

SCHEDULE 4

MARINA POINT DEVELOPMENT CONTROL BY-LAWS

Interpretation

1.1 For these by-laws-

‘accessory building’ means a structure which is used primarily for storage other than a permanent fixed dwelling built on a lot for residential occupation.

‘body corporate’ means Denarau Corporation Limited.

‘building’ means a permanent fixed dwelling built on a lot for residential occupation.

‘common property’ means the part of lot 9 on DP7927 that is not a lot.

‘lot’ means any of lots 1 to 30 on the Identification Plan.

words denoting -

- (a) the singular includes the plural and vice versa;
- (b) a gender include the other genders;
- (c) persons include corporations and vice versa.

1.2 By-law headings are included for ease of reference only and do not form part of nor affect the interpretation of these by-laws.

1.3 The Town Planning Act (Chapter 139) – General Provisions will apply to any development control matters not covered by these by-laws.

General

2.1 An owner of a lot intending to construct a building or accessory building or renovate or alter an existing building or accessory building must;

- (a) apply to the body corporate for and obtain consent to such development; and
- (b) comply in all respects with these by-laws which form the basis of the criteria for assessing such application.

2.2 Background information and development consent application forms can be obtained from the body corporate.

2.3 Approval of an application for development consent is not dispensation from obtaining any relevant approval for the same thing from a relevant government authority.

2.4 Written approval of the body corporate is required to any subdivision or amalgamation of lots by any owner.

2.5 Subdivision or amalgamation of lots will be permitted, but the approval may be given subject to restrictions (for example as to lot size) determined by the body corporate from time to time expressly taking into account the principles set out in the charter for Denarau Island defined in the body corporate’s articles of association.

2.6 An application for a development consent will be notified of the body corporate’s decision within 20 business days after receipt of an application (or of any relevant information subsequently requested from the applicant to enable the application to be properly considered).

BUILDINGS

Set backs

- 3.1** For the purpose of this paragraph 3 "set back" in relation to buildings is that distance from the relevant lot boundary to the outer face of an enclosed building space or any wall which exceeds the permissible height of a fence.
- 3.2** Buildings constructed on a lot must have a minimum set back-
- (a) from the front boundary of 6 metres;
 - (b) from the rear boundary of 7.5 metres where such boundary abuts a body of water and 4.5 metres where such boundary does not abut water;
 - (c) from one side boundary of 3 metres and from the other side boundary -
 - (i) 1.8 metres if the building is single story; and
 - (ii) 3.0 metres if the building is double story.
- 3.3** Roof eaves may intrude into the set back by a maximum distance of 0.3 metres.
- 3.4** In the case of roofed areas without walls, including screens, canopies and other such projections or forms of sunshade, set back distance should be measured to the points in supporting structure closest to the boundary and roof overhang may intrude by 0.3 metres.
- 3.5** For decks with top surface more than 400mm above natural ground level set back shall be measured from edge of deck to boundary and shall be not less than 1.5 metres for side and rear boundaries and 6 metres from the front boundary.

Height

- 4.1** For the purpose of this paragraph 4 "height" shall be measured from natural ground level to the highest point of the building.
- 4.2** Buildings must not be more than 1 storey and not more than 6 metres in height. An attic room within the roof gable may be permitted.
- 4.3** Accessory buildings must not be more than 1 storey or greater than 2.5 metres in height.

Site coverage

- 5.1** The site coverage of the building must not exceed 45%.
- 5.2** For the purpose of determining site coverage on lots with road frontage, the area of building covered by roof, (but measured to the outside face of walls or supporting structure), will be calculated as a percentage of total lot area. For lots with access lanes, the area of the access lane shall be excluded from the lot area used for determining site coverage.

Roofs

- 6** All buildings must have pitched roofs.

Parking and driveways

- 7.1** Every building must include a double carpark garage and have 1 visitor parking space.
- 7.2** Driveways and uncovered parking spaces must be paved with good quality paving material.
- 7.3** The driveway between the thoroughfare kerb line and the lot boundary is to be paved in a similar colour and material to that used in the construction of those parts of the common property used for parking and access to rear lots.
- 7.4** Gravel and other loose surfaces are not permitted.

- 7.5 Uncovered parking spaces shall not be located within 2.5 metres from a front boundary or 1.5 metres from a side boundary, and shall be planted with selected low screening plants to minimise visual impact from outside the lot.

Garage doors

- 8 Garage doors should be of a high standard and where possible side entry, that is, not straight off the road.

Fences

(see also paragraphs 21.1 to 24.3)

- 9.1 Fences are to be a maximum of 1.8 metres in height along side boundaries up to the line of the front of the building facing the road. No fences or walls are permitted along the front boundaries or along side boundaries from the road frontage up to the line of the front of the building facing the road.
- 9.2 Where a side boundary abuts a water frontage, the fence is to be stepped down commencing 4.4 metres from the rear boundary to a maximum height of 1.2 metres at the water frontage.
- 9.3 Fences are to be well designed and constructed using first class quality materials and workmanship with finish and colour complimentary to that of the buildings on the lot.
- 9.4 Screening of front and rear boundaries with trees and shrubs is encouraged.

Courtyards

- 10 The creation of courtyards is encouraged.

Storage facilities

- 11 Structures that are visible from outside the lot and are used to store equipment must be screened by landscaping.

Building materials and colour control

- 12.1 Exterior cladding should be smooth plaster or timber and should be painted or have an approved applied colour finish.
- 12.2 All block work should be plastered and should be painted or have an approved applied colour finish.
- 12.3 Timber may be painted or stained rusticated weatherboards or board and batten finish.
- 12.4 Brick is allowed if painted in accordance with the colour palette.
- 12.5 Exterior colours should be within the colour range of pastel to muted earth tones.
- 12.6 Vibrant primary colours will not be permitted as an exterior wall cladding colour.
- 12.7 Fascia boards, trim and exposed metalwork should be colour coordinated with the balance of the building.
- 12.8 Unpainted metal work other than aluminium joinery is not permitted.
- 12.9 All roofs should be timber shakes, shingles or long-run colour steel. Other roof treatments may be considered.
- 12.10 Fences, storage facilities and accessory buildings should be colour coordinated and of materials consistent with the main building on the lot.
- 12.11 Reflective glazing or excessively tinted glass is not permitted.

Meters and Services

- 13 All external meters and services are to be fully screened and enclosed in materials consistent with the main building style and colours etc.

Exterior light fittings

- 14 All exterior light fittings are to be of first class quality and design. No exterior floodlights shall cause nuisance to adjacent properties.

Tennis courts

- 15.1 All tennis courts are to be not less than 3 metres from any lot boundary.
- 15.2 The area between the boundary line and the tennis court should be planted with a dense species of plants and shrubs.
- 15.3 Tennis courts may not be floodlit.

Refuse receptacles

- 16 Approved refuse receptacles are to be placed on the common property adjacent to the front boundary of the lot for collection on refuse days and removed to a screened or enclosed area immediately after rubbish collection.

Air conditioning plant

- 17 Any mechanical/electrical plant, in particular an air conditioning plant, must be acoustically insulated to minimise noise to a satisfactory level to adjacent properties and, where visible from outside the lot, be screened. The condenser unit must be located so as to avoid blowing condenser cooling air onto adjacent properties.

Antennas etc

- 18.1 No satellite dish antennas are to be erected on any lot. Radio, television antenna and like appendages shall be located to minimise their visibility from outside the lot, in particular from the front of the lot.
- 18.2 Solar hot water systems shall, to the maximum achievable extent, be concealed from view from outside the lot, (particularly from the front of the lot).

LANDSCAPING

Philosophy

- 19.1 Planting in accordance with the approved landscaping plan shall be completed as soon as possible, and not later than three months, after the main building works have been completed on any lot.
- 19.2 The presentation and standard of landscaping of each lot in the Marina Point subdivision is important to creation and maintenance of high-standard landscaping in the residential precinct as a whole.
- 19.3 Most plants available in the Fiji Islands are acceptable for landscaping.

Design

- 20 When architectural plans are submitted for body corporate approval, a landscaping plan, showing all planting (with a nominated planting schedule) and walls must be included.

Landscape controls generally

- 21.1 No trees may be planted or landscaping used that is likely to unreasonably interfere with the amenity enjoyed by the owners of other lots.
- 21.2 Vegetation may be used and is encouraged instead of fences along the front and rear boundaries.
- 21.3 The owner of a lot is responsible to maintain the trees and the landscaping within the boundaries of the owner's lot.

Front boundary

- 22.1 There are to be no fences or walls on this boundary.

- 22.2 Owners are encouraged to landscape this boundary with vegetation, but hedges are to be maximum height of 1.2 metres.

Side boundaries

- 23.1 Plastered masonry or timber walls up to 1.8 metres in height are permitted.
- 23.2 Wire fences, whether lattice or strand, are not permitted.
- 23.3 Any walls or fences set back from this boundary must be screened from the roadway by vegetation planted adjacent to such walls or fence.

Rear boundaries

- 24.1 Where a rear boundary abuts water, fences, walls or block planting is not permitted, but maintained hedges to a maximum height of 1.2 metres and trees and individual shrubs are allowed.
- 24.2 Unobstructed lawn between the residence and the waterway is encouraged.
- 24.3 Walls, hedges or block planting to a maximum height of 1.8 metres are allowed where such boundary does not abut water.

Garden maintenance

- 25 Garden maintenance is to be performed at the cost of the lot owner by either the lot owner, or by a contractor approved by the body corporate.

Floor Levels

- 26 In terms of the Department of Lands & Surveys Mean Sea Level Datum, a minimum finished ground floor level of RL 2.7 is recommended.

Swimming Pools

- 27 An in-ground swimming pool is permitted within not less than 1.5 metres of any boundary except a boundary that is a waterfrontage in which case the set back from the water frontage boundary shall be 4.5 metres. The maximum allowable height of the pool above existing ground level is 0.4 metres for main pools and 0.8 metres for spa pools.

Burglar Alarms

- 28 External burglar alarms sirens shall be on an approved type and shall only be used in connection with a monitored alarm system.