

**WRITTEN QUESTION**  
**WEDNESDAY, 7 AUGUST 2019**

**Written Question 170/2019:**

Hon. Lynda Tabuya to ask the Hon. Minister for Industry, Trade, Tourism, Local Government, Housing and Community Development –

**Can the Minister inform Parliament on the standard charges and expected timeframe taken by the Town and Country Planning to process an approval or permit for the following –**

- (a) Building and site plan;**
  - (b) Land subdivision scheme and**
  - (c) Land rezoning**
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I thank the Honorable Member for the question.

There are variances in addressing the different types of applications which are submitted for approval for Building and Site Plan, Land Division schemes and land rezoning.

There are three processes:

- 1) The Land Rezoning-
- 2) The Land Subdivision and
- 3) Building and Site Plan.

Land Rezoning is first, due to the fixtures of land usage. It is then followed by ascertaining the subdivision of the land in question. This is sorted out should the need arise. The final stage is the building itself e.g. the building plan which should be done by a certified architect.

**1. Land Rezoning**

Application for rezoning or change in use of land is received at the Municipal Councils and forwarded to DTCP for decision. The timeline for rezoning approval is 45 work days. If application requires amendment to a Town Planning Scheme, then this takes longer as the DTCP needs to endorse Provisional Approval.

The Minister via a notice suspends the area from the scheme which then gets advertised for public objection in the Gazette and the Newspaper and 30 days given for objections if any. Final Approval is conferred by the DTCP if no objections are received otherwise the

process takes longer if objectors are called for a hearing after which DTCP can make decision.

If the objectors decide to appeal to the Minister, then this takes more time as an Appeals Committee is convened to hear the appeal against the Directors decision on the rezoning. The committee after deliberating advises the Minister who then announces her decision on whether to uphold the decision of the Director or overturn the decision to rezone.

The fee for rezoning varies from \$92.04 for change in use to Residential, \$183.12 for change in use to commercial and \$366.24 for change in use for Tourist development. Applications that require renewal after lapse of two years without any development work commencing will need to pay the full fee again for rezoning.

## **2.) Land Subdivision**

For subdivision, all applications are received and considered by the Director Town and Country Planning as per Subdivision of Lands Act Cap 140. Only Suva and Lautoka City Council have established Subdivision By-Laws and thus have subdivisions processed within Council for their declared City Boundary area. Subdivision application turnover time as per standard operating procedure is 30 working days provided all information required is submitted.

There is no delay in the process, it is the careful consideration for comments from relevant Authorities E.g. Municipal Councils, TLTB, on Certain issues the ministry of Health and other referral agencies after application is referred to them for comments. Council does not receive any fee for subdivision applications as DTCP retains all the fee while Council is required to carry out the duties of a Local Authority by inspecting the site and providing comments to DTCP for a decision.

Fees depend on the number of lots in a subdivision with basic fee of \$99.80 plus \$7.75 per lot for lots between 1 and 19. If in excess of 20 lots then \$3.88 is levied per lot for the excess lots. Engineering plan assessment fees depend on value of works with basic fee of \$65.88 plus \$164.71 for value up to \$20,000 and for values in excess of this the fee is \$7.75 for every \$1000 value of works over \$20,000. For applications that require renewal of approval after lapse of 2 years a fee of \$15.50 is levied.

## **3) Building and Site Application**

DTCP has a timeline of 20 working days for processing the application after having received from the Council with a recommendation. Each parcel of land within a Town Boundary has a designated use which is defined in the General Provisions by permitted uses and boundary setbacks. The Director DTCP has powers under the Town Planning Act to relax requirements of the General Provisions and in some cases dispense with the

requirements. In exercising these powers Director usually discusses complex applications with senior officials of the Department who form a subcommittee which sits once a week usually on a Thursday to decide on applications. Before a meeting staff prepare a report of the proposal and recommend a decision which is further discussed and decision taken on way forward.

## **Overview**

The delays are usually dependent on the complexity of an application where further research and analysis is required before a decision is made. In some cases, referrals need to be made to a relevant authority such as Water Authority of Fiji or Fiji Road Authority for their views and comments if necessary. DTCP considers applications from all parts of Fiji and if there is an influx of applications some applications are delayed.

The Brannock Report of 2007 commissioned by the Prime Minister's Office had made recommendations to overcome the delays and these includes the establishment of divisional offices in the West and the North and increase in staff numbers at the DTCP.

In addition, most members of the public are of the view that should they have land approval, they can build or erect any dwelling on the said land. This misinterpretation may cause further delay for approval.

For all proper planning to take place procedures must be followed. These procedures are stipulated in the Town Planning Act- General Provisions- which is a regulation prepared under the Town Planning Act. This provision serves as a Guide for all types of developments. Therefore, due to the complexity of a paradigm shift in development of homes, businesses etc...the Department of Town and Country Planning does not issue an approval overnight. All procedures will need to be followed to ensure good housing, a safe legal entity and a safe living environment.

It is also important to note that Approval of applications vary according to the subjected part of the technical part of each the application. Misinterpreting the approval process contributes largely to the waiting period.

The Department of Town and Country Planning in conjunction with the Municipal Councils handles all building plan approvals in accordance with the Town Planning Act CAP 139. Municipal councils receive applications and assess them against the regulations formulated under CAP 139 which is the Town Planning Act General Provisions of 1999.

In accordance with the Local Government Act all Municipal Councils have a proclaimed Town Boundary and within this boundary is an approved Town Planning Scheme as required by the Town Planning Act. Building applications are submitted to the relevant

Municipal Council and applications from within the Town Boundary are assessed against the General Provisions of the relevant Town and approved if it complies with the policies otherwise is forwarded to DTCP for a relaxation or dispensation from the General Provisions.

A decision is conveyed to the Municipal Council by DTCP for notification to the applicant and compliance of the conditions of approval. Building fees charged are in accordance with the schedule of fees under the Town Planning Act CAP 139. Development application fees and charges were last reviewed and gazette in June 2007, this is inclusive of the Building Subdivision and Rezoning Applications. The following fees mentioned are those charged by the Ministry.

The fee charged is tiered and depends on the value of works. If the value does not exceed \$50,000 the fee is \$21.52. For a value between \$400,000-\$500,000 fees is \$219.94, for a value between \$1 million to \$5 million fee is \$525.14 and if value exceeds \$10 million fee is \$3875.56. As of 1<sup>st</sup> August 2018, government has been funding council operations after a decision by government that council shall also carry out the administration of areas previously held under the Rural Local Authority the reason being, Councils were not allowed to charge extra fees apart from that levied under the Town Planning Act Schedule of Fees.

Thank you.