



LAWS OF FIJI

CHAPTER 139

TOWN PLANNING

CHAPTER 139

TOWN PLANNING

ARRANGEMENT OF SECTIONS

PART I—PRELIMINARY

SECTION

1. Short title.
2. Interpretation.
3. Director of Town and Country Planning.
4. Town and Country Planning Advisory Committee.
5. Appeals.
6. Constitution of town planning areas.
7. Restriction on carrying out of development after constitution of town planning areas.
8. Compensation for refusal of permission or conditional approval in certain cases.
9. Revocation and modification of permission to develop.
10. Powers relating to authorised development.
11. Restriction on forfeiture of lease.
12. Power to acquire land before final approval of scheme.
13. Provisions supplementary to section 12.
14. Power to require proper maintenance of waste land, etc.
15. Power to close streets.

PART II—TOWN PLANNING SCHEMES

16. Objects of schemes.
17. Contents of schemes.
18. Preparation of scheme.
19. Provisional approval of scheme.
20. Objections to scheme.
21. Objections to be submitted to board.
22. Hearing of objections.
23. Directors determination of objections.
24. Final approval of scheme by Director.
25. Operation of scheme.
26. Modification and suspension of approved scheme.

PART III—POWERS OF LOCAL AUTHORITY

27. Power to enforce and carry into effect schemes.

PART IV—COMPENSATION FOR INJURIOUS AFFECTION AND CLAIMS
FOR INCREASE IN VALUE

28. Provisions as to compensation for injurious affection, etc.
29. No compensation in certain classes of cases.
30. Exclusion or limitation of compensation in certain other cases.
31. Recovery of increase in value from owners of land.
32. Making of claims for compensation or increase in value.
33. Special assessment; recovery of expenses.
34. Determination of claims and recovery of amounts due.
35. Local authority may abandon or modify scheme after award of compensation.
36. Award of compensation not enforceable within one month from date of award.

PART V—PURCHASE AND COMPULSORY ACQUISITION OF
LAND

37. Local authority may purchase land included in scheme.
38. Utilization of acquired land.
39. Resale of land acquired under scheme.

PART VI—MISCELLANEOUS

40. Indemnification of members of Board or local authority and other persons.
41. Power of entry.
42. Assault on authorised person.
43. Service of notices.
44. Penalties not otherwise provided for.
45. Regulations.

TOWN PLANNING

*Ordinances Nos. 12 of 1946, 22 of 1947, 5 of 1954, 22 of 1958, 14 of 1961, 56 of 1965, 37 of 1966.
Act No. 22 of 1973*

AN ACT RELATING TO TOWN PLANNING

[1st August, 1946]

PART I—PRELIMINARY

Short title

1. This Act may be cited as the Town Planning Act.

Interpretation

2. In this Act, 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;

(Inserted by 22 of 1958, s. 2.)

“Advisory Committee” means the Town and Country Planning Advisory Committee appointed under the provisions of section 4;

“agriculture” includes 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;

(Inserted by 22 of 1958, s. 2.)

“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;

“Court” means the Supreme Court;

“development” in relation to any land means any building operations or rebuilding operations, including the making of an alteration, addition or structural repair to any building, the formation, laying out or material widening of a street or a means of vehicular access thereto, and any use of the land or any building, either wholly or in part, which is materially different from the purpose for which the land or building was last being used:

Provided that the following operations or uses of land shall not be deemed to involve development of land, that is to say:—

(a) the carrying out of works for the repair, improvement or other alteration of any building, being works which affect only the interior of the building;

(b) the use (not involving building or rebuilding operations other than those specified in paragraph (a)) of land or of any building within the curtilage of a dwelling-house for any purpose incidental to the enjoyment of the dwelling-house as such;

(c) the use (not involving building or rebuilding operations other than those specified in paragraph (a)) of land for the purposes of agriculture or forestry, and the use for any of those purposes of any building occupied together with land so used;

(Substituted by 22 of 1958, s. 2.)

“Director” means the Director of Town and Country Planning for the time being appointed under the provisions of section 3;

“existing building” and “existing work” means respectively a building or work erected, constructed or carried out before the material date; and include also a building or work—

(a) erected, constructed or carried out in pursuance of a contract made before the material date; or

(b) begun before, but completed after, that date:

Provided that—

- (i) a building erected or constructed in substitution for a previous building in accordance with the provisions of the scheme relating to substituted buildings shall be deemed to be an existing building; and
- (ii) a building shall not cease to be, or deemed to be an existing building by reason of its alteration or extension in accordance with the provision of the scheme relating to the alteration or extension of existing buildings, and any such alteration or extension shall itself be deemed to be part of the existing building;

“existing use” means, in relation to any building or land, a use of that building or land for any purpose of the same or a similar character to that for which it was last used before the material date, or, in the case of a newly erected building which has not been used before that date, a use for any purpose for which it was designed:

Provided that—

- (a) (i) such land or building is used continuously only for a purpose for which it was used on the material date; or
- (ii) such land or building is used only for a purpose for which it was used on the material date and such use has not thereafter been discontinued for any period of more than twelve months; or
- (iii) such land or building is, within twelve months after the material date, used only for a purpose for which it was last used prior to the material date and such use has not thereafter been discontinued for any period of more than twelve months;
- (b) where at the material date a person who was using any land for the purpose of mining, quarrying, the digging of clay, gravel or sand, or the deposit of waste materials or refuse, or any other purpose of a similar nature, was entitled also to use neighbouring land for any such purpose, the user under that title of that neighbouring land for any such purpose, whether before or after the material date, shall be deemed to be an existing use;

“house” includes a residential building, church, warehouse, office, hospital, counting-house, shop, factory, and school or any other building in which persons reside or are employed;

“local authority” means—

- (a) a town council constituted under the provisions of the Local Government Act; (Cap. 125.)
 - (b) in respect of land outside the boundaries of any town, the local authority of a rural sanitary district constituted under the provisions of the Public Health Act; (Cap. 111.)
- (Amended by 22 of 1947, s. 2 and 14 of 1975 s. 29.)

“material date” means, in relation to any provision contained in a scheme, the date of the order constituting the town planning area;

“occupier” means the person in occupation of the holding or building in respect of which the word is used, or having the charge, management, or control thereof either on his own account or as agent of another person, but does not include a lodger;

“owner” in relation to any land, means a person, other than a mortgagee not in possession, who is for the time being entitled to dispose of the fee simple of the land, whether in possession or in reversion, and includes also a person holding or entitled to the rents and profits of the land under a lease or agreement;

“scheme” means a scheme under this Act, and, save as otherwise expressly provided in this Act, includes a substituted scheme and a scheme modifying or altering an existing scheme;

“site” in relation to a building includes the area of any offices, out-buildings, yard, court or garden occupied or intended to be occupied therewith;

“street” includes any road, square, footway or passage, whether a thoroughfare or not, over which the public has a right of way, and also the way over any public bridge, and also includes any road, footway or passage, open court or open alley, used or intended to be used as a means of access to two or more houses, whether the public has a right of way thereover or not, and all channels, drains and ditches at the side of any street shall be deemed to be part of such street;

“subdivision” means the division of a parcel of land for sale, conveyance, transfer, lease, sublease, mortgage, agreement, partition or other dealing, or by procuring the issue of a separate instrument of title under the provisions of the Land Transfer Act in respect of any portion of land or by parting with the possession of any part thereof, or by depositing a plan of subdivision with the Registrar of Titles under the provisions of the last mentioned Act. (Cap. 131.)

Director of Town and Country Planning

3.—(1) There shall be an officer appointed by the Public Service Commission with the title of Director of Town and Country Planning who shall be responsible to the Minister.

(2) The Director shall carry out such duties as are set out in this Act and in the ~~Subdivision of Land Act~~ and such other duties as the Minister may from time to time direct. (Cap. 140.)

(Section substituted by 22 of 1973, s. 3.)

Town and Country Planning Advisory Committee

4.—(1) The Minister shall appoint a committee to be known as the Town and Country Planning Advisory Committee.

(2) The Advisory Committee shall comprise a chairman and not more than four other members.

(3) Three members of the Advisory Committee shall form a quorum.

(4) In the event of the absence of the chairman from any meeting, the members present shall select one of their number to be chairman for that meeting.

(5) The Advisory Committee shall perform the following functions:—

(a) advise the Minister on and about appeals under the provisions of section 5, and of section 14 of the Subdivision of Land Act; and

(Cap. 140.)

(b) such other advisory functions as the Minister may from time to time direct.

(Section inserted by 22 of 1973 s. 3.)

Appeals

5.—(1) There shall be a right of appeal, subject to the provisions of this section, from decisions of the Director to the Minister within twenty eight days of notification of the decision to the appellant, and the decision of the Minister on the matter at issue shall be final:

Provided that the Minister may for good cause extend the said period of twenty-eight days.

(2) The right of appeal shall be exercisable by—

- (a) any applicant and any local authority dissatisfied with the grant or refusal of development permission or the conditions attached to such permission or the prohibition of the grant of such permission under the provisions of subsection (3) of section 7;
- (b) any person having an interest in the land and any local authority dissatisfied with the revocation or modification of or refusal to revoke or modify development permission under the provisions of subsection (1) of section 9;
- (c) any person having an interest in the land and any local authority dissatisfied with the confirmation of or refusal to confirm an order requiring discontinuance of use or an order imposing conditions on the continuance thereof or an order requiring steps to be taken for the alteration or removal of buildings or works under the provisions of subsection (1) of section 10;
- (d) any objector and any local authority dissatisfied with a decision of the Director under the provisions of section 23;
- (e) any objector and any local authority dissatisfied with a decision of the Director under the provisions of subsection (4) of section 27.

(Section inserted by 14 of 1961, s. 3 and amended by 14 of 1975 s. 29.)

Constitution of town planning areas

6.—(1) Upon application in that behalf made by the Director, or by any local authority with the approval of the Director, the Minister may order that any area shall be a town planning area, or that a town planning area which has already been constituted by order under this section or any similar enactment preceding it shall be varied as to its limits or shall no longer be a town planning area.

(2) Such order shall be published in the Gazette and a newspaper published in Fiji, and shall be posted at the office of the Director, at the office of the Commissioner for the Division in which the town planning area is situated, and at the office of the local authority.

(3) The limits of a town planning area shall be fixed by the Director, or by the local authority with the approval of the Director, and shall be stated in the order referred to in subsection (1).

(4) The provisions of this Act relating to town planning areas shall, from the date of any order under this section declaring an area to be no longer a town planning area, cease to apply to such area:

Provided that nothing in this section shall be deemed to prohibit the Minister in accordance with the provisions of this section, from again constituting such area a town planning area.

(Section substituted by 22 of 1958, s. 3.)

Restriction on carrying out of development after constitution of town planning areas

7.—(1) Subject to the provisions of this section, the permission of the local authority shall be required in respect of any development of land carried out within a town planning area during the period before a scheme affecting such area has been finally approved.

(2) The use for the display of advertisements of any external part of a building which has not normally been used for that purpose shall be treated for the purposes of this section as involving a material change in the use of that part of the building.

(3) The local authority shall not grant or refuse permission under this section without the prior consent of the Director and the Director may approve such grant or refusal either unconditionally or subject to conditions and may prohibit such grant or refusal. (*Substituted by 14 of 1961, s. 4.*)

(4) In dealing with applications for permission to develop land under this section, the local authority and the Director shall have regard to the matters set out in the Schedule, to provisions proposed to be included in a scheme and to any other material considerations.

(5) Regulations may be made by the Minister prescribing matters relating to the control of development under this section, and in particular, without prejudice to the generality of the foregoing, scheduling any development, or development of any class, in respect of which permission under this section shall be deemed to be granted by the regulations themselves.

(6) Where any development of land has been carried out without the grant of permission required in that behalf under this section, or any conditions subject to which permission was granted under this section have not been complied with, the local authority may at any time, and at the cost of the person in default, take such steps as may be required for restoring the land to its condition before the development took place, or for securing compliance with the conditions, as the case may be, and any expenses lawfully incurred by the local authority in so doing may be recovered as a civil debt.

(7) Every person who—

- (a) carries out any development of land without the grant of permission required in that behalf under the provisions of this section; or
- (b) contravenes or fails to comply with any conditions subject to which permission has been granted under the provisions of this section; or
- (c) obstructs or interferes with the exercise by the local authority of the powers vested in it by the provisions of this section,

shall, in addition to any civil liability, be guilty of an offence and be liable on conviction to a fine not exceeding one hundred dollars or to imprisonment for a period not exceeding three months; and if such contravention, failure to comply, obstruction or interference is continued after the conviction, he shall be guilty of a further offence and liable on conviction to a fine not exceeding twenty dollars for every day on which the contravention, failure to comply, obstruction or interference is so continued.

(*Section substituted by 22 of 1958, s. 3, and amended by 37 of 1966, s. 27.*)

Compensation for refusal of permission or conditional approval in certain cases

8. Where permission to develop land is refused or the grant of permission is subject to conditions under the provisions of section 7 and the land has become incapable of reasonably beneficial use in its existing state, and cannot be rendered

capable of reasonably beneficial use, by reason of such refusal or attachment of conditions, any person having an interest in the land shall be entitled to compensation from the local authority in respect thereof:

Provided that—

- (a) the total amount of compensation payable under this section shall not exceed the amount of rent and rates lawfully due and paid by the claimant or claimants in respect of such land between the date of such refusal or conditional approval and the date of resumption of reasonably beneficial use of the land; and where no rent is payable and the land nevertheless has a rental value, such rental value shall be taken into account in the assessment of the amount of compensation payable;
- (b) no compensation shall be payable if the land can be rendered capable of reasonably beneficial use by the carrying out of any other development for which permission has been granted under the provisions of section 7, or for which the local authority, with the approval of the Director, has undertaken to grant permission;
- (c) where compensation as aforesaid is payable under the provisions of this section, the local authority, where a town council, may purchase by private treaty the interest of any person in any or all of the land affected by a claim for compensation under this section, in which case compensation in respect of such interest in the land shall relate only to the period between the date of the refusal of permission or attachment of conditions and the date on which such interest is acquired by the local authority.

(Section substituted by 22 of 1958, s. 3 and amended by 14 of 1975 s. 29.)

Revocation and modification of permission to develop

9.—(1) Subject to the provisions of this section, if it appears to the local authority that it is expedient, having regard to the provisions which are likely to be included in a scheme and to any other material considerations, including the matters set out in the Schedule, that any permission to develop land under the provisions of section 7 should be revoked or modified, it may revoke or modify the permission to such extent as appears to it to be expedient as aforesaid:

Provided that no such revocation or modification shall take effect unless and until it is confirmed by the Director and unless it conforms to the procedure as to service of notices laid down by this Act or any regulations made thereunder.

(2) The power conferred by this section to revoke or modify permission to develop land may be exercised—

- (a) where the permission relates to the carrying out of building or other operations, at any time before those operations have been completed;
- (b) where the permission related to a change of the use of any land, at any time before the change has taken place:

Provided that the revocation or modification of permission for the carrying out of building or other operations shall not affect so much of those operations as has been previously carried out.

(3) Where permission to develop land is revoked or modified under this section, then if, on a claim made to the local authority, it is shown that any person interested in the land has incurred expenditure in carrying out work in pursuance of

such permission which is rendered abortive by the revocation or modification or has otherwise sustained actual loss or damage which is directly attributable to the revocation or modification, that authority shall pay to that person compensation in respect of that expenditure, loss or damage.

(4) The provisions of section 8 shall apply in relation to the revocation or modification of permission to develop land, as they apply in relation to the refusal or conditional approval of an application for such permission.

(Section substituted by 22 of 1958, s. 3, and amended by 37 of 1966, s. 27.)

Powers relating to authorised development

10.—(1) If it appears to the local authority that it is expedient, having regard to the provisions which are likely to be included in a scheme and to any other material considerations, including the matters set out in the Schedule—

(a) that any use of land should be discontinued, or that any conditions should be imposed on the continuance thereof; or

(b) that any buildings or works should be altered or removed, it may by order require the discontinuance of that use, or impose conditions on the continuance thereof, or require steps to be taken for the alteration or removal of the building or works, as the case may be:

Provided that no such order shall take effect unless and until it is confirmed by the Director and unless it conforms to any procedure as to the making of such order which may be prescribed in regulations made under the provisions of section 7.

(2) If the use of any land is continued or no steps have been taken to alter or remove any buildings or works, in contravention of the terms of an order under subsection (1) the provisions of subsections (6) and (7) of section 7 shall apply in relation to such contravention, as they apply in relation to any development of land carried out without the grant of permission, or the contravention of any conditions attached to the grant of permission, under that section.

(3) Where the requirements of any order under this section will involve the displacement of persons residing in any premises, it shall be the duty of the local authority in so far as there is not other residential accommodation suitable to the reasonable requirements of those persons available on reasonable terms, to secure the provision of such accommodation to the satisfaction of the Director, in advance of the displacement.

(4) Where an order is made under this section, then if, on a claim made to the local authority it is shown that any person has suffered damage in consequence of the order by the depreciation of any interest in the land to which he is entitled or by being disturbed in his enjoyment of the land, that authority shall pay to that person compensation in respect of that damage.

(5) Without prejudice to the foregoing provisions of this section, any person who carries out any works in compliance with an order under this section shall be entitled, on a claim as aforesaid, to recover from the local authority compensation in respect of any expenses reasonably incurred by him in that behalf:

Provided that the amount of such compensation shall be reduced by the value to such person of any timber, apparatus or other materials removed for the purpose of complying with that order.

(6) The provisions of section 8 shall apply in relation to an order under this section, as they apply in relation to the refusal or conditional approval of an application for permission to develop land.

(Section substituted by 22 of 1958, s. 3, and amended by 37 of 1966, s. 27.)

Restriction on forfeiture of lease

11.—(1) Notwithstanding provisions to the contrary contained in any lease, no lease shall be forfeited for any breach of any covenant or condition rendered incapable of performance by any decision or order given or made under the provisions of sections 7, 9 or 10.

(2) For the purposes of this section "lease" includes a sub-lease.

(Section inserted by 22 of 1958, s. 3.)

Power to acquire land before final approval of scheme

12.—(1) If during the period before a scheme for a town planning area has been finally approved the local authority, where a town council, is satisfied that the acquisition of any land under this section is expedient for any purpose which appears to it to be necessary in the interests of the proper planning of that area, the local authority may purchase by private treaty the interest of any person in such land.

(2) If any owner of any such land does not agree to sell the same to the town council, or does not agree to sell at a reasonable price, the Minister may acquire all or any of such land under the provisions of the Crown Acquisition of Lands Act and the town council shall pay all charges for compensation and all costs incurred by the Minister in respect of such acquisition. When all such charges and costs shall have been paid by the town council the Minister shall cause the interest in such land so acquired by him to be transferred to such town council. (Cap. 135.)

(3) For the purposes of this section a reasonable price shall be deemed to be the price which a willing buyer would pay to a willing seller, no regard being paid to the purposes for which the land is being acquired.

(Section inserted by 22 of 1958, s. 3, and amended by 14 of 1975, s. 29.)

Provisions supplementary to section 12

13.—(1) Notwithstanding the provisions of subsection (1) of section 38, any land which has been acquired under the provisions of section 12 or of sections 8, 9 or 10 shall be dealt with in accordance with the interests of the proper planning of the area, as determined by the Director:

Provided that—

- (a) land which has been compulsorily acquired under section 12 shall be dealt with for the particular purpose in the interests of the proper planning of the area for which such land was acquired;
- (b) where premises are required for the purpose of demolition, the carrying out of which will involve the displacement of persons residing in such premises, it shall be the duty of the local authority in so far as there is not other residential accommodation suitable to the reasonable requirements of those persons available on reasonable terms, to secure the provision of such accommodation, to the satisfaction of the Director in advance of the displacement.

(2) Notwithstanding the provisions of subsection (2) of section 38, any land which has been acquired under the provisions of section 12 or of section 7 may be let by the town council—

- (a) with the consent of the Minister, for any term;
- (b) without the consent of the Minister, for a term not exceeding five years.

(3) Notwithstanding the provisions of subsection (2) of section 38, any land which has been acquired under the provisions of section 12 or of sections 8, 9 or 10 may, with the consent of the Minister—

- (a) be resold by the town council where such land is not required for the purpose for which it was acquired or is being used; or
- (b) be exchanged for other land either with or without paying or receiving any money for equality of exchange.

(Section inserted by 22 of 1958, s. 3.)

Power to require proper maintenance of waste land, etc.

14.—(1) If it appears to a local authority that the amenity of any part of a town planning area in respect of which a scheme has not finally been approved, is seriously injured by the condition of any garden, vacant site or open land in that area or by the presence in such garden, site or land of any waste or derelict material or object, then subject to the approval of the Director, the authority may serve on the owner and occupier of the land a notice requiring such steps for abating the injury as may be specified in the notice to be taken within such period as may be so specified.

(2) The provisions of subsections (6) and (7) of section 7 shall apply in relation to a notice served under this section as they apply in relation to any refusal or conditional approval of an application for permission to develop land under the provisions of the said section 7.

(Section inserted by 22 of 1958, s. 3.)

Power to close streets

15.—(1) Notwithstanding the provisions of section 4 of the Roads Act, the Permanent Secretary for Works may, during the period before a scheme for a town planning area has been finally approved, if it is certified by the Director that such action is necessary in the interests of the proper planning of the area, order that any street or portion thereof for which the local authority is not a town council be closed:

(Cap. 1975.)

Provided that—

- (a) no order made under this section shall affect any street declared as a public road by the Minister under the provisions of section 3 of the Roads Act; (Cap. 175.)
- (b) no order made under this section shall take effect unless a reasonably convenient and adequate alternative route would be available after the closing of such street or streets or portions thereof as may be specified in such order.

(2) Where a street or portion of a street is closed in conformity with an order made under this section—

- (a) the public shall, in the case of a street over which the public has a right of way, cease to have a right of way over such street or portion thereof as is closed;
- (b) the use of the land comprising the street or portion thereof which is closed shall revert to the owner of such land, and the Permanent Secretary for Works may require that the owner as aforesaid shall take such measures as are necessary to prevent the land being used for the purposes of vehicular traffic.

(Section inserted by 22 of 1958, s. 3.)

PART II—TOWN PLANNING SCHEMES

Objects of schemes

16.—(1) A scheme may be made, in accordance with the provisions of this Act, with respect to any land with the general object of controlling the development of the land to which such scheme applies, and of securing suitable provision for traffic, transportation, disposition of commercial, residential, and industrial areas, proper sanitary conditions, amenities and conveniences, parks, gardens and reserves, and of making suitable provision for the use of land for building or other purposes, and as more particularly set out in the Schedule.

(2) With those objects such scheme may provide for planning, replanning, pooling, redistributing, or reconstructing the whole or any part of the area comprised in the scheme.

Contents of schemes

17.—(1) Every scheme shall specify and define clearly the area to which it applies.

(2) Every scheme shall consist of a scheme plan and contain such provisions as are necessary or expedient for prohibiting or regulating the development of land in the area to which the scheme applies and generally for carrying out any of the objects for which the scheme is made, and in particular for dealing with any of the matters mentioned in the Schedule.

(Amended by 56 of 1965, s. 2.)

(3) The provisions contained in a scheme may—

(a) differ as respects different parts of the area to which the scheme applies; and

(b) be made applicable, either with or without modification, to existing buildings.

(4) Any Act, regulation, or by-law, relating to development, road construction, building operations, or sanitation, inconsistent with the provisions of a scheme or the application of which would tend to hinder the carrying out of the scheme shall, in so far as it is inconsistent with the provisions of a scheme, not apply to the area to which the scheme applies.

Preparation of scheme

18.—(1) Every local authority shall prepare and submit to the Director within such time as may be prescribed by the Director, a scheme in respect of all land within a town planning area.

(2) If a local authority fails to prepare and submit a scheme within such time as may be prescribed by the Director, the Director may prepare a scheme and such scheme shall for all the purposes of this Act be deemed to be a scheme prepared and submitted to the Director by the local authority, and any expenses incurred by the Director in the preparation of any such scheme shall be payable by the local authority and shall be recoverable, at the option of the Director by instalments or as a civil debt.

Provisional approval of scheme

19.—(1) Any scheme submitted to the Director by a local authority as required by this Act, may be provisionally approved by the Director subject to such alteration and modification as the Director may decide.

Provisionally approved scheme shall be publicly notified

(2) So soon as a scheme has been provisionally approved by the Director as herein provided, the local authority shall, in manner prescribed by regulations, publicly notify the scheme, and shall deposit in the office of the local authority for public inspection a copy of all maps, plans, and other particulars comprised in the scheme.

Objections to scheme

20. Every owner or occupier of land within the area covered by a scheme shall have a right of objection to the scheme, and may, by notice in writing addressed to the local authority, give notice of such objection, and of the grounds thereof, at any time within three months after the first public notification of the scheme as required by this section.

Objections to be submitted to Board

21. So soon as practicable after the receipt of any objections under section 20 the local authority shall forward the same to the Director, together with a statement of its opinion as to the merits of the several objections.

Hearing of objections

22.—(1) The Director shall so soon as practicable consider all such objections.

(2) At the hearing of any objection under this section the Director shall have power to summon witnesses and to hear evidence on oath. The local authority or any objector may be represented by barrister and solicitor.

(3) The procedure for the institution, hearing, and determination of proceedings under this section shall be in accordance with regulations to be made under the provisions of this Act, and subject to such regulations or so far as they do not extend, the Director shall determine the procedure.

(Section amended by 22 of 1973, s. 5.)

Director's determination of objections

23. On the determination of any objection under this Act the Director may uphold the objection in whole or in part, and may require the modification of the scheme accordingly, or may dismiss the objection.

(Amended by 14 of 1961, s. 7.)

Final approval of scheme by Director

24.—(1) After all objections have been disposed of, and the requirements of the Director, if any, for the modification of the scheme have been complied with, the Director shall finally approve the scheme, and shall signify his approval by signing the same. *(Amended by 22 of 1973, s. 7.)*

Public notification of scheme

(2) When the Director shall have finally approved a scheme the local authority concerned shall publicly notify the same in accordance with regulations to be made under this Act.

Approved scheme to be open to inspection

(3) The approved scheme and a copy of all maps, plans and other particulars comprised therein shall be exhibited at some convenient place in the offices of the Director, and the local authority, and shall be open to the inspection of the public

free of any charge whatsoever at any time during the office hours of the Director and the local authority.

Operation of scheme

25. When a scheme has been finally approved by the Director as aforesaid it shall be the duty of the local authority to observe and to enforce the observance of the requirements of the scheme in respect of all development of any description thereafter undertaken within the area to which the scheme applies, whether by the local authority or by any person, and, save with the consent in writing of the Director, the local authority shall not thereafter undertake or permit any alteration or modification of any existing buildings or works if such modification or alteration would tend to prevent or delay their being brought into conformity with the requirements of the approved scheme.

Modification and suspension of approved scheme

26.—(1) Any local authority may from time to time of its own motion, and shall if so required by the Director or by the Minister, elaborate any of the provisions of an approved scheme, enlarge the scheme, modify or alter any of the details of the scheme or substitute a new scheme for the approved scheme.

(Substituted by 56 of 1965, s. 3.)

(2) The foregoing provisions as to the public notification of a scheme, the hearing of objections to a scheme, and the approval of the scheme by the Director, shall apply with respect to every alteration or addition to a scheme, and to every new scheme substituted for an approved scheme.

(3) In any case where a local authority proposes, or is required by the Director or by the Minister, to modify or alter any of the details of an approved scheme or to substitute a new scheme therefor, the Minister may, by notification in the Gazette, notify the suspension of such of the provisions of the approved scheme as he may consider necessary or expedient pending the approval of such modifications or alterations or the substitution of a new scheme and, as from the date of publication of such notification, such provisions of the approved scheme shall be suspended accordingly either with respect to the whole of the land to which the modifications or alterations or the new scheme are or is to apply or with respect to any portion thereof specified in the notification.

(Inserted by 56 of 1965, s. 3.)

(4) Where a notification has been published under the provisions of subsection (3), the provisions of this Act relating to interim development shall apply, as from the date of such publication, to development of the land specified in such notification as though no scheme had been approved in respect thereof.

(Inserted by 56 of 1965, s. 3.)

PART III—POWERS OF LOCAL AUTHORITY

Power to enforce and carry into effect schemes

27.—(1) Subject to the provisions of this section, the local authority may at any time—

- (a) remove, pull down or alter, so as to bring into conformity with the provisions of the scheme, any building or other work which does not conform with those provisions or the removal, demolition or alteration of which is necessary for carrying the scheme into effect, or

- in the erection or carrying out of which any provision of the scheme has not been complied with; or
- (b) where any building or land is being used in such a manner as to contravene any provision of the scheme, prohibit it from being so used; or
 - (c) where any land has since the material date been put to any use which contravenes any provision of the scheme, reinstate the land; or
 - (d) execute any work which it is the duty of any person to execute under the scheme in any case where delay in the execution of the work has occurred and the efficient operation of the scheme has been or will be thereby prejudiced.
- (2) Before taking any action under this section the local authority shall serve a notice on the owner and on the occupier of the building or land in respect of which the action is proposed to be taken and on any other person who, in its opinion, may be affected thereby, specifying the nature of and the grounds upon which it proposes to take that action.
- (3) The date stated in a notice served under this section as the date on or after which the intended exercise of the power therein mentioned is intended to be begun shall not be less than three months when any building is affected and in any other event not less than one month after the service of such notice, and the local authority shall not do any act or thing in exercise of such power in relation to the building or land mentioned in the notice before the said date.
- (4) If any person served with such a notice as aforesaid considers the period fixed by such notice to be insufficient or desires to dispute any allegation or matter contained therein, he may within twenty-eight days from the date on which he received such notice give notice of objection, and of the grounds thereof, in writing addressed to the local authority, and such objections shall be submitted, heard, considered, and decided in the same manner as is provided in sections 21, 22 and 23. (*Amended by 14 of 1961, s. 8.*)
- (5) Every person who uses any building or land in a manner prohibited under the provisions of this section, or obstructs or interferes with the exercise by the local authority of any power vested in it shall in addition to any civil liability be guilty of an offence and liable to a fine of one hundred dollars.
- (6) Any expenses lawfully incurred by the local authority under the provisions of subsection (1) may be recovered as a civil debt from the person in default.

PART IV—COMPENSATION FOR INJURIOUS AFFECTATION AND CLAIMS FOR INCREASE IN VALUE

Provisions as to compensation for injurious affection, etc.

28. Subject to the provisions of this Act, any person—
- (a) whose land is injuriously affected by the coming into operation of any provision contained in a scheme, or by the execution of any work under a scheme; or
 - (b) who for the purpose of complying with any provision contained in a scheme, or in making or resisting a claim under the provisions of this Act relating to compensation or increase in value has incurred expenditure which is rendered abortive by a subsequent modification or alteration of the scheme,

shall, if he makes a claim within the time limited for the purpose by this Act, be entitled to recover as compensation from the local authority the amount by which his property is decreased in value or, so far as it was reasonably incurred, the amount of the abortive expenditure, as the case may be.

No compensation in certain classes of cases

29.—(1) No compensation shall be payable in respect of any contract made or work done or of any building the erection of which was begun after the material date not being for the purpose of carrying out a contract already entered into, unless such contract was made or work was done or erection was begun under and in accordance with a permit from the local authority.

(2) No compensation shall be payable in respect of any of the following provisions of an approved scheme, namely, any provision which—

- (a) prescribes the location of buildings, extent of the yards, gardens, and curtilage of buildings; or
- (b) imposes any sanitary conditions in connexion with buildings; or
- (c) limits the number of buildings or the number of buildings of a specified class which may be constructed, erected on, or made in or under any area; or
- (d) prohibits or regulates the subdivision of land; or
- (e) regulates or empowers the local authority to regulate the size, height, spacing, design, colour and materials of buildings; or
- (f) controls, restricts or prohibits the objects which may be affixed to buildings; or
- (g) prohibits or restricts building operations permanently on the ground that by reason of the situation or nature of the land the erection of buildings thereon would be likely to involve danger or injury to health, or excessive expenditure of public money in the provision of roads, sewers, water supply or other public services; or
- (h) prohibits (otherwise than by way of prohibition of building operations) the use of land for a purpose likely to involve danger or injury to health, or detriment to the neighbourhood, or restricts (otherwise than by way of restriction of building operations) the use of land so far as may be necessary for preventing such danger, injury or detriment; or
- (i) restricts the purposes for and the manner in which buildings may be used or occupied, or reserves or allocates any particular land or all land in any particular area for buildings of a specified class or classes; or
- (j) in the interests of safety, regulates or empowers the local authority to regulate the height and position of proposed walls, fences or hedges near the corners or bends of roads; or
- (k) limits the number or prescribes the sites of new roads entering a road or the site of a proposed road;
- (l) in the case of the erection of any building intended to be used for purposes of business or industry, requires the provision of accommodation for parking, loading, unloading, or fuelling vehicles, with a view to preventing obstruction of traffic on any road; or
- (m) prohibits, restricts, or controls either generally or in particular places, the exhibition, whether on the ground, on any building or any temporary erection, or any vehicle, boat, or other movable object

- (whether on land or in water or in the air), of all or any particular forms of advertisements or other public notices; or
- (n) prevents, remedies, or removes injury to amenities arising from the ruinous or neglected condition of any building or by the objectionable or neglected condition of any land attached to a building or abutting on a road or situate in a residential area; or
- (o) prescribes, in the case of land exceeding one acre in extent reserved for the purpose of being developed as a building area, that a proportion of the land (not exceeding five per cent thereof) be set aside for open spaces in addition to the area required for roads.
- (3) Nothing contained in subsection (2) shall preclude an owner from claiming compensation for loss or injury arising from his being prevented by the operation of a scheme from maintaining an existing building or an existing use.

Exclusion or limitation of compensation in certain other cases

30.—(1) No compensation shall be payable under the provision of this Act in respect of any land on the ground that it has been injuriously affected by any provision contained in a scheme, if and in so far as the same provision or a provision substantially to the same effect, was, at the date when the scheme came into operation, already in force by virtue of the provisions of any other Act.

(2) A person shall not be entitled to recover compensation under the provisions of this Act in respect of any action taken under section 27 except in a case where a building which the local authority has removed, pulled down or altered, was an existing building at the material date.

(3) Where any provision of a scheme is modified or altered by a subsequent scheme, no compensation shall be payable in respect of any land on the ground that it has been injuriously affected by any provision contained in the subsequent scheme if and, in so far as that later provision is the same, or substantially the same, as the earlier provision so modified or altered; but if at the date when the modification or alteration of that earlier provision becomes operative—

(a) there is still outstanding any claim for compensation duly made thereunder; or

(b) the time originally limited for making such a claim has not expired, any such outstanding claim and any such claim made within the time so limited shall be entertained and determined, and may be enforced, in the same manner in all respects as if all the provisions of the earlier scheme had continued in operation.

Recovery of increase in value from owners of land

31.—(1) Where by the coming into operation of any provision contained in a scheme, or by the execution of any work under a scheme, any land within the area to which the scheme applies is increased in value, the local authority, if it makes a claim for the purpose within twelve months after the date on which the provision came into operation, or within twelve months after the completion of the work, as the case may be, shall be entitled to recover from any person or persons having any interest in any land so increased in value an amount not exceeding three-quarters of the amount of that increase.

(2) Where any provision of a scheme is modified or altered by a subsequent scheme, no land shall be deemed to be increased in value by any provision contained in the subsequent scheme if and in so far as that provision is the same, or

substantially the same, as a provision contained in the scheme so modified or altered:

Provided that, if at the date when the modification or alteration of the said scheme becomes operative there is still outstanding any claim in respect of an increase in the value of the land duly made thereunder, or the time originally limited for making such a claim has not expired, any such outstanding claim, and any such claim made within the time so limited, shall be entertained and determined and may be enforced, in the like manner in all respects as if all the provisions of the earlier scheme had continued in operation.

(3) Any claim made under this section shall take into consideration any payments made in respect to any previous claim and counterclaim in respect of the same land arising out of any previous scheme.

(4) The amount payable to a local authority in respect of the increase in the value of any land shall, save as hereinafter otherwise provided, be payable by the owner of that land and shall be recoverable as a civil debt:

Provided that where at the date of the determination of the amount of increase in value by the Court there subsists any leasehold estate in such property, the Court shall, on the application and at the expense of the owner, apportion the amount of such increase between the fee simple and such other estate or estates, and the amount payable to the local authority in respect of such increase shall be apportioned in the same manner among the several owners of such estates.

(5) Any sum recoverable under this section shall bear interest from the date of determination of such sum at the rate of five per cent per annum. The local authority may agree to accept payment of any such sum by instalments over such period and on such further terms and conditions as the local authority shall deem fit.

(6) The amount due to the local authority and for the time being outstanding in respect of any such increase in value shall constitute a charge on the fee simple or such other estate in respect of which it is payable.

(7) In any case the local authority shall, within three months after the amount payable by the owner or other person has been determined, file with the Registrar of Titles a certified copy of any judgment or order of the Court made under this section and upon registration thereof such judgment or order shall constitute a first charge on the fee simple or such other estate or estates charged by such judgment or order.

Making of claims for compensation or increase in value

32.—(1) A claim under this Act for compensation or in respect of an increase in the value of any land shall be made by serving upon the local authority or person from whom the amount alleged to be payable is claimed, a notice in writing stating the grounds of the claim and the amount claimed.

(2) Subject to the provisions of this Act, a claim under this Act for compensation may be made within twelve months after the date on which the provision giving rise to the claim came into operation or within such longer period as may be specified in the scheme, or in respect of expenditure rendered abortive by the modification or alteration of a scheme, within twelve months after the date on which the action was completed, or the modification or alteration of the scheme became operative:

Provided that in respect of a provision fixing, in relation to any street, a line beyond which no building in that street or proposed street may project, then,

subject to any agreement to the contrary, the period within which a claim for compensation may be made in respect of that land shall be a period of twelve months after the date on which a new building is erected on the site in conformity with the line so fixed.

(3) Where it is alleged that land has been injuriously affected by the execution of any work, the period within which a claim in respect of that injurious affection may be made shall be a period of twelve months after the completion of the work.

Special assessment; recovery of expenses

33.—(1) A scheme may provide that the cost or a portion of the cost of any works to be executed as part of the scheme shall be a special charge upon the land within a particular area to the exclusion of the rest of the area to which the scheme applies, and the local authority may, with the approval of the Director first obtained, fix and apportion the amount of the special charge thereon and the persons and times by whom and when the same shall be payable.

(2) Whenever a scheme provides for a special assessment under the provisions of subsection (1), no claim shall be made by the local authority in respect of any increase in value against the owners of land situate within the particular area to which the assessment applies.

Determination of claims and recovery of amounts due

34.—(1) Any question arising under this Act as to—

- (a) the right of a claimant to recover compensation; or
- (b) the right of the local authority to recover any amount in respect of an increase in the value of any land, or by way of a special charge on any land; or
- (c) the amount and manner of payment of any such recoverable compensation or amount as aforesaid,

shall, unless the local authority and all persons concerned otherwise agree, be referred to and determined by the Court. The Court shall cause the respective parties to appear before it and it shall be lawful for it to hear and determine the claim in a summary manner, and for that purpose to examine the parties or any of them and their witnesses. The determination by the Court of a claim under this section shall be final and it shall allow such costs as it may think fit.

- (2) The Court charged with the duty of determining any claim as aforesaid—
- (a) shall have regard to any undertaking which the local authority, or the person against whom the claim is made, may have given; and
 - (b) if the question arises out of the coming into operation of a substituted scheme, shall take into account any amount which the local authority has paid or is liable to pay, or has recovered or is entitled to recover, in respect of that land by reason of the coming into operation of the original scheme, or any other scheme.

Local authority may abandon or modify scheme after award of compensation

35.—(1) The local authority may, at any time within one month after the date of any award of compensation (whether for land taken, for land injuriously affected by the taking of land or the carrying out of a work or for land otherwise injuriously affected by the operation of any provision of a scheme), give notice to the claimant of its intention to abandon or modify the proposed taking or the proposed work or

the provision of the scheme in respect of the operation of which such award of compensation has been made.

(2) Where such notice has been given, the local authority shall within three months thereafter submit to the claimant and to the provisions altering the scheme by way of such abandonment or modification as aforesaid, and upon approval by the Director of such provisions (whether with or without modification), and upon notification by the local authority to the claimant of such approval and of the provisions so approved, the award of compensation shall be discharged but without prejudice to the claimants right—

- (a) to a reasonable sum for his costs of and in connexion with the discharged claim;
- (b) to a claim for compensation in respect of the period up to the date when the approval by the Director of such provision was notified by the local authority to the claimant;
- (c) to a further claim for compensation in respect of any matter arising out of the provision so approved in like manner as if such provisions were originally part of the scheme.

Award of compensation not enforceable within one month from date of award

36. No award of compensation shall be enforceable until after the expiration of one month from the making thereof, or if notice of abandonment or modification has within that period been given, then, until after the Director has given his decision as to any provisions submitted altering the scheme by way of such abandonment or modification, and such decision has been notified to the claimant.

PART V—PURCHASE AND COMPULSORY ACQUISITION OF LAND

Local authority may purchase land included in scheme

37.—(1) A town council may at any time after a scheme has been finally approved purchase by private treaty the interest of any person in any or all of the land required for the purposes of the provisions of the scheme.

(2) If any owner of any such land does not agree to sell such land under the provisions of subsection (1), the town council shall refer the matter to the Minister in which case the provisions of section 94 of the Local Government Act shall apply. (Substituted by Order 7th October, 1970.) (Cap. 125.)

(3) In the event of any owner of land, which under the provisions of a scheme is destined for pooling and redistribution or for the readjustment of the boundaries and areas thereof, not agreeing to the pooling and redistribution of his land or to the readjustment of the boundaries and areas thereof, the town council may, subject to the provisions of subsection (2), acquire such land or any part thereof as is necessary for carrying out such scheme.

(Amended by 14 of 1961, s. 9. and Order 7th October, 1970.)

Utilization of acquired land

38.—(1) Land which has been acquired under the provisions of this Act shall be dealt with in accordance with the scheme:

Provided that dwelling-houses which are acquired for the purpose of demolition under the scheme shall not be evacuated until suitable accommodation for all residents therein is available to the satisfaction of the Director.

(2) Any land which has been acquired under the provisions of this Act may, subject to the provisions of section 39, with the approval of the Director be resold, let, or exchanged.

Resale of land acquired under scheme

39. The vendor of land purchased by private treaty or acquired for the purpose of a scheme shall be entitled to the first offer of sale thereof at a price not greater than the sum for which the same was purchased or acquired together with any increase in value resulting from the scheme. Such price shall, in case of dispute, be referred to the Court for settlement, which shall have jurisdiction to hear and determine the same. Any such offer shall remain open for a period of one month from the date when it is made.

PART VI—MISCELLANEOUS

Indemnification of Director, members of local authorities and other persons

40. Neither the Director nor any member of a local authority, nor any person acting under the authority of the Director or of a local authority, shall be individually liable to any action, suit or proceedings for or in respect of any act or matter bona fide done or omitted to be done without negligence in the exercise or supposed exercise of his powers under this Act.

(Amended by 22 of 1973, s. 9.)

Power of entry

41. The Director or members of any local authority or any person authorised by any of them in writing shall, for the purposes of this Act, have power at all reasonable times and after giving not less than twenty-four hours notice to the occupier and to the owner, to enter into and upon any premises for the purpose of making any survey or inspection or for the purpose of executing any work authorised by this Act to be executed without being liable to any legal proceedings or molestation whatsoever on account of such entry or of anything done upon such premises in pursuance of this Act. (Amended by 22 of 1973, s. 10.)

Assault on authorised person

42. Any person who assaults, obstructs, or resists any person duly authorised by the Director, or by a local authority, in lawfully entering upon any land, or in performance of any other act authorised by this Act, or in the performance of his duty, or in the exercise of his powers under the provisions of this Act, shall be liable to a fine of one hundred dollars or to imprisonment for three months.

Service of notices

43.—(1) Any notice, summons, writ or other proceeding at law or otherwise required to be served on the Director or on a local authority for any of the purposes of this Act may be served upon it by delivering it to the Director or to the clerk or other appropriate official of the local authority or by leaving it at the office of the Director or local authority with some person employed there, or by sending it by post in a registered letter addressed to the Director or to such clerk or other appropriate official at his office.

(Amended by 22 of 1973, s. 11.)

(2) Subject to the provisions of subsection (1), any notice, order, or other document required or authorised to be served under this Act may be served either—

- (a) by delivering it to the person on whom it is to be served; or
- (b) by leaving it at the usual or last known place of abode of that person; or
- (c) by sending it through the post in a registered letter addressed to that person at his usual or last known place of abode; or
- (d) in the case of an incorporated company or body, by delivering it to the secretary or clerk of the company or body at its registered or principal office, or sending it through the post in a registered letter addressed to the secretary or clerk of the company or body at that office.

(3) Where any such document is to be served on a person by being sent through the registered post it shall be deemed to have been served not later than the twenty-first day succeeding the day on which it was posted, and for proof of such service it shall be sufficient to prove that the letter containing the document was properly addressed, registered and posted.

Penalties not otherwise provided for

44. Unless for any offence a penalty is expressly provided by this Act or by the regulations, any person who commits a breach thereof or disobeys a lawful order of the Director, or of a local authority, shall be liable to a fine of one hundred dollars or to imprisonment for three months.

Regulations

45. The Minister may make regulations not inconsistent with the provisions of this Act, prescribing all matters which are required or permitted to be prescribed, or which are necessary or convenient to be prescribed, for carrying out or giving effect to the provisions of this Act, and in particular, without prejudice to the generality of the foregoing power, for regulating the procedure to be adopted with respect to—

- (a) the preparation or adoption of a town planning scheme, and for any necessary surveys preliminary thereto;
- (b) the obtaining of the provisional and final approval of the Director to a scheme;
- (c) the modification or alteration of a scheme, or the substitution of a new scheme;
- (d) the public notification of schemes;
- (e) the making and assessment of claims for compensation, and the determination of the amount of the increase in value of any land;
- (f) the inquiries, reports, notices, objections, or other matters required or arising in connexion with the preparation or adoption or approval of a scheme, or preliminary thereto, or in relation to the carrying out of a scheme or the enforcement of the observance of the provisions thereof;
- (g) the prescribing of street building lines, and for any necessary surveys preliminary thereto.

(Amended by 37 of 1966, s. 27.)

SCHEDULE

(Sections 8 and 9)

MATTERS WHICH MAY BE DEALT WITH BY GENERAL PROVISIONS IN A TOWN PLANNING SCHEME

1. Streets, roads, and rights of way generally; and particularly the levels, alteration, widening, closing, diverting, raising, lowering, aligning, re-aligning, grading, re-grading, classifying, reclassifying, naming, renaming, constructing, re-constructing, maintaining, repairing, draining, re-draining, sewerage, re-sewerage, beautifying, gardening, and tree planting in streets, roads and rights of way, the junctions and intersections of streets, roads, rights of way and the excision of their corners, the laying of sewers, pipes and wires, and the placing of lamps, lamp-posts, monuments, tramway poles, fences, gateways, public signs, notices, and other objects in or on land adjacent to streets, roads and rights of way.
2. Parks and open spaces generally; and particularly public reserves, gardens, playgrounds sports and recreation grounds, drill grounds, aviation grounds, public squares and other open public spaces, and fences, railings, monuments, statues, buildings, and other erections or works on parks, open spaces, public squares, and other public places.
3. Gardens and park spaces for the use of particular parts of the area, and park ways for general use.
4. Public conveniences generally; and particularly churches, schools, educational and recreational institutions, libraries, public buildings, theatres and other places of public entertainment, fountains, public comfort stations, and refreshment kiosks and other buildings.
5. The subdivision of land generally; and in particular any requirements deemed necessary—
 - (a) in regard to new subdivisions or re-subdivisions of any land (or maps, plans, sections, or particulars thereof) contained within the scheme area, including drainage, size and shape of allotments (or separate parcels of land), and access thereto;
 - (b) for the classification of, and prescribing and determining any requirements in regard to the length and width of any street, road or right of way according to the use to which such street, road or right of way is likely to be put, or according to the physical features of the land, together with design, method of construction, and cost of completion or alignment of any street, road, or right of way; and
 - (c) for dealing with or disposing of land acquired under this Act by a local authority, or by any other public body or person.
6. The re-planning and re-construction of the scheme area, or any part thereof, including any provisions necessary for—
 - (a) the pooling of the lands of several owners (or any lands, roads, streets, or rights of way adjacent or near thereto);
 - (b) the re-division of such land among such owners;
 - (c) providing and making new roads, streets or rights of way;
 - (d) adjusting and altering the boundaries of any such lands, roads, streets, or rights of way;

- (e) effecting such exchanges of land, or cancellation of existing subdivisions as may be necessary or convenient for the purposes aforesaid;
 - (f) adjustment of rights between such owners or other persons interested in such lands, roads, streets, or rights of way;
 - (g) the vesting of such lands, roads, streets, or rights of way subject or not subject to any rights or trusts; and any other provisions necessary for giving effect to the purposes aforesaid.
7. Buildings generally; and in particular—
- (a) the height, location, purpose, dimensions, or the general character of buildings;
 - (b) the special control and regulation of buildings;
 - (c) the demolition or alteration of buildings;
 - (d) the prevention of the erection of ugly buildings which may destroy local amenities;
 - (e) the prohibition or regulation of the placing, or subject to a reasonable time limit, the continuance, of advertisements, advertising hoardings, illuminated signs and other advertising devices and erections, or other disfigurements;
 - (f) the placing of new public buildings;
 - (g) harmony in the exterior designs of buildings.
8. Limiting the number of apartment, tenement, detached, or other dwelling-houses to the acre generally or in any particular locality, and the extent to which each subdivision, allotment, or parcel of land is to be built upon, and providing for adequate light and air to the windows of each house, and prescribing other requirements so far as is reasonable for the purpose of securing the convenience and amenity of the scheme area and proper sanitary and hygienic conditions in connexion with any building therein.
9. The making, fixing, and altering and ascertaining of building lines irrespective of the width or alignment of any street, road, or right of way, to secure as far as practicable, having regard to the physical features of the site and the depth of the existing subdivisions, that the distance between the buildings to be erected, or buildings likely to be reconstructed, on opposite sides of the street, road or right of way, shall not be less than that fixed by the scheme, according to the prospective traffic requirements of such street, road or right of way.
10. Classification of the scheme area for residential, commercial, industrial, and other purposes respectively, including the provision of special areas for factories or for carrying on industries generally and for shops, warehouses, stores, stables and other buildings used for commercial or industrial purposes, and fixing the sites for buildings required for any charitable, religious or public purposes, or for public conveniences as mentioned in paragraph 4; and prohibiting the carrying on of any trade or manufacture, or the erection of any building, in a particular part of the area other than in accordance with the provisions of the scheme.
11. Conservation of the natural beauties of the area, including lakes and other inland waters, banks of rivers, foreshores of harbours, and other parts of the sea, hill-slopes and summits, and valleys.
12. The preservation of historic buildings and objects of historical or scientific interest.
13. Probable routes for railways, tramways, and canals and probable sites for bridges, docks, harbours, piers, quarries, and lighting, water, drainage and sewerage, or any other private or public work or undertaking authorised by statute.

14. Works ancillary to or consequent on the scheme.
 15. The extinction or variation of any right of way or easement, public or private, or of any restrictive covenant or covenants affecting land.
 16. Power of entry and inspection.
 17. Facilities for the operation of public utilities and trading undertakings of any local authority or authorised public body, or of any society of public utility.
 18. The exercise of the power of the local authority to acquire land or buildings, or to make any agreement or proposal in respect thereto.
 19. Power to limit the height, at the corner of any street, road, right of way, of any wall, fence, hedge, tree or shrub or other obstruction, not being an authorised building.
 20. Power of a local authority to remove, alter or demolish any building which obstructs the observance or carrying out of the scheme.
 21. Power of a local authority to make agreements with owners and of owners to make agreements with one another.
 22. Co-operation of a local authority and the owners of land and co-operation between owners of land.
 23. The recovery of expenses incurred in giving effect to the scheme.
 24. The carrying out and completion of the scheme generally; and particularly the time and manner in which, and the persons and authorities by whom or by which the scheme, or any part thereof, shall be carried out and completed and its observance ensured.
 25. Any matter with respect to which under this Act an agreement relating to a scheme may be made.
 26. Limitation of time for the operation of the scheme.
 27. Any matter necessary or incidental to town planning or housing.
- The mention of particular matters in this Schedule shall not be held to prejudice or affect the generality of any other matter.

Controlled by Ministry of Urban, Housing and Social Welfare

CHAPTER 139

TOWN PLANNING

SECTION 6—TOWN PLANNING AREA ORDERS

Made by the Governor or the Minister

TOWN PLANNING (BA) ORDER

9th April, 1947 [in force 18th April, 1947], 14th July, 1965

1. This order may be cited as the Town Planning (Ba) Order.
2. The area comprising the town of Ba shall be and is hereby constituted a town planning area to be known as the Ba Town Planning Area.
3. The limits of the town planning area hereby constituted shall be the limits and boundaries of the town of Ba as from time to time declared.

TOWN PLANNING (BA RURAL) ORDER

Orders: 21st July, 1948, 14th July, 1965

1. This Order may be cited as the Town Planning (Ba Rural) Order.
2. The area set out in the Schedule is hereby constituted a town planning area to be known as the Ba Rural Town Planning Area.

SCHEDULE

BA RURAL TOWN PLANNING AREA

The town planning area hereby constituted shall be all that area of land contained within the circle of radius of two miles from a point being the western corner of Native Grant No. 103 as more particularly delineated on a plan marked "Ba Rural Town Planning Area" and deposited in the office of the Director of Town and Country Planning:

Provided that if any portion of land containing less than 20 acres and described in one instrument of title is intersected by the said circle, the whole of the lands described in such instrument of title shall be deemed to be within the limits of the said area.

Save and except the whole of the land situated within the boundaries of the town of Ba as from time to time declared.

TOWN PLANNING (DREKETI RURAL) ORDER*Order 16th November, 1971*

1. This Order may be cited as the Town Planning (Dreketi Rural) Order.
2. The area set out in the Schedule is hereby constituted a town planning area to be known as the Dreketi Rural Town Planning Area.

SCHEDULE**DREKETI RURAL TOWN PLANNING AREA**

All that portion of land in the tikina of Macuata in the province of Macuata situated wholly within the eastern part of Crown Freehold known as Nasigasiga.

The above described area is more particularly delineated on plan T.P.O. 239 deposited in the office of the Director of Town and Country Planning, Suva and copies of such plan are available for inspection at the offices of the Commissioner Northern, Labasa, and the Labasa Rural Local Authority, Labasa.

TOWN PLANNING (GENERAL) ORDER*Order 29th July, 1971*

1. This Order may be cited as the Town Planning (General) Order.
2. The plots of land referred to in the Schedule are hereby constituted a town planning area to be known as the General Town Planning Area.
3. In the interpretation of the Schedule "hotel" means any premises in which accommodation is supplied to or is available to be supplied to persons in exchange for money or other valuable consideration.

SCHEDULE**GENERAL TOWN PLANNING AREA**

All those plots of land wheresoever situated not referred to in any other order made under the provisions of section 6 of the Town Planning Act in which hotel or subdivisional development has taken, or is, or is proposed to be, taking place, but excluding any agricultural subdivisions and such other agricultural land as may be generally or particularly specified by the Board by notification in the Gazette.

TOWN PLANNING (LABASA) ORDER

Orders: 30th June, 1947 [in force 4th July, 1947], 14th July, 1965

1. This Order may be cited as the Town Planning (Labasa) Order.
2. The area comprising the town of Labasa shall be and is hereby constituted a town planning area to be known as the Labasa Town Planning Area.
3. The limits of the town planning area hereby constituted shall be the limits and boundaries of the town of Labasa as from time to time declared.

TOWN PLANNING (LABASA RURAL) ORDER

21st July, 1948, 14th July, 1965, 29th Dec., 1966

1. This Order may be cited as the Town Planning (Labasa Rural) Order.
2. The area set out in the Schedule is hereby constituted a town planning area to be known as the Labasa Rural Town Planning Area.

SCHEDULE

LABASA RURAL TOWN PLANNING AREA

(Substituted by Order 29th December, 1966.)

All that area of land situated in the Tikina of Labasa in the Province of Macuata as described hereunder and as more particularly delineated on Plan PP 26 lodged in the office of the Director of Lands, Suva, with copies in the offices of the Macuata Rural Local Authority at Labasa, and of the Director of Town and Country Planning at Suva.

Commencing at the junction of Nasuvu Creek and Wainikoro Railway approximately $1\frac{1}{2}$ miles north-east of Labasa Town; thence by Nasuvu Creek upstream to a point near its source adjacent to the source of Wailailai Creek at the eastern corner of Plan M919; thence southerly by a straight line to the ridge above the source of Wailailai Creek; thence southerly by a straight line to Uluinadoga Trigonometrical Station, a distance of approximately 156 chains; thence westerly by a straight line to Uluibau Trigonometrical Station, a distance of approximately 260 chains; thence westerly by a straight line to Vatia Trigonometrical Station, a distance of approximately 70 chains; thence westerly by a straight line to Uluibenau Trigonometrical Station, a distance of approximately 171 chains; thence southerly by a straight line for a distance of approximately 114 chains to the south-eastern corner of Plan M1097 at its junction with Wailevu-Naduna Road; thence by the same line prolonged southerly $6\frac{1}{2}$ chains from the centre line of the said road; thence north-westerly by a line parallel to and $6\frac{1}{2}$ chains distant from the centre line of Wailevu-Naduna Road to the northern boundary of Lot 3 on Plan M1628; thence north-westerly by a straight line to Mulomulo Trigonometrical Station, a distance of approximately 75 chains; thence westerly by the southern boundary of Plan M1919 to Tukiro Creek and by that creek downstream to its confluence with the

Qaloyaga River; thence upstream by the said river for a distance of approximately 40 chains to the western boundary of Plan M1919; thence northerly by the western boundary of the said plan to its junction with Cuaqalo Creek and by that creek downstream to its confluence with the Qaloyaga River; thence across the said river to a point on the right bank common to Plans M146 and M1919; thence by that common boundary easterly to the south-eastern corner of Plan M146; thence northerly by the eastern boundary of Plan M146 to the north-western corner of Plan M169; thence by the northern boundary of the said plan and by prolongation of that boundary easterly to the Wailevu River; thence downstream by that river to a point on the right bank common to Plans M145 and M77; thence easterly by the southern boundary of Plan M145 to the north-west corner of Lot 5 on Plan M1135 and by the northern boundary of that lot to its north-eastern corner; thence easterly by a straight line for a distance of approximately 19 chains to the north-western corner of Lot 4 on Plan M1018; thence by the northern boundary of Lots 4, 6, 7 and 8 of that plan and by the western and northern boundaries of Plan M1103; thence by the western and northern boundaries of Lot 9 on Plan M1018 and by the north-eastern boundary of Lots 1 and 2 on Plan M2163; thence by the north-eastern boundaries of Lot 2 on Plan M830 and of Plan M920 and by the southern boundary of Plan M1129 to the Labasa River; thence across that river and north-easterly by the bank of the stream linking the Labasa River and the Qawa River and by the right bank of the Qawa River downstream to its confluence with Nasuvu Creek; thence upstream by that creek to the point of commencement.

Save and except the whole of the land situated within the boundaries of the Town of Labasa as from time to time declared.

TOWN PLANNING (LAMI) ORDER

Order 27th April, 1977

1. This Order may be cited as the Town Planning (Lami) Order.
2. The area comprising the Town of Lami shall be and is hereby constituted a town planning area to be known as the Lami Town Planning Area.
3. Limits of the town planning area hereby constituted shall be the limits and boundaries of the Town of Lami as from time to time declared.

TOWN PLANNING (LAUTOKA) ORDER

12th Nov., 1947 [in force 21st Nov., 1947], 14th July, 1965

1. This Order may be cited as the Town Planning (Lautoka) Order.
2. The area comprising the city of Lautoka shall be and is hereby constituted a town planning area to be known as the Lautoka Town Planning Area.
3. The limits of the town planning area hereby constituted shall be the limits and boundaries of the city of Lautoka as from time to time declared.

TOWN PLANNING (LAUTOKA RURAL) ORDER

21st July, 1948, 14th July, 1965

1. This Order may be cited as the Town Planning (Lautoka Rural) Order.
2. The area set out in the Schedule is hereby constituted a town planning area to be known as the Lautoka Rural Town Planning Area.

SCHEDULE

LAUTOKA RURAL TOWN PLANNING AREA

The town planning area hereby constituted shall be all that area of land contained within the circle of radius of three miles from a point 53 chains due south of Navunibaka Trigonometrical Station as more particularly delineated on a plan marked "Lautoka Rural Town Planning Area" and deposited in the office of the Town Planning Board:

Provided that if any portion of land containing less than 20 acres and described in one instrument of title is intersected by the said circle, the whole of the land described in such instrument of title shall be deemed to be within the limits of the said area.

Save and except the whole of the land situated within the boundaries of the city of Lautoka as from time to time declared.

TOWN PLANNING (LEVUKA) ORDER

30th November, 1948, 14th July, 1965

1. This Order may be cited as the Town Planning (Levuka) Order.
2. The area comprising the town of Levuka shall be and is hereby constituted a town planning area to be known as the Levuka Town Planning Area.
3. The limits of the town planning area hereby constituted shall be the limits and boundaries of the town of Levuka as from time to time declared.

TOWN PLANNING (NABOUWALU RURAL) ORDER

Order 16th November, 1971

1. This Order may be cited as the Town Planning (Nabouwalu Rural) Order.
 2. The area set out in the Schedule is hereby constituted a town planning area to be known as the Nabouwalu Rural Town Planning Area.
-

SCHEDULE

NABOUWALU RURAL TOWN PLANNING AREA

All that portion of land in the tikina of Vuya in the province of Bua situated in and around Nabouwalu Government Station bounded generally by Wainisevu Creek to the north, Nabouwalu Creek to the South, high water mark on the sea coast to the West and extending inland for approximately 32 chains.

The above described area is more particularly delineated on plan T.P.O. 234 deposited in the office of the Director of Town and Country Planning, Suva and copies of such plan are available for inspection at the Offices of the Commissioner Northern, Labasa, and the Bua Rural Local Authority, Nabouwalu.

TOWN PLANNING (NADI) ORDER

28th March, 1947; 14th July, 1965

1. This Order may be cited as the Town Planning (Nadi) Order.
2. The area comprising the town of Nadi shall be and is hereby constituted a town planning area to be known as the Nadi Town Planning Area.
3. The limits of the town planning area hereby constituted shall be the limits and boundaries of the town of Nadi as from time to time declared.

TOWN PLANNING (NADI RURAL) ORDER

26th March, 1955 [in force 1st April, 1955]; 14th July, 1965

1. This Order may be cited as the Town Planning (Nadi Rural) Order.
2. The area set out in the Schedule is hereby constituted a town planning area to be known as the Nadi Rural Town Planning Area.

SCHEDULE

(Substituted by Order 16th March, 1970.)

NADI RURAL TOWN PLANNING AREA

All that area of land situated in the tikina of Vuda, Nadi, Nawaka and Malomalo in the provinces of Ba, Nadroga and Navosa, extending from Sabeto River to approximately two miles south of Momi village, in varying widths, from the high water mark of the sea coast to approximately half a mile inland of the proposed Suva-Nadi Highway, except that the boundary extends inland for approximately two miles from the Nadi International Airport boundary, including all the islands within a distance of three miles from the sea coast, but excluding Nadi Town and Nadi International Airport as from time to time defined, and all Fijian villages.

The area is more particularly delineated and shown verged red on Plan P.P.71 deposited in the office of the Director of Lands in Suva and available for inspection at the offices of the Permanent Secretary for Urban Development, Housing and Social Welfare, the Director of Town and Country Planning, the Commissioner, Western, and the Secretary, Nadi Rural Authority.

TOWN PLANNING (NADROGA RURAL) ORDER

Orders 16th September, 1960; 14th July, 1965

1. This Order may be cited as the Town Planning (Nadroga Rural) Order.
2. The area set out in the Schedule is hereby constituted a town planning area to be known as the Nadroga Rural Town Planning Area.

SCHEDULE

(Substituted by Order 16th March, 1970.)

NADROGA RURAL TOWN PLANNING AREA

All that area of land situated in the tikina of Sigatoka, Baravi, Cuvu and Malomalo in the province of Nadroga and Navosa, extending from the eastern boundary of the said province to approximately two miles south of Momi village, in varying widths, from the high water mark of the sea coast to approximately half a mile inland of the proposed Suva-Nadi Highway including all lands half a mile on either side of Sigatoka Valley Road up to Nakabuta village, and also all the islands within a distance of two miles from the sea coast but excluding the town of Sigatoka, as from time to time declared, and all Fijian villages.

The area is more particularly delineated and shown verged red on Plan P.P.72 deposited in the office of the Director of Lands in Suva and available for inspection at the offices of the Permanent Secretary for Fijian Affairs and Rural Development, the Director of Town and Country Planning, the Commissioner, Western, and the Secretary, Sigatoka Rural Authority.

TOWN PLANNING (NAUSORI) ORDER

Orders 9th April, 1947 [in force 18th April, 1947], 14th July, 1965

1. This Order may be cited as the Town Planning (Nausori) Order.
2. The area comprising the town of Nausori shall be and is hereby constituted a town planning area to be known as the Nausori Town Planning Area.
3. The limits of the town planning area hereby constituted shall be the limits and boundaries of the town of Nausori as from time to time declared.

TOWN PLANNING (NAUSORI RURAL) ORDER

Orders 26th March, 1955 [in force 1st April, 1955], 14th July, 1965

1. This Order may be cited as the Town Planning (Nausori Rural) Order.
2. The areas set out in the Schedule are hereby constituted a town planning area to be known as the Nausori Rural Town Planning Area.

SCHEDULE

(Substituted by Order 9th September, 1976)

NAUSORI RURAL TOWN PLANNING AREA*Eastern Portion*

All that area of land in the tikina of Naitasiri, Bau and Nakelo in the Provinces of Naitasiri and Tailevu bounded generally by the Rewa River, the Wainibokasi River, the low water mark of the sea coast and Naduruloulou Agricultural Station on the north-west.

Western Portion

All that area of land in the tikina of Naitasiri and Rewa in the Provinces of Naitasiri and Rewa bounded generally by the Northern boundaries of Suva Rural Town Planning area on one side, and the Waimanu, Rewa and Toga Rivers on the other.

The Planning Area excludes the town of Nausori, as from time to time declared, and is more particularly delineated on plan PP143 kept at the office of the Ministry of Urban Development and Housing, Suva.

TOWN PLANNING (NAVUA RURAL) ORDER

Order 16th March, 1970

1. This Order may be cited as the Town Planning (Navua Rural) Order.
2. The area set out in the Schedule is hereby constituted a town planning area to be known as the Navua Rural Town Planning Area.

SCHEDULE**NAVUA RURAL TOWN PLANNING AREA**

All that area of land situated in the tikina of Serua, Nuku and Veivatuloa in the provinces of Serua and Namosi, extending from the western to the eastern

boundaries of the said provinces respectively, in varying widths, from the high water mark of the sea coast to approximately half a mile inland of the proposed Suva-Nadi Highway, except that the boundaries between the Taunovo River and Vunimoli and Waikalou Creeks extend from the high water mark of the sea coast to approximately four and a half miles inland of the said Highway, including all the islands within a distance of two miles from the sea coast, but excluding all Fijian villages.

The area is more particularly delineated and shown verged red on Plan PP69 deposited in the office of the Director of Lands in Suva and available for inspection at the offices of the Permanent Secretary for Urban Development and Housing, the Director of Town and Country Planning, the Commissioner, Central and the Secretary, Navua Rural Local Authority.

TOWN PLANNING (RA RURAL) ORDER

Order 4th July, 1966

1. This Order may be cited as the Town Planning (Ra Rural) Order.
2. The area specified in the Schedule is hereby constituted a town planning area to be known as the Ra Rural Town Planning Area.

SCHEDULE

RA RURAL TOWN PLANNING AREA

Starting at a point known as Bitutaralagi Trigonometrical Station having zero co-ordinate value of 1039098.67 North and 630312.20 East;

thence in a westerly direction on a bearing of 273 degrees 08 minutes 40 seconds for a distance of 5381 links to a point on the right bank of Wailevu creek;

thence across Wailevu creek to a point on the opposite bank;

thence in a general westerly direction following the left bank of Wailevu creek for approximately 16 chains to a point being the southern boundary of C.T. 3818 known as Nagoro;

thence in a north westerly direction following the southern boundary of the said C.T. 3818 known as Nagoro on a bearing of 316 degrees 25 minutes for a distance of 3482 links to a peg on its western boundary;

thence by a line on a bearing of 298 degrees for a distance of 3650 links to a point on the centre of the Kings Road one chain wide;

thence in a north westerly direction by a line bearing 315 degrees 21 minutes for a distance of 700 links, the said line also being at right angles to the centre-line of the Kings Road;

thence in a general north easterly direction following the Kings Road and being parallel to and distant 700 links from the centre of the road formation to a point across Rakiraki creek on its right bank;

thence following the right bank of Rakiraki creek downstream for approximately 38 chains to its mouth at the sea coast, and thence following the sea coast in a general north easterly direction along the high water mark to a point at a

place called Naveiruarua being the westernmost corner of C.T. 2040 known as Volivoli;

thence by line bearing 122 degrees 55 minutes for a distance of 10280 links to a peg on Matanigaga mound;

thence on a line bearing 161 degrees 31 minutes 30 seconds for a distance of 4761.9 links to a peg on the eastern boundary of C.T. 11574;

thence following the eastern boundary of C.T. 11574 by the following lines:—

On a bearing of 186 degrees 50 minutes for a distance of 208 links to an iron peg on a bearing of 211 degrees 13 minutes for a distance of 122.4 links to an iron peg on a bearing of 193 degrees 07 minutes for a distance of 228.3 links to an iron peg on a bearing of 217 degrees 14 minutes for a distance of 145.0 links to an iron peg; thence on a line bearing 200 degrees for a distance of 3350 links to a point on the right bank of Namolau creek; thence following the right bank of Namolau creek downstream for approximately 18 chains to its junction with the right bank of the Drauniavutia River;

thence crossing the Drauniavutia River to the left bank and following the Drauniavutia River upstream for approximately 56 chains to a point being the southern boundary of R.R. 734;

thence north westerly and generally south westerly by the following lines:—

On a bearing of 311 degrees 15 minutes 40 seconds for a distance of 530 links to an iron peg on a bearing of 253 degrees 13 minutes 40 seconds for a distance of 744.3 links to an iron peg on a bearing of 227 degrees 37 minutes 40 seconds for a distance of 661.7 links to an iron peg on a bearing of 250 degrees 46 minutes 40 seconds for a distance of 320.4 links to an iron peg on a bearing of 217 degrees 16 minutes 40 seconds for a distance of 2847.7 links to Bitutaralagi Trigonometrical Station and being the starting point.

Such area being more particularly shown on plan D.O. 355 lodged in the office of the Director of Lands, Suva.

TOWN PLANNING (SAVUSAVU) ORDER

Order 19th Nov., 1969

1. This Order may be cited as the Town Planning (Savusavu) Order.
2. The area comprising the town of Savusavu shall be and is hereby constituted a town planning area to be known as the Savusavu Town Planning Area.
3. The limits of the town planning area hereby constituted shall be the boundaries of the town of Savusavu as from time to time declared.

TOWN PLANNING (SAVUSAVU RURAL) ORDER

Order 3rd Sept., 1960, 14th July, 1965, 19th Nov., 1969

1. This Order may be cited as the Town Planning (Savusavu Rural) Order.
2. The area set out in the Schedule is hereby constituted a town planning area to be known as the Savusavu Rural Town Planning Area.

SCHEDULE

SAVUSAVU RURAL TOWN PLANNING AREA

All that area of land situated in the Tikina of Nasavusavu, Province of Cakaudrove, the boundaries of which are as follows:—

Starting at Savanivaga Native Lands Commission mound on the western boundary of C.T. 5632 being also the south-eastern corner of C.T. X7/05, 206;

thence in a north-easterly direction on a bearing of 41 degrees 30 minutes for a distance of 48 chains more or less to a point on the common boundary of Certificates of Title 4619 and 4618;

thence in a north-westerly direction on a bearing of 308 degrees for a distance of 18 chains more or less to high water mark of the sea coast;

thence in a south-westerly direction following high water mark for a distance of 229 chains more or less to a point on the eastern bank of the Nasisila Creek on the northern boundary of C.T. 5679;

thence in a southerly direction on a bearing of 161 degrees for a distance of 29 chains more or less; thence in a south-easterly direction on a bearing of 104 degrees 30 minutes for a distance of 24 chains more or less to the south-western corner of C.T. 9197;

thence in an easterly direction following the southern boundary of C.T. 9197 to the south-eastern corner of said C.T. 9197;

thence in a southerly direction on a bearing of 166 degrees 30 minutes for a distance of 96½ chains more or less to Natoika Native Lands Commission mound situate at the south-eastern corner of C.T. 4305;

thence in an easterly direction and crossing the Vatukuro Creek to the western most corner of C.T. 10166 at high water mark of the sea coast;

thence in a general south-easterly direction following high water mark by way of the western boundary of C.T. 10166 and the southern boundary of the Savusavu Airstrip for 74½ chains more or less to the right bank of the Waidamudamu Stream;

thence in a north-easterly direction following the right bank of the Waidamudamu Stream upstream for a distance of 375 links more or less to a point;

thence in a northerly direction on a bearing of 336 degrees 20 minutes for a distance of 52 chains more or less and running parallel to the centre line of the Savusavu Airstrip to a point on the left bank of the Vatukuro Creek;

thence in a northerly direction following the left bank of the Vatukuro Creek upstream for a distance of 40 chains more or less to the southernmost corner of Native Lease 5602 at the junction of the Waivula and Vatukuro Creeks;

thence in a north-easterly direction on a bearing of 36 degrees 30 minutes for a distance of 60½ chains more or less to Ranatu Native Lands Commission mound on the common boundary of Lots 16 and 11 as shown more clearly on Native Lands Commission sheet F2, 4;

thence continuing in a north-easterly direction on a bearing of 53 degrees 30 minutes for a distance of 58½ chains to Savanivaga Native Lands Commission mound being the starting point.

Including Nawi and Bau Islands.

Save and except all land within the limits and boundaries of the town of Savusavu as from time to time declared.

SEAQAQA RURAL TOWN PLANNING AREA

Order 26th Nov., 1975

1. This Order may be cited as the Town Planning (Seaqaqa Rural) Order.
2. The area set out in the Schedule is hereby constituted a town planning area to be known as the Seaqaqa Rural Town Planning Area.

SCHEDULE

SEAQAQA RURAL TOWN PLANNING AREA

All that area of land in the tikina of Sasa in the province of Macuata lying about the junction of Natua and Wainikoro-Dama roads and being parts of lots 11 and 12 on Native Lands Commission sheet B/16 2, and bounded generally as follows:—

on the north by a straight line more or less in a south-westerly direction from Native Lands Commission mound Draunutavoya 2 to the left bank of Kawakawavau Creek and by the southern alignment of a 25 links wide access reserve;

on the east by part of the right banks of Vuniwaitabu Creek and Dreketi River;

on the south by part of the right bank of Dreketi River; and

on the west by part of the left bank of Kawakawavau Creek.

The area is more particularly shown in red on plan P.P. 141 kept in the office of the Permanent Secretary for Lands and Mineral Resources, Suva, with copies available for viewing in the offices of the Permanent Secretary for Urban Development and Housing, Suva, The Divisional Commissioner Northern and the District Officer, Macuata.

TOWN PLANNING (SIGATOKA) ORDER

Orders 21st Nov., 1959, 14th July, 1965

1. This Order may be cited as the Town Planning (Sigatoka) Order.
2. The area comprising the town of Sigatoka shall be and is hereby constituted a town planning area to be known as the Sigatoka Town Planning Area.
3. The limits of the town planning area hereby constituted shall be the limits and boundaries of the town of Sigatoka as from time to time declared.

TOWN PLANNING (SUVA) ORDER

Orders 4th Feb., 1947, 14th July, 1965

1. This Order may be cited as the Town Planning (Suva) Order.
2. The area comprising the city of Suva shall be and is hereby constituted a town planning area to be known as Suva Town Planning Area.
3. The limits of the town planning area hereby constituted shall be the limits and boundaries of the city of Suva from time to time declared.

TOWN PLANNING (SUVA RURAL) ORDER

Orders 28th Jan., 1948, 14th July, 1965, 27th Apr., 1977

1. This Order may be cited as the Town Planning (Suva Rural) Order.
2. The area set out in the Schedule is hereby constituted a town planning area to be known as the Suva Rural Town Planning Area.

SCHEDULE

SUVA RURAL TOWN PLANNING AREA

All that area of land situated in the tikina of Suva and Naitasiri in the provinces of Rewa and Naitasiri, extending from the western boundary of the province of Rewa to Marshalls Mountain/Wainibuku Creek, in varying widths, from the high water mark of the sea coast to approximately half a mile inland of the proposed Suva-Nadi Highway and half a mile west of Princes Road; including Wailoku Settlement and all the islands within a distance of two miles from the said sea coast, but excluding the city of Suva and the town of Lami, as from time to time defined and all Fijian villages. The area is more particularly delineated and shown verged red on Plan P.P. 70 deposited in the office of the Director of Lands in Suva and available for inspection at the offices of the Permanent Secretary for Urban Development and Housing, the Director of Town and Country Planning, the Commissioner Central, and the Secretary, Suva Rural Authority.

TOWN PLANNING (TAVUA RURAL) ORDER

Orders 21st April, 1961, 14th July, 1956

1. This Order may be cited as the Town Planning (Tavua Rural) Order.
2. The areas set out in the Schedule are hereby constituted a town planning area to be known as the Tavua Rural Town Planning Area.

SCHEDULE

TAVUA RURAL TOWN PLANNING AREA

An area bounded as follows:—

Starting at a point being the junction of the left bank of the Nasivi river with the southern boundary of the Fiji Sugar Corporation's railway reserve; thence in a westerly direction and following the said southern boundary of railway reserve for a distance of approximately 66 chains to high-water-mark of the sea coast; thence in a southerly direction and following side of Queens Road; thence in a southerly direction for 1 chain crossing Queens Road to the north-western corner of Native Lease 6314 (plan R.R. 752); thence in a generally southerly direction and following the western boundaries of Native Leases 6314 (plan R.R. 752) 6313 (plan R.R. 752) and 7593 (plan R.R. 848) for a distance of approximately 49 chains to the southernmost corner of said

Native Lease 7593; thence in an easterly direction for a distance of approximately 12 chains crossing Tabavu expired Native Lease 1346 (plan R.R. 293) to the south-western corner of Certificate of Title No. 6159; thence in an easterly direction and following the southern boundary of said Certificate of Title No. 6159 for a distance of approximately 8 chains to the north-western corner of Native Lease 1474 (plan R.R. 429); thence in a southerly direction and following the western boundary of said Native Lease 1474 for a distance of 14 chains; thence in an easterly direction by a direct line for a distance of approximately 16 chains crossing said Native Lease 1474 and following the northern boundary of Native Lease 41/321 (plan R.R. 291) and its continuation easterly to the left bank of the Nasivi river; thence in a northerly direction and following the said left bank of the Nasivi river for approximately 64 chains to the southern boundary of the Fiji Sugar Corporation's railway reserve and being the starting point. Containing an area of 320 acres more or less and being as more particularly delineated on a plan held in the office of the Director of Town and Country Planning at Suva.

TOWN PLANNING (WAINIKORO RURAL) ORDER

Order 28th October, 1971

1. This Order may be cited as the Town Planning (Wainikoro Rural) Order.
2. The area set out in the Schedule is hereby constituted a town planning area to be known as the Wainikoro Rural Town Planning Area.

SCHEDULE

WAINIKORO RURAL TOWN PLANNING AREA

All that portion of land in the Tikina of Labasa in the Province of Macuata situated on the right bank of the Wainikoro River and extending for a maximum distance of approximately twenty-five chains eastwards along part Wainikoro-Lagalaga Road and part Daku-Labasa Tramline and extending approximately five chains westward along the said tramline.

The above area is shown verged red and more particularly delineated on plan T.P.O. 233 deposited in the office of the Director of Town and Country Planning, Suva and copies of such plan are available for inspection at the offices of the Commissioner Northern and the Labasa Rural Local Authority, Labasa.

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 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 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 siting, 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 1 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 sub-paragraph (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).

FIRST 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>
<i>Class I—Development within the curtilage of a dwelling-house</i>	
1. The enlargement, improvement or other alteration of a dwelling-house (not being a separate outbuilding) so	(1) The height of such development shall not exceed the height of the original dwelling-house.

<i>Column (1)</i> <i>Description of Development</i>	<i>Column (2)</i> <i>Conditions</i>
--------------------------------------------------------	----------------------------------------

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.

(2) No part of such development shall project beyond the forwardmost 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, improvement or other alteration, within the curtilage 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 forwardmost part of the front of the dwelling-house.

(3) Standard conditions 1, 2 and 3.

*Class II—Sundry 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 alternation 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.

<i>Column (1)</i> <i>Description of Development</i>	<i>Column (2)</i> <i>Conditions</i>
<i>Class III—Changes of use</i>	
Development consisting of a change of use to use as a light industrial building from use as a general industrial building.	
<i>Class IV—Temporary buildings and uses</i>	
1. The erection or construction on land on 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.	(1) Such buildings shall be removed at the expiration of that period and where they were sited on any such adjoining land, that land shall be forthwith reinstated.
2. The use of land for any purpose other than the display of advertisements, 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.	(2) Standard conditions 1, 2 and 3.
<i>(Amended by Regulations 25th May, 1964.)</i>	
<i>Class V—Uses of land for recreational purposes</i>	
The use of land other than buildings and not within the curtilage of a dwelling-house for the purpose of recreation.	Standard conditions 1, 2 and 3.
<i>Class VI—Agricultural buildings</i>	
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 so as materially to 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 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.

Class X—Use as a boarding or guest house, hostel, or a hotel not licensed for the sale of intoxicating liquors for consumption on the premises.

FOURTH SCHEDULE

(Regulation 4)

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

TOWN PLANNING ACT

(CHAPTER 139)

APPLICATION FOR DEVELOPMENT PERMISSION

(Section 6)

To the.....Local Authority, being an application for permission to undertake the development described in this application and more particularly shown on the attached plans and specifications.

APPLICANT'S NAME..... AGENT (if any).....

POSTAL ADDRESS.....

TITLE OR LEASE NUMBER.....

(If Lease state whether Crown, Native or Freehold. If Freehold state Plan and Lot number)

APPLICANT'S INTEREST IN SITE.....

(e.g. owner, lessee, licensee, prospective purchaser)

IF LEASE STATE NATURE OF TENANCY.....

(e.g. Residential, Commercial, Industrial, Agricultural)

PLAN AND LOT NUMBER..... AREA OF SITE.....

(where applicable)

STATE THE PURPOSE OF THE DEVELOPMENT.....

(e.g. Detached dwelling, Residential building, Shop, Shop with residential accommodation, Replacement of dilapidated building, Service station, Advertising hoarding, etc., etc.)

NAME AND OCCUPATION OF THE PROPOSED OCCUPANT

.....

.....

.....

Applicant's Signature

Date

Development permission is granted subject to the following conditions:

Approved Director of Town and Country Planning.

Approved Local Authority

.....

.....

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

SECTION 44.—TOWN PLANNING (PRESENTATION AND
NOTIFICATION OF SCHEMES) REGULATIONS

Regulations 8th September, 1960.

Made by the Governor in Council

Short title

1. These Regulations may be cited as the Town Planning (Presentation and Notification of Schemes) Regulations.

Scope and presentation of basic surveys

2. A scheme submitted to the Director for provisional approval under subsection (1) of section 18 of the Act shall be accompanied by basic survey maps and an explanatory report in accordance with the requirements of the Director:

Provided that the Director may, in its discretion, dispense with such requirements in relation to any minor modification or alteration proposed to be made to the details of a scheme which has been finally approved under subsection (1) of section 23 of the Act.

Presentation of scheme

3. A scheme submitted to the Director for provisional approval under subsection (1) of section 18 of the Act shall include the following:—

- (a) a written statement setting out the broad details of the scheme, and containing such provisions as are necessary for its implementation, and for the furtherance of the objects of the Act generally; and
- (b) a proposal map or maps drawn up in a form which is in accordance with the requirements of the Director.

Public notification of scheme

4. When the Director has provisionally or finally approved a scheme in accordance with the Act, the local authority shall publicly notify the same by publishing in two consecutive weeks—

- (i) an advertisement in the Gazette;
- (ii) an advertisement in one newspaper circulating in Fiji,

in whichever of the forms specified in the Schedule is applicable, or to the effect thereof, and shall post a copy of such advertisement at its office.

SCHEDULE

NOTICE WITH RESPECT TO TOWN PLANNING SCHEME

Public notice is hereby given that a town planning scheme for the _____
has been prepared in terms of the Town Planning Act, and
has been provisionally approved by the Director of Town and Country Planning.
Particulars of the scheme have been deposited in the _____ and are
there open on weekdays for public inspection between the hours of _____
and _____ until and inclusive of the
day of _____, 19 _____.