, in respect of each such premises or, in the case of premises with entrances on different road frontages, two such advertisements displayed on different road frontages of the premises.

CLASS III-CERTAIN ADVERTISEMENTS OF A TEMPORARY NATURE

1. Advertisements relating to the sale or letting of the land on which they are displayed; limited, in respect of each such sale or letting, to one advertisement consisting of a board (whether or not attached to a building) not exceeding twenty square feet in area, or of two conjoined boards, together not exceeding twenty-four square feet in area; no such advertisement, when displayed on a building, to project further than three feet from the face of the building.

2. Advertisements relating to the sale of goods, or the carrying out of building or similar work on the land on which they are displayed, not being land which *is* normally used, whether at regular intervals or otherwise, for the purpose of holding such sales or carrying out such work; limited to one advertisement not exceeding twelve square feet in area in respect of each such sale of work.

3. Advertisements relating to any event or other matter of a temporary nature in connexion with an activity promoted for non-commercial purposes by or on behalf of any organisation of a religious, educational, cultural, social or recreational character; limited to a display of advertisements occupying an area not exceeding a total of six square feet on any premises.

CLASS IV-ADVERTISEMENTS ON BUSINESS PREMISES

Advertisements displayed on business premises wholly with reference to all or any of the following matters: the business or other activity carried on, the good sold or services provided, and the name and qualifications of the person carrying on such business or activity, or supplying such goods or services on those premises, subject to-

- (a) no such advertisements containing letters, figures, symbols, emblems or devices of a height exceeding two feet six inches;
- (b) no such advertisements being displayed so that the highest part of the advertisement is above twelve feet from ground level: provided that advertisements of this class on a wall of a building which includes a canopy shall not be permitted by virtue of these Regulations to be displayed above the lowest face of that canopy.

CLASS V-ADVERTISEMENTS DISPLAYED ON ENCLOSED LAND

Advertisements displayed on enclosed land, and not readily visible from land outside the enclosure wherein it is displayed or from any part of such enclosure over which there is a public right-of-way or to which there is a public right-of access.

PART II-STANDARD CONDITIONS

- 1. All advertisements displayed, and any land used for the display of advertisements, shall be maintained in a clean and tidy condition to the reasonable satisfaction of the local authority.
- 2. Any hoarding or similar structure, or any sign, placard, board or device erected or used principally for the purpose of displaying advertisements shall be maintained in a safe condition to the reasonable satisfaction of the local authority.
- 3. An advertisement for which permission is granted by virtue of regulation 5 (1) shall not be sited or displayed so as to obscure, or hinder, the ready interpretation of any road traffic sign, or so as otherwise to render hazardous the use of any street.

THIRD SCHEDULE

Under regulation 7, where land or any building is used for a purpose of any class specified in this schedule, the use of such land or building for any other purpose of the same class is not deemed for the purposes of the Act to involve development.

Class

Class I-Use as a shop for any purpose.

Class II-Use as an office for any purpose.

Class III-Use as a light industrial building for any purpose.

Class IV-Use as a general industrial building for any purpose.

Class V-Use for any of the following processes:-

- (i) smelting, calcining, or other. reduction of ores or minerals;
- (ii) converting, re-heating, annealing, hardening, forging or casting, of iron or other metals;
- (iii) galvanizing;
- (iv) recovery of metal from scrap;
- (v) pickling or treatment of metal in acid;
- (vi) chromium plating.

Class VI-Use for any of the following processes:-

- (i) burning of building bricks;
- (ii) lime burning;
- (iii) crushing or screening of stone.

Class VII-Use for any of the following purposes:-

- (i) the distilling, refining or blending of oils;
- (ii) the employment of cellulose lacquers (except in garages in connexion with minor repairs);
- (iii) paint and varnish manufacture;
- (iv) the production of rubber from scrap.

Class VIII-Use for any of the following purposes:-

- (i) slaughtering of animals;
- (ii) extracting or processing animal or fish by-products;
- (iii) storing raw hides or skins.

Class IX- Use as a wholesale warehouse, bulk store or repository for any purpose.

Approved Director of Town and Country Planning.

Approved Local Authority

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(Three copies of this form must be filled .in.)