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NOTIFICATION OF PUBLICATION

LEGAL NOTICE

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REPUBLIC OF VANUATU

THE PHYSICAL PLANNING ACT (AMENDMENT). NO. 26 OF 2021 [CAP.193]

NOTICE OF ZONING AND DEVELOPMENT CONTROL PLAN TO BE PUBLISHED IN THE GAZETTE

NOTICE NO. 9 OF 2025

IN ACCORDANCE with section 3 (6) of the Physical Planning Act Amendments N0. 26 of 2021 CAP 193, the Torba Provincial Council hereby declares that the **'Zoning and Development Control Plan for Sola'** under the land title No. **02/0711/008** at East Vanualava Area Council is completed.

As specified in Section 3(6)(a) the Torba Provincial Government Council and Department of Urban Affairs and Planning has prepared the Zoning Development Control Plan over a Physical Planning Area (PPA).

Subsequently, as stated in Section 3(6)(b) the information on the 'Zoning and Development Control Plan' can be viewed and obtained once gazetted from the Torba Provincial Government Council Office at the East Vanualava Area Council and the Department of Urban Affairs and Planning (DUAP).

This Declaration shall take effect from the date of publication of this notice in the official Gazette.

Signed in Torba Provincial Headquarters on the 10th day of November.

President Committee	Secretary General	Chairman Physical Planning
Hon. Edgar Howard	**Mr. Albert Ruddley**	**Hon. Edmond Sovan**

TORBA PROVINCIAL GOVERNMENT COUNCIL PRESIDENT TORBA

TORBA PROVINCIAL GOVERNMENT COUNCIL SG TORBA

VANUALAVA ISLAND

SOLA

Zoning & Development Control Plan



DEPARTMENT OF URBAN AFFAIRS AND PLANNING

Sola **Zoning and Development Control Plan**
Department of Urban Affairs & Planning
Ministry of Internal Affairs
Republic of Vanuatu

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Published by the **Department of Urban Affairs and Planning**

Preface

Team DUAP prepared this document after acquiring the Sola State Land in 2019. Its purpose is to serve as a guiding framework for sustainable development in Vanuatu, ensuring that all future projects balance ecological protection with economic advancement. It aims to safeguard the unique ecological processes and natural systems of Vanuatu while enhancing the cultural, economic, physical, and social well-being of its people. It also strives to promote decentralization, bringing the government closer to the people to enhance transparency and accountability.

Recognizing the distinct character and needs of different areas within Sola, this document seeks to manage development and land use in an orderly and sustainable manner. It considers environmental values, community needs, and service provisions, all the while offering choices to residents and visitors alike. This document is an essential resource for planners, developers, policymakers, and community members, providing clarity on zoning regulations and their implementation.

Furthermore, it serves as a foundation for assessing development applications, instilling confidence in residents, government authorities, and investors regarding future developments within the Greater Physical Planning Area. The preparation of this document drew upon the *'Zoning Document and Development Control Plan for Greater Luganville'* as a reference model.

Once it is officially gazetted and in use, this document will require regular review and updates to ensure it remains relevant and effective.

Acknowledgement

The following people contributed to the preparation of this document.
Department of Urban Affairs & Planning (DUAP) TEAM
Jenny Tuasu Naki- Principal Urban Planning Officer
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Torba Provincial Government Council
Reynold Surmat - Secretary General
Nehemiah Ben - Torba Senior Provincial Planner

We would like to extend our gratitude to other respective institutions who continuously provided information upon request: these are:

1. Department of Land, Survey & Registry
2. Department of Local Authorities
3. Foreshore Unit (DUAP)
4. Department of Water
5. Department of Geology & Mines
6. Department of Environment
7. Vanuatu Meteorological & Geohazard Department

Our sincere and special thanks are expressed to all of the team members and others in their respective departments for their input and dedication towards the preparation of this Zoning and Development Control Document. The document would not have been possible without their input and hard work.

A special thanks to all the people who prepared previous documents from which we could borrow diagrams, content and forms to include in this document.

Thank- You Tumas

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Part 1

INTRODUCTION

General Background and Context

This Zoning and Development Control Plan and associated zoning provisions apply to the Sola Physical Planning Area.

1.1 Purpose of the document

This document has been prepared to:

1. Provide guidelines to regulate development on and use of premises in a what encourages orderly and sustainable development, having proper regard to the community needs, environmental values, availability of services and facilities, and to provide choice;
2. To provide a framework for efficient and equitable development;
3. To allocate future land uses in such a way that is safe, convenient, and economical to operate infrastructure
4. To zone sufficient land for various uses in accordance with anticipated demands and to provide a basis for assessing development.
5. To facilitate the integration of government and provincial policies and interests
6. To guide the re-use of land for more appropriate purposes through rezoning
7. To avoid the inappropriate subdivision of land
8. To provide a basis for assessing development
9. To provide residents, public authorities, and investors with confidence about future land use in the declared Physical Planning Area.

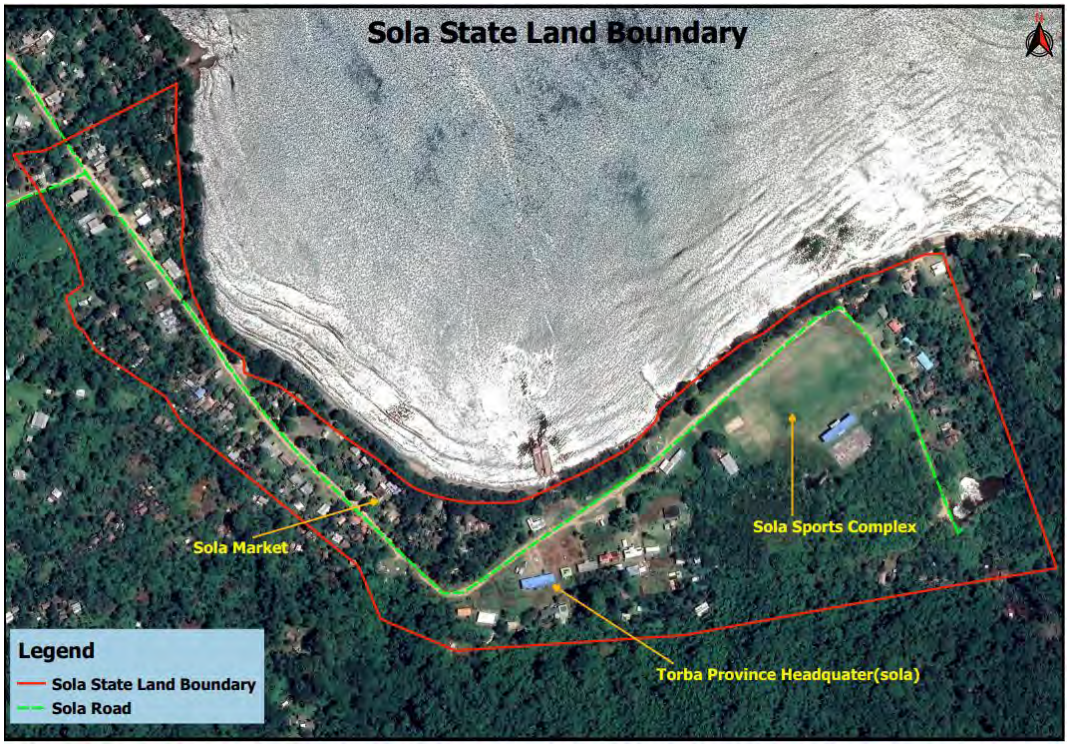
1.2 Sola State Land Area Background

Torba Provincial Government Council (TPGC) is located at Sola, which is situated on the island of Vanua Lava in the northern part of Vanuatu (refer to Figure 1).

After Independence 11 local government councils established throughout Vanuatu to provide government services to the people of Vanuatu. The Banks/Torres Local Government Council was headquartered in Sola. In 1995, local government was changed into provincial government and this was when the Torba Provincial Government Council (TPGC) came into being. An agreement to lease the land was made between the Torba Provincial Government Council and the customary land own. In 2019, the Vanuatu Government compensated the landowners for the 244,992 m² area of Sola. The acquisition process was completed in 2020 and was officially gazetted.

Sola State Land has 13 small shops owned by local businesses along the main road, six accommodation bungalows, the main market with the Torba Handicraft Centre, and the Provincial Government Council headquarters.

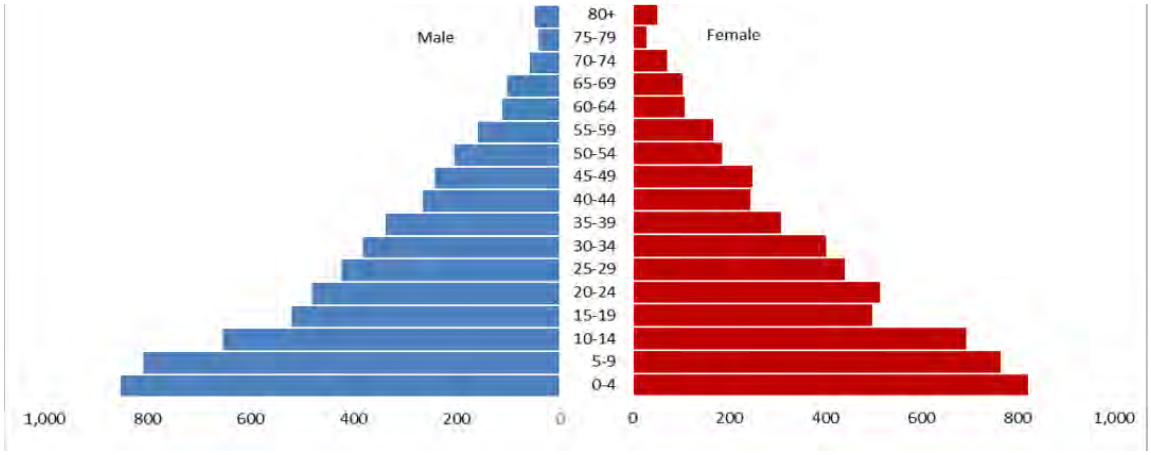
Figure 1: The Sola State Land Boundary



1.3 Population

According to the 2020 population and housing census preliminary, Torba Province has a total population of 11,417 for private households, with a lead of male population with 5,726 and female population with 5,691. The annual population growth rate is 1.8% and a total density of 13. According to the pyramid in figure 3, it indicates that in Torba the highest population is between the ages of 0 – 14 which means that the dependency ration is high (see table 1). Vanua Lava, where Sola is located has a population of 3,319 with 706 households.

Figure 3: Population Pyramid by 5- Year Age Group and Sex



Source: VNSO 2020 Report

Table 1: Summary Indicators

Indicators	Torba
Total Population (Private households only)	**11,417**
Male	*5,726*
Female	*5,691*
Annual Population Growth Rate (%)	**1.8**
Dependancy Ratio	**88.3**
Sex Ratio	**101**
Population Density	**13**
Total Private Household	**2,390**
Average Household Size	**4.8**

Source: VNSO 2020 Report

Figure 4: Total Population by Area Council and Sex

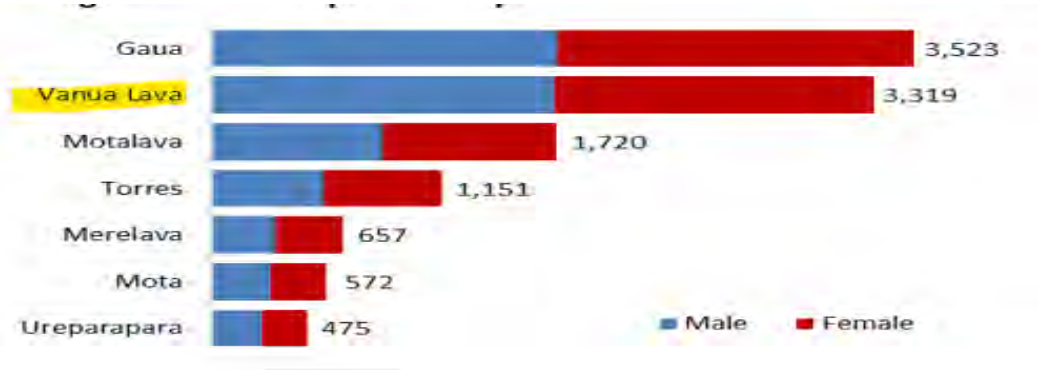


Table 2: Number of Households and Population by Sex Per Island and Area Council

Island/Area Council	Households	Sex	
		Male	Female
Torres	**207**	**560**	**591**
Banks	**2,183**	**5,166**	**5,100**
Gaua	*704*	*1,732*	*1,791*
Vanua Lava	*706*	*1,718*	*1,601*
Motalava	*397*	*859*	*861*
Merelava	*143*	*316*	*341*
Mota	*140*	*294*	*278*
Ureparapara	*93*	*247*	*228*

Source: VNSO 2020 Report

1.4 Dialogue

The main dialogue within the state land between the locals is Bislama; however, the indigenous people of the Banks Island group can understand each other's dialogue, also the Vanua Lava Dialogue.

1.5 Land Tenure

Like all the islands of Vanuatu, the land tenure system in Sola is customary land ownership. The customary landowners own the land, however, in 2019, when the government acquired the land, all the ownership rights were transferred to the government.

1.6 Climate change and natural hazards

16.1 Volcano

There is a volcano on the island of Vanua Lava where Sola is located. According to the Vanuatu Meteorology and Geohazard Department, the volcano is known as Suretamatai and is an active basalti –to– andesitic stratovolcano that does not contain a summit caldera. It has an elevation of 921 m/3021 ft, a latitude of 13.80°S, and a longitude of 167.47°E. The volcanic type is a complex and cone volcano with a past eruption in 1965–1966 with the effect of emission of ash plume rose in 1965 and small phreatic eruption in 1966. The most recent activity was in 1937, 1991, and 2009 to the current date. It has an effect of major geothermal areas showing slightly superheated fumaroles, hot springs, and boiling ponds. Volcano alert bulletins are issued whenever there is a significant change in the volcanic activity in Vanuatu. The volcanic alert level is set to reflect the status of the volcano.

16.2 Flooding

According to inspection the area of Sola is prone to flooding and the water table is quite high. Whenever there is a high rainfall in the area significant flooding can occur. It has been observed that, once the rains stop, the flood waters tend to subside fully.

Figure 5: Sola sports ground after heavy rain



16.3 Sea Level Rise

To be provided later once data is obtained from respective department.

16.4 Earthquakes

To be provided later once data is obtained from respective department

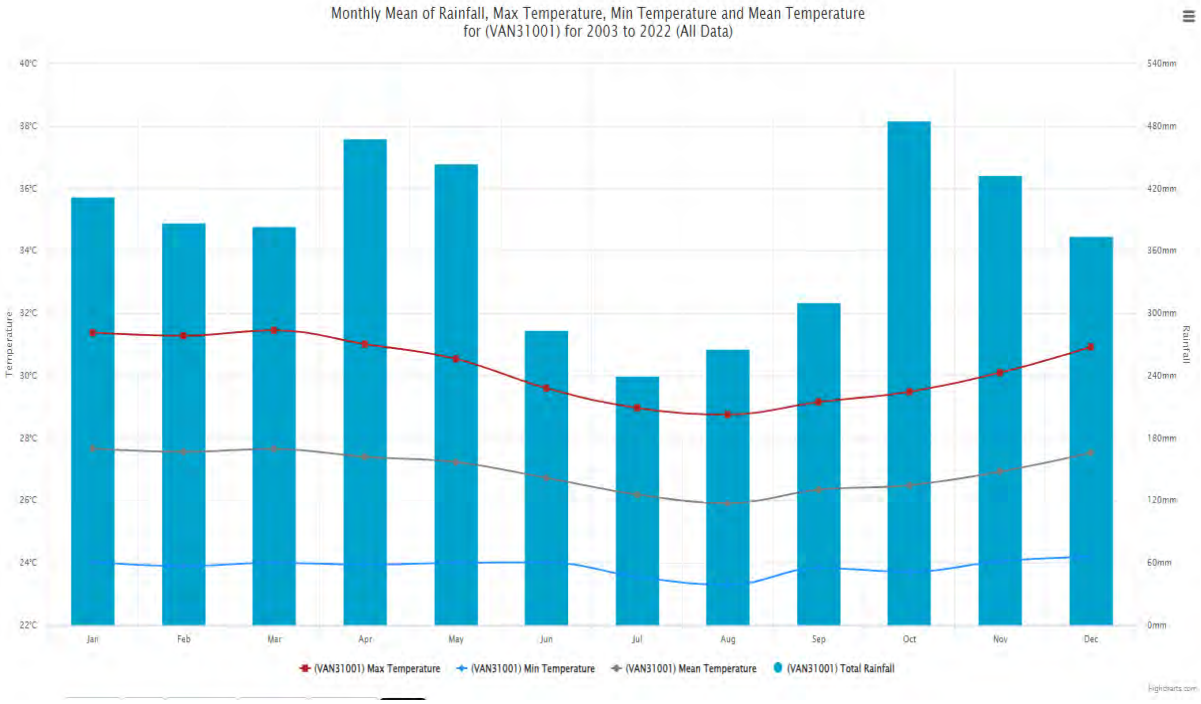
16.5 Tsunami

To be provided later once data is obtained from respective department

16.6 Rainfall

In the past 19 years (from 2003 to 2022), Sola has had the highest total rainfall in the months of January to May and October to December. Within the months of June to September, there is likely low rainfall. The maximum temperature is within 30℃–32℃ and drops to 28℃-30℃ during the low rainfall seasons. Similarly, the mean temperature falls between 26℃ and- 28℃, and the low temperature falls between 22℃ - 24℃. (Refer to figure 6 below).

Figure 6: Monthly mean of rainfall, max temperature, min temperature, and mean temperature for 2003 to 2022



Source: VMGD Data

1.7 Infrastructure and Public Utilities

17.1 Roads

Sola has a principal road type, which is the main road; however, after acquisition, a proper subdivision has been done and road easement has also been created. The road has been upgraded to concrete pavement for a length of 3.74 km from Sola Airport to the Provincial Government Council Headquarters. This project was funded by the Australian Government and the Public Works Department.

Figure 5: Current Concrete Road in Sola





17.2 Water

In Vanuatu, both surface and ground water are used for domestic purposes. In urban areas, the main water sources are shallow aquifers, whereas in rural areas, various sources are used, such as bore wells, springs, rivers, and rainwater catchments. All rural supplies are donor-funded and designed and delivered by either the drilling section or the water supply department, which is managed by the Department of Water. The Sola water system is a Red Cross funded project where the community is responsible for its management. Currently there is no water committee, and there is illegal tapping before the water sources and leakage. During the middays water stops, and people use alternative sources such as springs or rivers, the water tanks, and containers that w filled with water during the night.

17.3 Sewage

In Sola, septic systems are used. Though people slowly adapted to using dual flush toilets, some are still using the crude facilities. There are still no proper sewage proposals in Sola, which is something to consider due to the highwater table within the area that could create unhygienic conditions and lead to high incidents of diarrhea, skin infections, waterborne diseases, and other ailments.

17.4 Drainage System

Sola has no proper drainage system, although the recent main road project included a culvert with some access to the sea.

17.5 Electricity

There are different types of electricity access in Sola. Vui (a private electricity company) established operations in 2019 and is now the main provider of electricity, although few people use it due to the relatively high cost. Most people instead use renewable (solar) energy sources.

17.6 Telecommunication

In Vanuatu, there are two main telecommunication companies which are Vodafone Vanuatu, formally known as Telcom Vanuatu Limited (TVL), and Digicel Vanuatu. In recent years, these two networks have been providing networks to the islands of Vanuatu. In Sola, both of these networks have been

established and used. The networks can lose power due to lack of fuel or no sun to generate power for the network towers.

17.8 Solid Waste Disposal and Management

Currently, Sola has no landfill or waste collection. Household waste is usually either burned within people's yards or buried for the purpose of land rehabilitation, especially in flood prone areas. A proposed dump site has been identified, but it is still pending formalities and agreement between the TPGC and the custom landowner.

1.8 Implementation

To commence the implementation of this scheme, the Zoning and Development Control Plan/Planning Scheme, it must go through the following hierarchy of approvals:

1. Council: Torba Provincial Government Council (TPGC)
2. Director, Department of Urban Affairs & Planning (DUAP)
3. Minister of Internal Affairs
4. Attorney General's office/State Law office
5. Implementation

Upon approval, the Torba Provincial Government Council will commence the implementation of this Zoning and Development Control Plan. Through its day-to-day processing of applications for developments (sub-division, rezoning, and building applications), the Council will ensure that future developments conform to the overall aims and specific provisions contained within the plan.

It is envisaged that future development under this plan will contribute to the orderly and sustainable growth of Sola and its surrounds and act as a catalyst to investment by both the public and private sectors.

1.9 Amendments

Any changes to the Zoning and Development Control Plan will follow the same hierarchy of approvals outlined in 1.8 above. The Torba Provincial Government Council will give public notice of any intention to initiate any proposed amendments to the Zoning Development Control Plan. Affected landowners, communities, and the interested public will be consulted on any proposed changes. Any feedback or comments will be included in the consideration of the proposed changes to the Zoning and Development Control Plan.

The Department of Urban Affairs & Planning is responsible for maintaining consistent zoning provisions, including tables of use of buildings and land, for each zone across Vanuatu. The Department will notify provincial government councils and give public notice of any proposed amendments to the national zoning provisions.

Relevant Acts Relies Upon

In the preparation of this document, the following acts and policies have been Considered, and consulted, and/or relied upon for any development:

i. Custom Land Management Act No. 33 of 2013

ii. National Building Code 2000

iii. The Decentralization Act [CAP 230] of 1994

iv. Environment Protection and Conservation Act [CAP 283]

v. Environmental Impacts Regulations

vi. Foreshore Development Act [CAP 90] 1988 & Foreshore Development (Amendment) Act

vii. Land Acquisition Act [CAP 215] & Land Acquisition (Amendment) Act No. 5 of 2017

viii. Land Leases Act [CAP 163] 1998 and Land Leases (Amendment) Act No. 35 of 2014

ix. Land Valuation Act [CAP 288] of 2006

x. Land Reform Act [CAP 123] & Land Reform (Amendment) Act No. 31 of 2013

xi. Land Surveyors Act [CAP 175] OF 1988

xii. Maritime Act [CAP 131]

xiii. Mines and Minerals Act [CAP 190]

xiv. Municipalities Act [CAP 126]

xv. Ports Act [CAP 26] of 1988 and Ports (Amendment) Act No. 11 of 1999

xvi. Preservation of Sites and Artefacts Act [CAP 39] & (Amendment) Act No. 21 of 2008

xvii. Public Health Act No. 22 of 1994

xviii. Public Roads Act No. 35 of 2013

xix. Public Roads Policies

xx. Public Works Department Standard Drawings – (released May 26 2017)

xxi. Vanuatu Road Design Guide (September 2023)

xxii. Strata Titles Act [CAP 266] of 2000 and Strata Titles (Amendment) Act No. 4 of 2017

xxiii. Physical Planning Act [Cap 193] & Physical Planning (Amendment) Act No. 26 of 2021

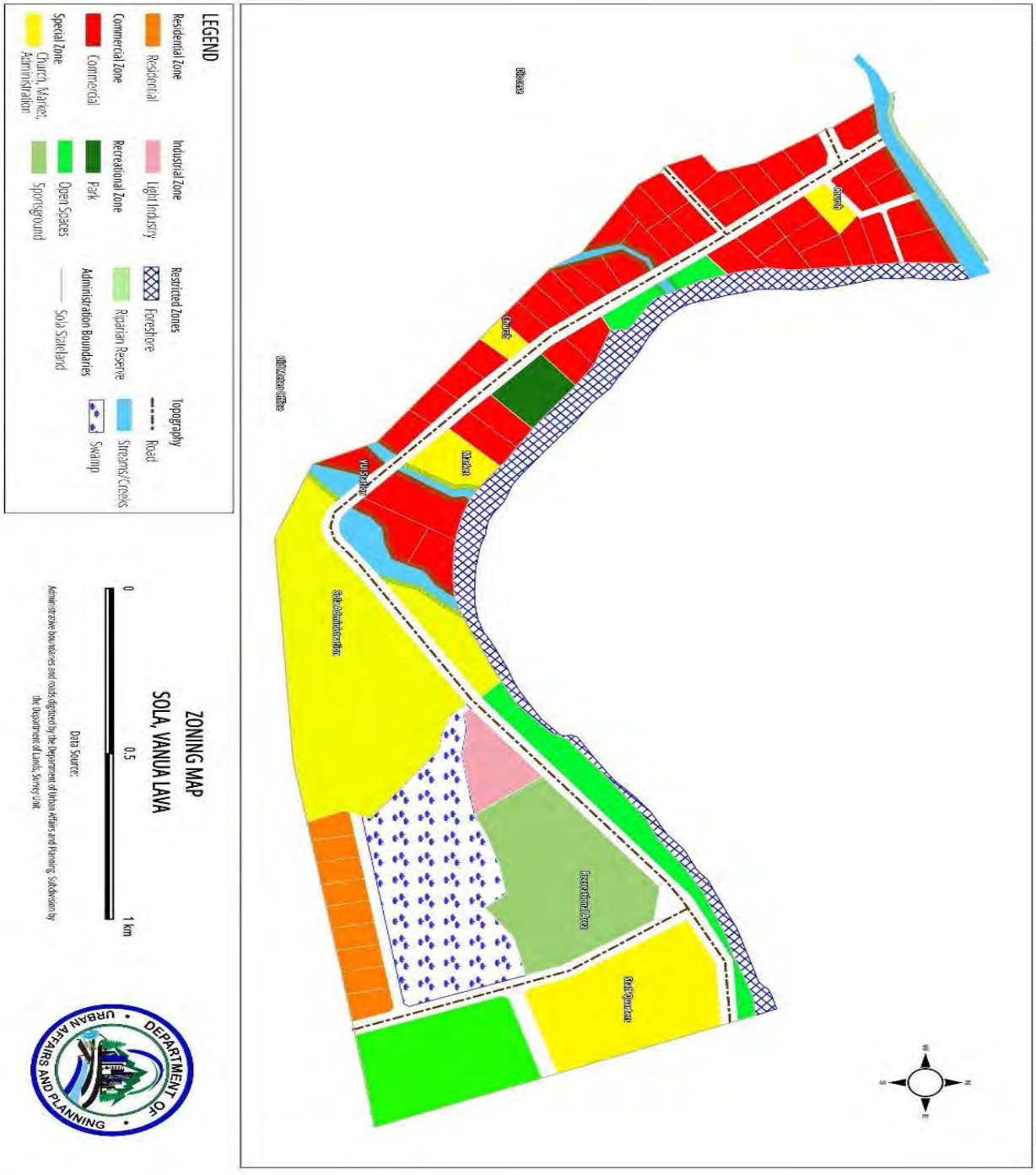
xxiv. National Land Subdivision Policy of the Republic of Vanuatu,April 2019

xxv. Water Supply Act CAP 24 & Water Supply (Amendment) Act No. 31 of 2016

Note: The above acts are to be consulted for full detail of the content thereof pertaining to any development.

Part 2

ZONING MAP



Part 3

ZONING PROVISIONS

3.1 Residential: Low Density Zone



The Residential Low-Density Zone is colored orange on the Zoning Map. It will be located at the far eastward part of the state land facing Mota Island. The geographical elevation of the area is of low and flat land located close to the coast with a steep hill at the rear and can be flooded at times of heavy rain during bad weather conditions.

Objective

To provide residents within a residential zone with the confidence that the areas will retain a residential character.



Source: Google

Intended outcomes

1. A diverse range of housing options to suit the needs of various age groups, lifestyles, and affordability.
2. All property must comply with the planning guidelines spelled out, e.g., building setbacks must be considered to allow for enough space within the property.
3. Property owners must continue to keep their property clean.
4. Any development within these areas will be required to demonstrate that the area can be filled and drained to mitigate any flooding.
5. Due to the high- water table, all septic systems must be properly constructed to avoid waste leakages.

Use of buildings and land

Table 1: Residential Zone Planning Permission for the Use of Building

Column 1: Development not Requiring Planning Permission	Column 2: Development Requiring Planning Permission	Column 3: Prohibited Development
Carrying out of works for the maintenance, improvement, or other alteration of any building if the works affect only the interior of the building and do not materially affect the external appearance of the building The extension, on one occasion only, of any building for which permission has already been given by Council by not more than 10% of its net floor area The carrying out of works by a public authority required for the maintenance or improvement of a road if the works are carried out on land within a road reserve The carrying out by any public authority or statutory undertaker or of any works for the purposes of inspecting, repairing, or renewing any sewers, pipes, cables, or other apparatus, including the breaking open of any other land for that purpose. The use of any building or other land within the curtilage of a dwelling house for any purpose incidental to the enjoyment of the dwelling house. Any other operation or use of land that may be prescribed in Regulations made by the Minister.	Bed and breakfast accommodation Caretakers' residence Carparks Childcare centres Duplex dwellings Dwelling house Educational establishment Functions rooms General stores Home - based business Markets Medical centres Place of worship Professional offices Restaurant Shops Special purposes Sports and recreation Veterinary surgeries	Accommodations buildings Aged persons homes Agriculture Airports Airstrips Animal husbandry Aquaculture Bulk garden supplies Bulk stores Camping grounds Caravan parks Catteries Commercial premises Commercial services Domestic animal husbandry Estate sales offices Extractive industries Fast food premises Forestry General industries Hospitals Hotels Indoor entertainment Institutions Junkyards Kennels Light industries Liquid fuel deposits

		Lot feeding of stock Marinas Marine industries Multiple dwellings Nightclubs Noxious, offensive, or hazardous industries Nurseries Outdoor entertainment Passenger terminals Piggeries Poultry farms Produce stores Relocatable homes parks Services industries Services shops Services stations Showrooms Stables Stockyards Tourist facilities Vehicles hire premises Warehouses

3.2 Commercial Zone



The commercial zone is colored red on the zoning map. This zone covers over 50% of the state land, starting from the creek to the bend before entering the special zone. It consists of mainly shops and bungalows with a few residential buildings and special uses. The geographical elevation of the area is low lying and flat and also is prone to flooding due to the steep, sloping hill at the rear and also coastal erosion. The main road runs in between the area, dividing lots on both sides of the road.

Objective

To provide for the most concentrated retail, commercial, community, civic, and entertainment uses. Land included in this zone will be located in a centralised location to ensure high levels of accessibility and convenience. Uses such as fast-food premises, restaurants, and the like can also be established in this zone.



Source: Google

Intended outcomes

1. The Sola state land area is to serve as the main employment area and the preferred location for retailing, provincial and government offices, and commercial, cultural, and entertainment establishments.
2. The commercial zone is intended to be an accessible, pedestrian- friendly area. It must provide for an attractive, safe, and comfortable environment and should promote places of heritage and social significance.
3. Residential uses in this area will be preferably high density and should support the services and facilities provided in this zone.
4. There must be parking spaces accessible to the public.
5. Any development within these areas will be required to demonstrate that the area can be filled and drained to mitigate any flooding.
6. Due to the high- water table, all septic systems must be properly constructed to avoid waste leakages.
7. Vegetation contained along creeks and river banks is not to be removed, and in areas where any vegetation has been damaged, it will be required to rehabilitate and revegetate the area. No construction is to be undertaken in the banks and beds of any river, creek, or other waterway without obtaining approval from the relevant authorities, such as the Department of Urban Affairs and Planning and the Department of Environment, Protection, and Conservation. A buffer setback of 5 meters to 10 meters is to be considered.

Use of buildings and land

Table 2: Commercial Zone Planning Permission for Use of Building

Column 1: Development not Requiring Planning Permission	Column 2: Development Requiring Planning Permission	Column 3: Prohibited Development
Carrying out of works for the maintenance, improvement, or other alteration of any building if the works affect only the interior of the building and do not materially affect the external appearance of the building The extension, on one occasion only, of any building for which permission has already been given by Council by not more than 10% of its net floor area The carrying out of works by a public authority required for the maintenance or improvement of a road if the works are carried out on land within a road reserve The carrying out by any public authority or statutory undertaker or of any works for the purposes of inspecting, repairing, or renewing any sewers, pipes, cables, or other apparatus, including the breaking open of any other land for that purpose. The use of any building or other land within the curtilage of a dwelling house for any purpose incidental to the enjoyment of the dwelling house. Any other operation or use of land that may be prescribed in Regulations made by the Minister.	Accommodation buildings Caretaker residence Carparks Childcare centers Commercial premises Commercial services Duplex dwellings Dwelling house Function rooms General stores Indoor entertainment (see below) Licensed club Markets Medical centers Multiple dwellings Nightclubs Parks and open spaces Passenger terminals Professionals' offices Restaurants Shops Tourist facility Vehicle hire premises Veterinary surgery Indoor entertainments: Amusement hall Art gallery (commercial)	Aged persons homes Agriculture Airports Airstrips Animal husbandry Aquaculture Bed and breakfast Bulk garden supplies Bulk stores Camping grounds Caravan parks Catteries Domestic animal husbandry Dwelling houses Educational establishments Estates sales office Extractive industries Forestry Funeral parlors General industries Home- based business Hospitals Institutions Junkyard Kennels Light industries Liquid fuel deposit Lot feeding of stock Marinas
	Billiard Saloon Broadcasting studio Cinema Concert hall Covered swimming pool Dance hall Exhibition Gymnasium Meeting hall (other than a place of public worship) Museum Music hall Pétanque center School of art Sporting club Sports stadium Theatre	Marine industries Noxious, offensive, or hazardous industries Nurseries Outdoor entertainment Piggeries Place of worship Poultry farm Produce store Relocatable home parks Services industries Service shops Service stations Special purposes Sports and recreation Stables Stockyard Vehicles sales premises Warehouses

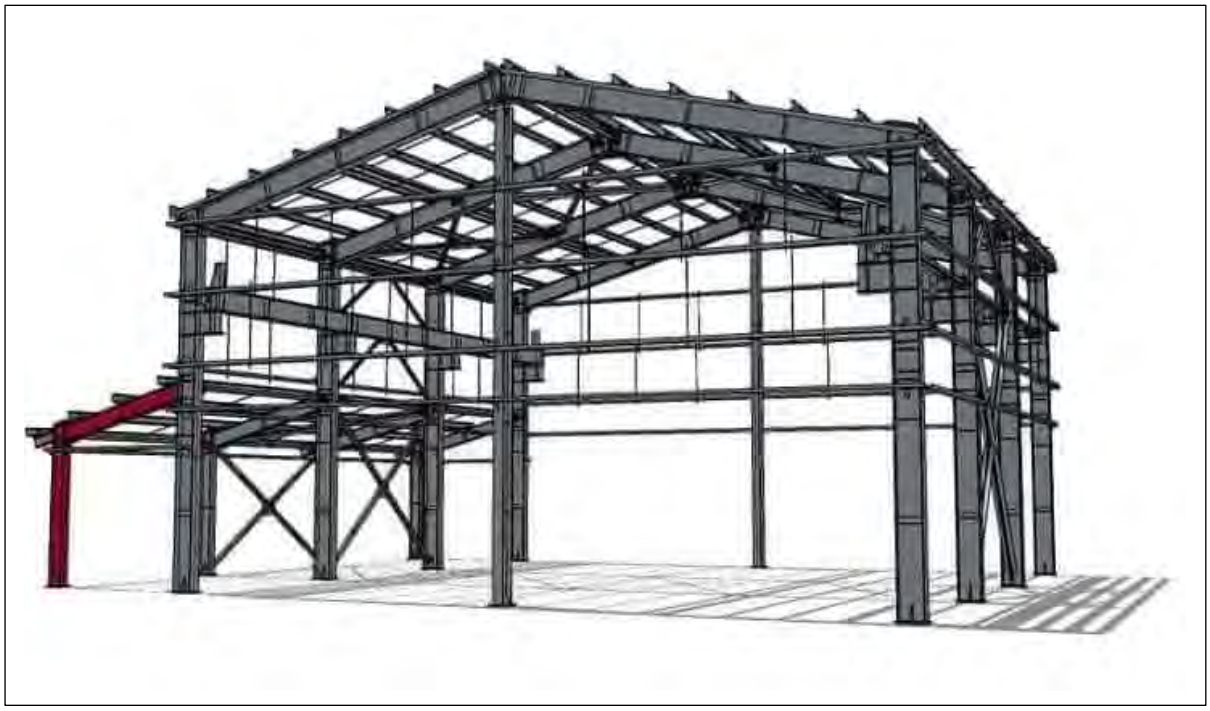
3.3 Industrial Zone: Light Industry



The Industrial Zone - Light Industry is colored pink on the Zoning Map. This zone is located between the Provincial Government Council administrative buildings and sports grounds. It lies on a low-lying elevation and is about 200 meters from the shoreline.

Objective

To provide for various types of light industrial uses, storage facilities, and the like.



Source: Google

Intended outcomes

This zone is intended to accommodate the principal industrial functions of the Physical Planning Area for Sola.

1. Service industries and light industries will be the main land uses found within this zone. General industries may also be conducted where an application for planning permission is made and approved.
2. A range of supportive and ancillary uses may also be located within this zone. However, it is not intended that commercial enterprises dominate the Light Industrial Zone.
3. Any development within these areas will be required to demonstrate that the area can be filled and drained to mitigate any flooding. Oversight and advice must come from the Public Works Department (PWD) to ensure best practices for flood mitigation, drainage, and septic systems.
4. Due to the high- water table, all septic systems must be properly constructed to avoid waste leakages.
5. Vegetation contained along creeks and river banks is not to be removed, and in areas where any vegetation has been damaged, it will be required to rehabilitate and revegetate the area. No construction is to be undertaken in the banks and beds of any river, creek, or other waterway without obtaining approval from the relevant authorities, such as the Department of Urban Affairs and Planning and the Department of Environment, Protection. and Conservation.

Use of buildings and land

Table 3: Industrial Zone Planning Permission for Use of Building

Column 1: Development not Requiring Planning Permission	Column 2: Development Requiring Planning Permission	Column 3: Prohibited Development
Carrying out of works for the maintenance, improvement, or other alteration of any building if the works affect only the interior of the building and do not materially affect the external appearance of the building The extension, on one occasion only, of any building for which permission has already been given by Council by not more than 10% of its net floor area The carrying out of works by a public authority required for the maintenance or improvement of a road if the works are carried out on land within a road reserve The carrying out by any public authority or statutory undertaker or of any works for the purposes of inspecting, repairing, or renewing any sewers, pipes, cables, or other apparatus, including the breaking open of any other land for that purpose. The use of any building or other land within the curtilage of a dwelling house for any purpose incidental to the enjoyment of the dwelling house. Any other operation or use of land that may be prescribed in Regulations made by the Minister.	Bulk stores Bus depots Caretakers' residences Commercial premises Farm machinery sheds Light industries Local services Local utilities Manufactures shop Parking areas Parks and open space Service station Warehouse	Accommodation Buildings Aged persons homes Agriculture Animal husbandry Bed and breakfast Camping grounds Caravan Parks Catteries Child care centers Commercial stables Dairies Domestic horticulture Duplex dwellings Dwelling house Extractive Industries Forestry General Industries Home- based business Hospitals Hotels Institutions Junk Yards Kennels Licensed clubs Liquid fuel storage Lot feeding of stock Markets Medical centres Motels Noxious, offensive, or hazardous industries Piggeries Poultry farms Relocatable home parks Retirement communities Riding schools
		Shops Stables Stockyards Tourist facilities Wastewater treatment and disposal works

3.4 Special Use Zone



The Special Use Zone is colored yellow on the Zoning Map and is located on low-lying land prone to flooding.

Objective

To provide for special uses of a government or public nature, including churches, clinics, childcare centres, schools, hospitals, utilities, etc.



Source: Google

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Intended outcomes

This zone is intended to accommodate necessary community and civic uses to serve the Physical Planning Area for Sola.

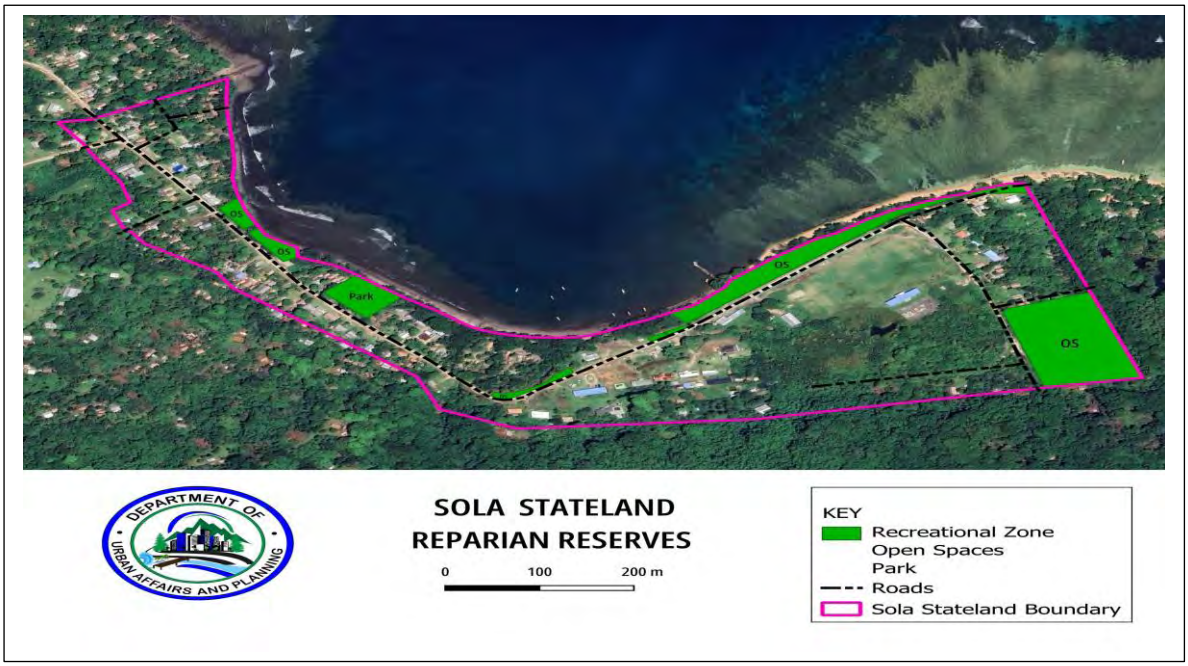
1. Activities within the zone serve as an important role in the precinct of the state land in terms of health, religion and education.
2. Due to the high- water table, all septic systems must be properly constructed to avoid waste leakages.
3. Vegetation contained along creeks and river banks is not to be removed, and in areas where any vegetation has been damaged, it will be required to rehabilitate and revegetate the area. No construction is to be undertaken in the banks and beds of any river, creek, or other waterway without obtaining approval from the relevant authorities, such as the Department of Urban Affairs and Planning and the Department of Environment, Protection, and Conservation.

Use of buildings and land

Table 4: Special Zone Planning Permission for Use of Building

Column 1: Development not Requiring Planning Permission	Column 2: Development Requiring Planning Permission	Column 3: Prohibited Development
Carrying out of works for the maintenance, improvement, or other alteration of any building if the works affect only the interior of the building and do not materially affect the external appearance of the building The extension, on one occasion only, of any building for which permission has already been given by Council by not more than 10% of its net floor area The carrying out of works by a public authority required for the maintenance or improvement of a road if the works are carried out on land within a road reserve The carrying out by any public authority or statutory undertaker or of any works for the purposes of inspecting, repairing, or renewing any sewers, pipes, cables, or other apparatus, including the breaking open of any other land for that purpose. The use of any building or other land within the curtilage of a dwelling house for any purpose incidental to the enjoyment of the dwelling house. Any other operation or use of land that may be prescribed in Regulations made by the Minister.	Airport Caretakers Residences Chiefs Nakamal Childcare centres Court Dwelling houses Educational establishments (including schools and colleges teaching agriculture and animal husbandry) Forestry Freight depots Hospitals Institutions Licensed clubs Local utilities Medical Centre Parking areas Parks Passenger terminals Places of public worship Professional Offices Public sports fields Public utilities Recovery houses Shops carried out in conjunction with or incidental to any purpose listed in Column 2 Special uses Sports and recreation Tourist information centres	Any use not specified in Column 1 or Column 2

3.5 Recreational Zone - Parks and Open Space



The recreational zone is colored green on the zoning map and is an area allocated for recreational uses and relaxation.

Objective

To provide for parks and open space for the citizens of the area to enjoy the beautiful environment landscaping of the area.





Source: Google

Use of buildings and land

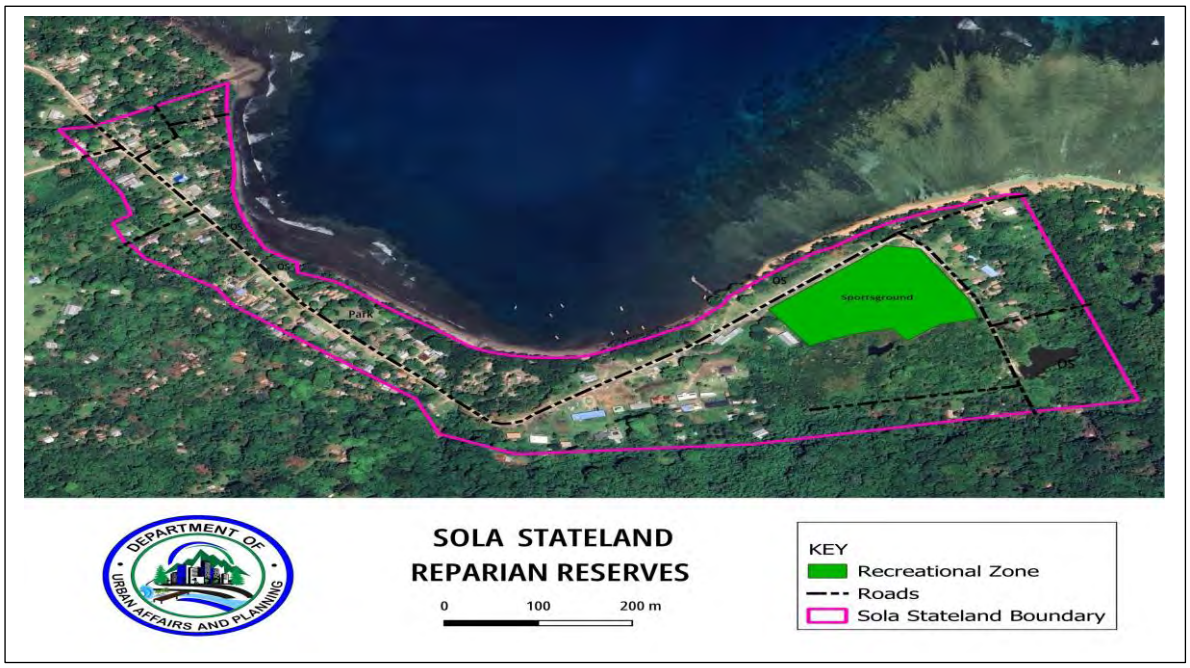
Table 5: Recreational Zone Planning Permission for Use of Building

Column 1: Development not Requiring Planning Permission	Column 2: Development Requiring Planning Permission	Column 3: Prohibited Development
Carrying out of works for the maintenance, improvement, or other alteration of any building if the works affect only the interior of the building and do not materially affect the external appearance of the building The extension, on one occasion only, of any building for which permission has already been given by Council by not more than 10% of its net floor area The carrying out of works by a public authority required for the maintenance or improvement of a road if the works are carried out on land within a road reserve The carrying out by any public authority or statutory undertaker or of any works for the purposes of inspecting, repairing, or renewing any sewers, pipes, cables, or other apparatus, including the breaking open of any other land for that purpose. The use of any building or other land within the curtilage of a dwelling house for any purpose incidental to the enjoyment of the dwelling house. Any other operation or use of land that may be prescribed in Regulations made by the Minister.	Caretakers' residence Indoor entertainment Licensed clubs Local utilities Market Gardens Meeting rooms Outdoor entertainment Parking areas Parks Public sports fields Public Utilities Restaurants Sports and recreation Tourist information centers Any buildings that support and are ancillary to the uses above.	Any use not specified in Column 1 or Column 2

Building setbacks

Building setbacks will be determined by the Torba Provincial Government Council in consultation with any other relevant referral or statutory authority.

3.6 Recreational Zone - Sportsgrounds



The Recreational Zone -Sportsgrounds colored green on the Zoning Map is specifically for sporting activities.

Objective

To provide facilities for sport and recreational uses to address health issues by promoting physical fitness.



Source: Google

Intended outcomes

This zone includes land to be used for sport and recreational purposes and includes ancillary facilities such as amenities blocks, stadiums, kiosks, parking facilities, and the like.

1. In this area, the design and finish of buildings, the treatment of public spaces to create a vibrant and highly attractive place to enjoy and visit, and encouraging healthy lifestyles.
2. Any development within these areas will be required to demonstrate that the area can be filled and drained to mitigate any flooding. Oversight and advice must come from the Public Works Department (PWD) to ensure best practices for flood mitigation, drainage, and septic systems.
3. Vegetation contained along creeks and river banks is not to be removed, and in areas where any vegetation has been damaged, it will be required to rehabilitate and revegetate the area. No construction is to be undertaken in the banks and beds of any river, creek, or other waterway without obtaining approval from the relevant authorities, such as the Department of Urban Affairs and Planning and the Department of Environment, Protection, and Conservation.

Use of buildings and land

Table 6: Sportsground Planning Permission for Use of Building

Column 1: Development not Requiring Planning Permission	Column 2: Development Requiring Planning Permission	Column 3: Prohibited Development
Carrying out of works for the maintenance, improvement, or other alteration of any building if the works affect only the interior of the building and do not materially affect the external appearance of the building The extension, on one occasion only, of any building for which permission has already been given by Council by not more than 10% of its net floor area The carrying out of works by a public authority required for the maintenance or improvement of a road if the works are carried out on land within a road reserve The carrying out by any public authority or statutory undertaker or of any works for the purposes of inspecting, repairing, or renewing any sewers, pipes, cables, or other apparatus, including the breaking open of any other land for that purpose. The use of any building or other land within the curtilage of a dwelling house for any purpose incidental to the enjoyment of the dwelling house. Any other operation or use of land that may be prescribed in Regulations made by the Minister.	Caretakers' residence Educational Establishment Indoor entertainment Licensed clubs Local utilities Meeting rooms Outdoor entertainment Parking areas Parks Public sports fields Public Utilities Restaurants Sports and recreation Tourist information centers Any buildings that support and are ancillary to the uses above.	Any use not specified in Column 1 or Column 2

Building setbacks

Building setbacks will be determined by the Torba Provincial Government Council in consultation with any other relevant referral or statutory authority.

3.7 Restricted Area Zone - Foreshore Areas



Foreshore Areas Zone is shown on the Zoning Map with blue hatching with a blue line depicting the maritime zone buffer. This area is where all coastal activities take place.

Objective

To foster the sustainable development of Sola's foreshore while balancing environmental stewardship, community needs, and government regulations.



Source: Google

Intended outcomes

The primary goal is to create buffer zones that safeguard the foreshore and ensure that development does not compromise the environment or the physical characteristics of the area. Sola's foreshore is of strategic importance, with significant natural features, including:

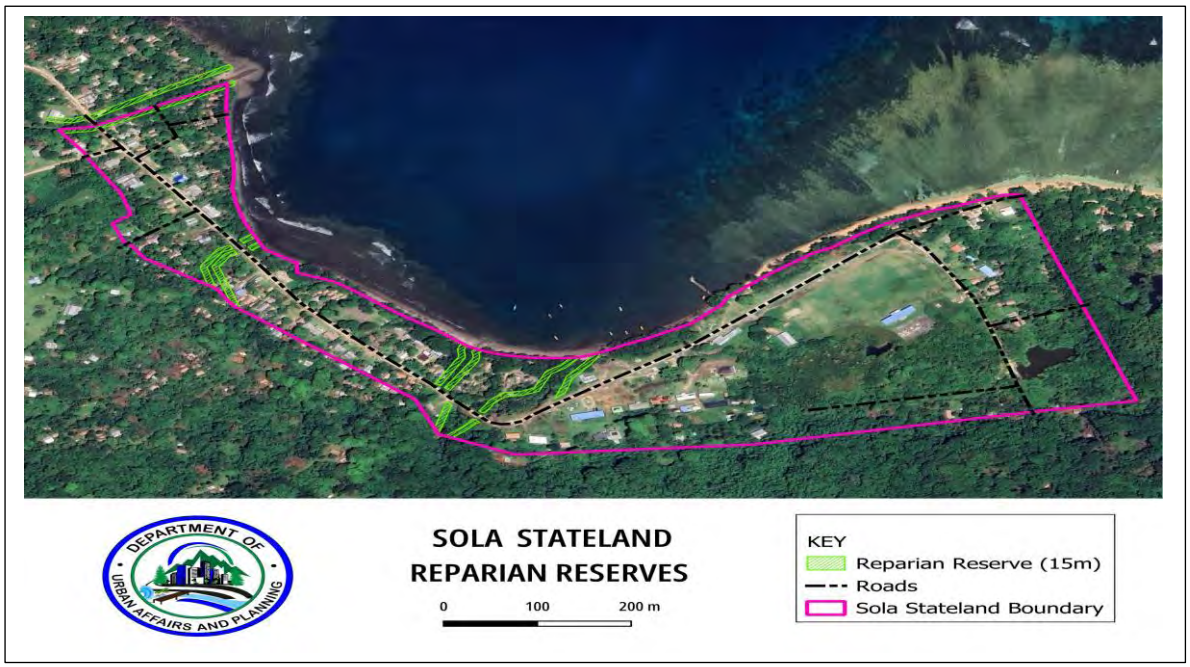
a. Intrinsic Environmental Qualities: These qualities highlight the ecological importance of the foreshore.
b. Community livelihood access: The foreshore provides essential resources for the daily sustenance of local populations.
c. Mangrove Ecosystems: Mangroves play a crucial role in maintaining environmental sustainability and protecting the area.
d. Environmentally sensitive areas: These zones demand careful management to avoid degradation.
e. Reclaimed Land: Certain portions are unsuitable for urban development, making preservation paramount.

Development Controls: Strict land use and subdivision controls will be applied, with mandatory buffer zones between any development and the high-water mark. This approach ensures that public access is maintained and any proposed development remains sustainable. Only limited, non-intrusive uses will be approved, with an emphasis on projects that benefit the broader community and avoid altering the natural landscape. Applications that involve clearing native vegetation or significantly changing the area's character will be rejected.
Furthermore, any septic systems installed must be constructed with high standards to prevent waste leakage, ensuring protection of the coastal environment.

Compliance with Government Regulations: In accordance with the Foreshore Development Act, no development may proceed on the foreshore of any island in Vanuatu without prior written consent from the responsible Minister. Additional permissions will also be required from the Department of Urban

Affairs and Planning for any development that extends from the high-water mark to the fringing reefs. Coastal protection infrastructure may be integrated to safeguard areas designated for public access, ensuring long-term environmental sustainability and resilience against climate impacts.
This strategic, green-focused approach to foreshore development integrates public needs while adhering to strict government regulations, ensuring that the area's unique environmental and cultural values are preserved for future generations.

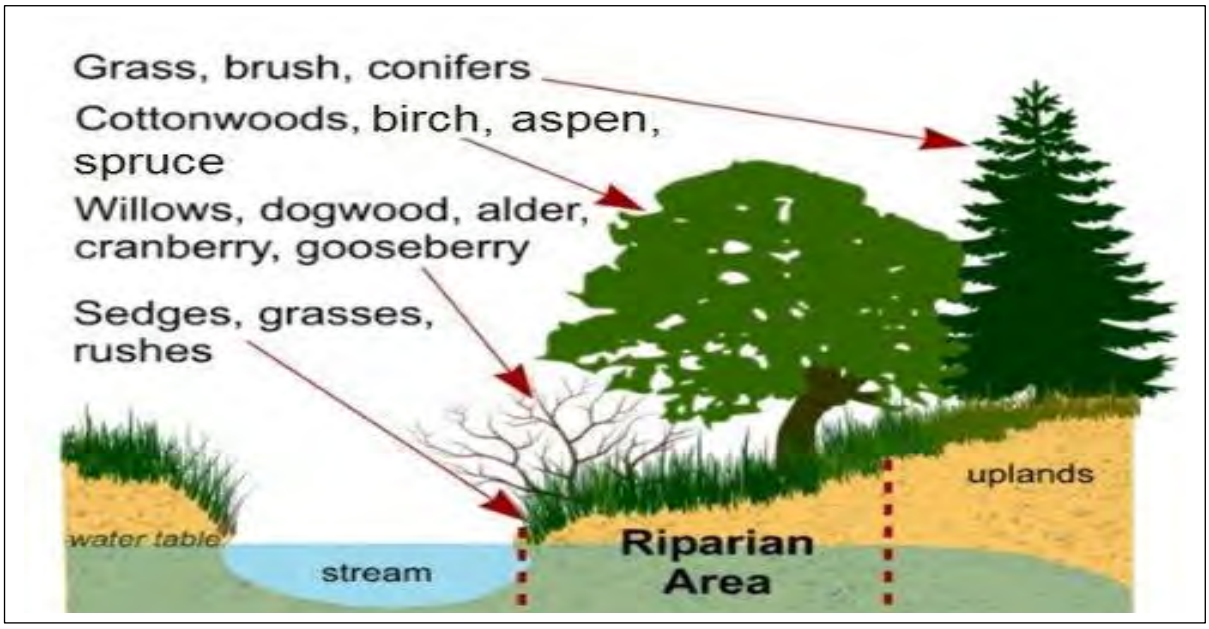
3.8 Restricted Area Zone - Riparian Reserve



Riparian Reserve Zone is shown on the Zoning Map with green hatching. They are waterways that inform creeks and small streams that flood during bad weather. There are about 5 altogether, 3 within the state land and 2 at the state land boundary.

Objective

To establish riparian reserves that act as a buffer to waterways and to minimise its impacts and destructions on buildings and livelihoods of people within the area.



Source: Google

Intended outcomes

This zone is intended to act as a buffer area for waterways and includes riparian vegetation, which should be protected and rehabilitated where required. Development should not occur in this zone; however, adequate setbacks have to be maintained if development is proposed in the vicinity of this zone.

1. Vegetation contained in these reserves is not to be removed, and in areas where any vegetation has been damaged, it will be required to rehabilitate and revegetate the area.

2. Development in this area must make provision for vegetation protection and revegetation of streamlines. Appropriate buffers must be maintained along rivers, creeks, and other water corridors. Farming practices must not include crop farming, the storage and/or application of farming chemicals, or holding or grazing of stock in low lying areas or within 50 metres of the high bank of a waterway.

3. Buildings and/or other structures must be located at least 15 metres from the top of the high bank of any waterway

4 No crop farming, grazing, or other uses is permitted within 100 metres of the full supply level of the water resource. If necessary, fences or other barriers are to be installed to prevent animals from being within 100 metres of the full supply level of the water resource.

5. Any development within these areas will be required to demonstrate that the area can be filled and drained to mitigate any flooding.

Part 4

GENERAL PROVISIONS

Building Setbacks Layout

Building setback layouts indicate ways in which a developer should consider when deciding on developing any plot of land.

Table 7: Building Setbacks

Zone	Minimum lot size	Building coverage	Road frontage	Side & rear setbacks with windows	Side & rear setbacks without windows	Distance between the facing side of any building
1. Residential	1,000 m²	NIL	5-10 meters	4 metes	2meters	Not less than 1.5 meters
1.1. Residential outbuilding	–	Not more than 20%				
1.2. Single- owner building situated on a parcel of land						10 meters at least
1.3. Accommodation buildings, multiple units, flats Hotels and commercial or administrative buildings in the medium/high density residential zone			6 meters	3 meters		
2. Commercial [new]	1,000	Not exceed 60% of land.	10 meters	4 meters	2 meters	
2.1 Addition to any existing commercial uses			10 meters	4 meters	2 meters	
2.2 Accommodations: buildings, multiple units, flats, hotels, and commercial			6 meters	3 meters		
3. Industrial				4 meters unless		

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	1,500 m²		12 meters	there is a common wall adjoining the property, in which case the building may be built to the boundary.		40 meters
4. Special	1,000 m²		A building may be built up to the boundary of the road frontage provided that the frontage, to the road is more than 10 metres long. If the frontage, is less than 10 metres long, then the building must be setback 1.5 metres from the boundary of the road frontage.	A building may be built to the side boundaries of the land provided that the permission of the neighbouring owner or owners is first obtained in writing and that the neighbouring owner(s) has or have been allowed to build to the boundary. Buildings may be built to the rear boundary of the parcel of land.		
5. Recreational	NIL					

Other General Setbacks Requirements

Table 8: General Setbacks

Zone	Building Ratio	Roof Gutters (measured from the highest point of the ground)	Car park ratio
1. Residential	0.6	Not exceed 6 meters.	NIL
1.1. Accommodations, hotel buildings	1.5	Not exceed 9 meters.	1 parking space per unit

1.2. Mixed use (commercial & residential)	1.5	NIL	1 parking space per 40m² of office space
2. Commercial	Not exceed 1.8	Not exceed 9 meters	1 parking space per 20m² of the gross floor
3. Industrial	1.8	9 meters	1 parking space per 100m²

Building Heights

Building height is one of the more significant factors in determining the impact a building will have on its surrounding environment with the influence of a natural disaster happening. The following is the maximum permitted building height for different uses.

Table 9: Building Heights

Use	Maximum Permitted Building Height	Building height measured from the gutters to the highest point of ground
Single residence	2 storeys	Not exceed 6 meters.
Multiple residence	3 storeys	Not exceed 9 meters.
Hotels, accommodations buildings	3 storeys	Not exceed 9 meters.
Commercial	3 storeys	Not exceed 9 meters.
Mixed use (commercial and residential)	3 storeys	Not exceed 9 meters.
Industrial	1 storey	9 meters

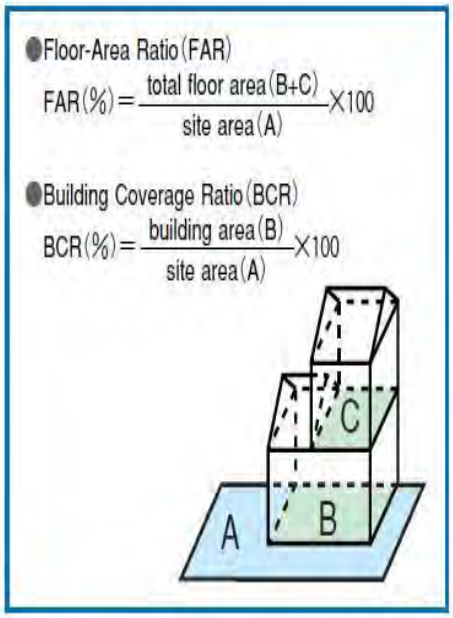
FAR and BCR

Land Use Zoning also controls the volume and height of buildings through FAR and BCR. Examples of typical ratios for both FAR and BCR are shown below:

FAR is the ratio of the total building area to the area of its zoning lot. A FAR outlines the intensity of the site use, not the height or size coverage. Each zoning district has a FAR, which, when multiplied by the lot area of the zoning lot, produces the maximum amount of floor area allowable on that zoning lot. For example, on a 1,000 square meter zoning lot in a district with a maximum FAR of 1.0, the floor area on the zoning lot cannot exceed 1,000 square meters.

BCR is the ratio of the building area divided by the land (site) area. The building area is the floor space of a building when looking at it from the sky. The BCR is used for securing open space, securing sunlight/ventilation, and/or preserving the scenery.





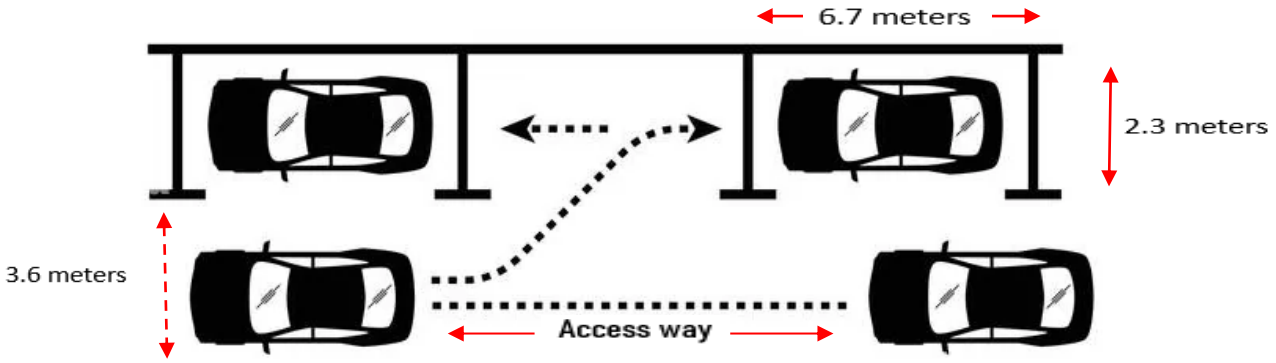
Car park standards

The standard carpark design is made to address the parking problem in Sola to make sure that the developments are designed to accommodate adequate on-site parking to cater for anticipated parking demand by the particular development.

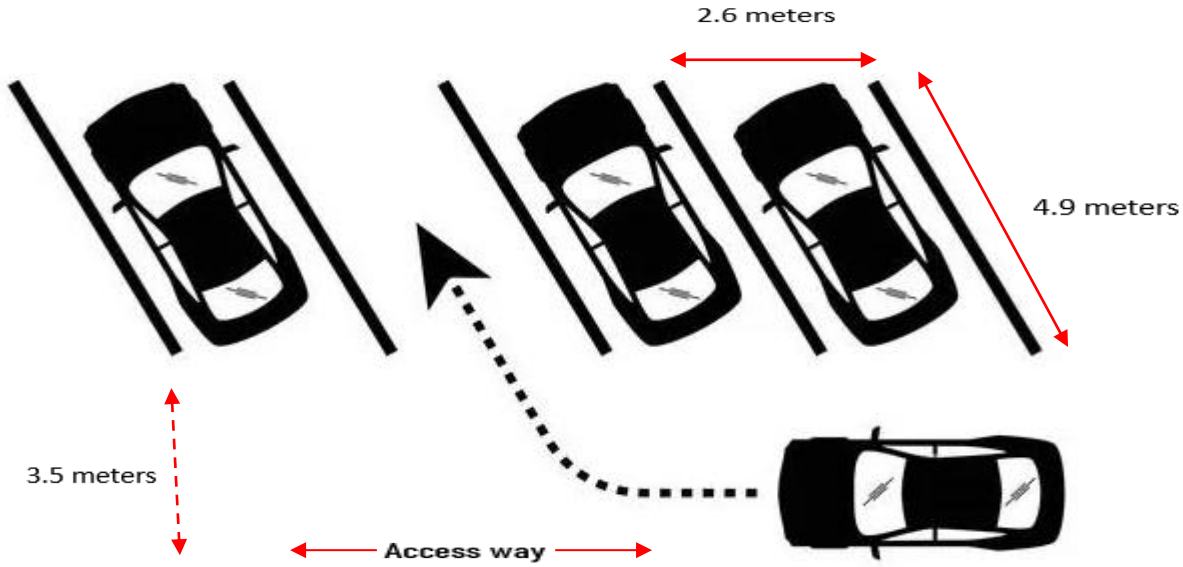
Table 10: GENERAL CAR PARK DESIGN AND REQUIREMENT

Angle of car space to access ways	Access way width	Car park width	Car park length
Parallel Parking	3.6m	2.3m	6.7m
Angle Parking (45° & 60°)	3.5m 4.9m	2.6m 2.6m	4.9m 4.9m
Perpendicular Parking (90°)	4.8m	3.2m	4.9m

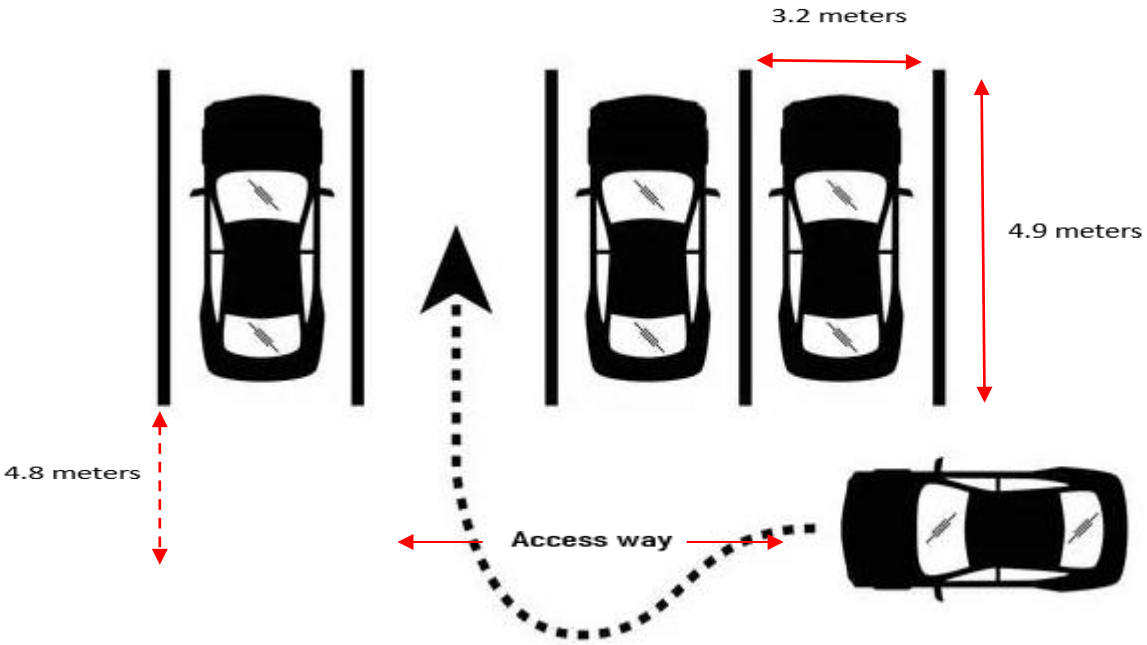
Parallel Parking



Angle Parking



Perpendicular Parking



Provision Car Park Requirements Standard

The provisions and standards below ensure that any development, whether new or additional to existing development, will have to meet the required number of car spaces. The requirement may be waived or reduced depending on the size of the lot.

Table 11: Car Park Requirement

Provision/Use	Guide
Residential	To ensure consideration of road capacity, future residential development should have enough parking provision to match ownership of cars.
Commercial	To ensure that commercial development should have sufficient on-site parking to match commercial activity requirements
Industrial	To ensure that sufficient parking and loading and unloading spaces are provided to satisfy the activities

Serviced accommodations	To ensure adequate parking spaces are provided to satisfy activities
Special	To ensure adequate parking spaces are provided to satisfy activities
Recreational	This will be an open space area. Most transport vehicles will use the area; therefore, ensure that parking is available to meet the activities, not blocking space for people.

4.1 Existing Uses and Uses Rights Protected

For the purposes of this Zoning Document, all Existing Uses and Use Rights are protected until such time as the lease(s) for uses located in an inappropriate zone expire. Development located in an inappropriate zone(s) will not be extended beyond their current lease period.

4.2 Building Restriction Areas

Table 12: Building Restriction Areas

Relevant Areas	Special Provisions
Flood- prone areas	Any development in these areas will be required to demonstrate that the area can be appropriately filled and drained to mitigate any flooding. All lease conditions must be adhered to. Neither the Vanuatu Government nor the Torba Provincial Government Council will be liable for any loss or damage caused by building or developing in flood- prone areas.

Water Resource Area (Water Catchment)	No development will be approved in these areas that will cause any detrimental impact on water resources. Development in this area must make provision for vegetation protection and revegetation of streamlines. Appropriate buffers must be maintained along rivers, creeks and other water corridors. Farming practices must not include crop farming, the storage and/or application of farming chemicals, or holding or grazing of stock in low- lying areas or within 50 metres of the high bank of a waterway. Buildings and/or other structures must be located at least 100 metres from the top of the high bank of any waterway and 200 metres away from the full supply level of the water resource. No crop farming, grazing, or other uses are permitted within 100 metres of the full supply level of the water resource. If necessary, fences or other barriers are to be installed to prevent animals from being within 100 metres of the full supply level of the water resource. Controlled access must be provided to and across permanently running waterways, including fencing, constructed ramps, concreted crossings, or the like, to minimise stream bank disturbance.
Foreshores	These areas are not intended to be developed, and any significant vegetation present in these areas is not to be removed without approval from Torba Province. No person shall undertake or cause or permit to be undertaken any development on the foreshore of the coast of any island in Vanuatu without having first obtained the written consent of the Minister to such development. Note: “Minister” means the Minister responsible for town and country planning.

Riparian Reserve	Vegetation contained in these reserves is not to be removed, and in areas where any vegetation has been damaged, it will be required to rehabilitate and revegetate the area. Development in this area must make provision for vegetation protection and revegetation of streamlines.Appropriate buffers must be maintained along rivers, creeks, and other water corridors. Farming practices must not include crop farming, the storage and/or application of farming chemicals, or holding or grazing of stock in low lying- areas or within 50 metres of the high bank of a waterway. Buildings and/or other structures must be located at least 100 metres from the top of the high bank of any waterway and 200 metres away from the full supply level of the water resource. No crop farming, grazing, or other uses are permitted within 100 metres of the full supply level of the water resource. If necessary, fences or other barriers are to be installed to prevent animals from being within 100 metres of the full supply level of the water resource.
Steep Land (more than 20%)	Any development proposed on steep land will be required to submit a geotechnical report prepared by a suitably qualified person, and any buildings or structures will require to be certified by a suitably qualified engineer.
Creek and River Banks or any other Waterways	Vegetation contained in these areas is not to be removed, and in areas where any vegetation has been damaged, it will be required to rehabilitate and revegetate the area. No construction is to be undertaken in the banks and beds of any river, creek, or other waterway without obtaining approval from the relevant authority.
Areas of Geologically Unstable Land	Development proposed on land with known or potential geological instability will be required to submit a geotechnical report prepared by a suitably qualified person to certify the stability of the land. All buildings and/or structures constructed in such an area must be certified by a suitably qualified engineer.

Areas subject to storm surges and Tidal waves	Any development in areas subject to storm surges and tidal waves shall be setback at least 50 metres or at an appropriate setback determined by Torba Provincial Council to ensure protection thereof. The land shall be at a level that is free of flooding.
Reclaimed Land	Land reclamation is not supported by Torba Provincial Council. However, where an application is made in respect of land, which includes reclaimed land, it shall be subject to the following additional requirements: (a) The land shall be adequately compacted and drained; (b) the land shall have a minimum height above the mean high-water mark of 1.5 metres; and (c) All lots in the subdivision shall have flood- free vehicular access, including access for refuse collection vehicles.

4.3 General Provisions for Infrastructure and Services

i. All development shall be provided with the necessary infrastructure and services of an appropriate level of water, waste water treatment and disposal, drainage, energy, communications, and other services.

ii. Access, streets, roads, and pedestrian paths are provided to standards that ensure safe, convenient, and efficient operation of movement networks.

iii. Infrastructure shall be provided in a manner that maximises resource efficiency and minimises whole- life cycle costs and maintenance requirements.

iv. Infrastructure should be integrated with surrounding networks, and where new development is proposed, the integrity of existing infrastructure must be maintained.

v. All development must be undertaken in accordance with best environmental practices to ensure environmentally sustainable development is achieved.

vi. Development must not detract from the character and amenity of the locality in which it is located.

vii. Any adverse impacts, including cumulative impacts, as a result of flooding must be minimised to ensure unacceptable risk to people and property is not created.

viii. Movement networks for vehicles, public transport, pedestrians, and cyclists shall be integrated, safe and convenient, cost- effective and sensitive to the environment in which they are provided.

ix. The local street system must safely and conveniently provide for the functions of traffic flow, property access, vehicle parking, and pedestrian and cycle movements.

x. Applicants of any new development must demonstrate that there will be sufficient funding available to adequately manage and maintain all infrastructure associated with the development proposal. All applications must be accompanied by appropriate documentation and financial modeling over the lifecycle of the proposed infrastructure.

xi. In determining the level of service, consideration should be given to what service the assets deliver and the expectations of the customer. The level of services should be based on customer expectations and legislative/regulatory requirements.

xii. The key service criteria to be addressed by the applicant include quality, quantity, reliability, responsiveness, environmental/safety, costs, and legislative compliance.

4.4 General Requirements for Development that is a Material Change of Use

i. Earth filling, excavations, or the layout of the building foundation shall not impede normal drainage of the soil but should assist natural drainage into drains where there are any.

ii. Sanitary installations shall be connected to septic tanks with adjacent sumps built following normal technical specifications. Waste water shall be carried directly to such sumps by underground pipes. Grease traps shall be placed where necessary in such a way as to permit cleaning.

iii. Any parcel of vacant land must be developed within three (3) years of the lease being signed.

4.5 Special Provisions for Development that is a Material Change of Use

i. The height of any building that exceeds the height permitted in Table 3 shall be determined by the Town Planning Committee on the advice of the Survey Department, and the permitted height shall be specially indicated on the building permit.

Part 5
Development Requirements under the physical planning Act No.22 of 1986

5.0 REQUIREMENTS TO BE COMPLIED WITH WHEN SUBMITTING AN APPLICATION FOR OUTLINE OR PLANNING PERMISSION OR A BUILDING PERMIT

It is necessary to follow the requirements when submitting any application for development. Below are the requirements that an applicant must comply with when applying for outline or planning permission and/or a building permit.

5.1 Application for Approval for Material Change of Use of Buildings or Land (Outline Permission or Planning Permission)

1. When applying for planning permission and/or a building permit, the following documentation must be submitted with your application:

Type of Application	Form in Appendix
Planning permission	Form 1
Building Permit	Form 2

1. Architectural drawings of your proposal and which should include at least the following:
   - Location Plan
   - Site Plan
   - Must indicate the position of the septic tank and must be accessible for the septic truck, preferably in the road reserve at the front of the lot; and must indicate accessibility of the fire engine
   - Survey Plan (as proof that you legally own the lease)
   - Lease Document: Floor Plan (Layout Plan)
   - Elevations of the Building: Plan showing Cross Sections of the Building
   - Electrical Plan
   - Septic Tank System Plan
   - Must indicate the position of the septic tank and must be accessible for the septic truck, preferably in the road reserve at the front of the lot; and must indicate accessibility of the fire engine.
   - Soak Away Plan

2. It is a requirement under the Physical Planning Act that the following fees be paid to the Council:
    - Planning Permission Fee
    - Building Permit Fee

The above fees can be obtained from the Torba Provincial Government Council.

NOTE
Section 5 of the Physical Planning Act states that*: no person shall carry out development in a physical planning area, except as specified in the declaration of that Physical Planning Area, without first obtaining permission from the Council.*

3. Enforcement of Planning Controls: The Council may serve an Enforcement Notice if it appears that any development has been carried out without first obtaining Council permission or if any conditions of any permission granted in respect of any development have not been complied with. An enforcement notice will take effect 28 days after it has been served.

4. Penalties for Failure to Comply with Enforcement Notices: Failure to comply with an Enforcement Notice makes the person guilty of an offense and liable on conviction to a fine not exceeding 500,000 vatu or a term of 3 years imprisonment.

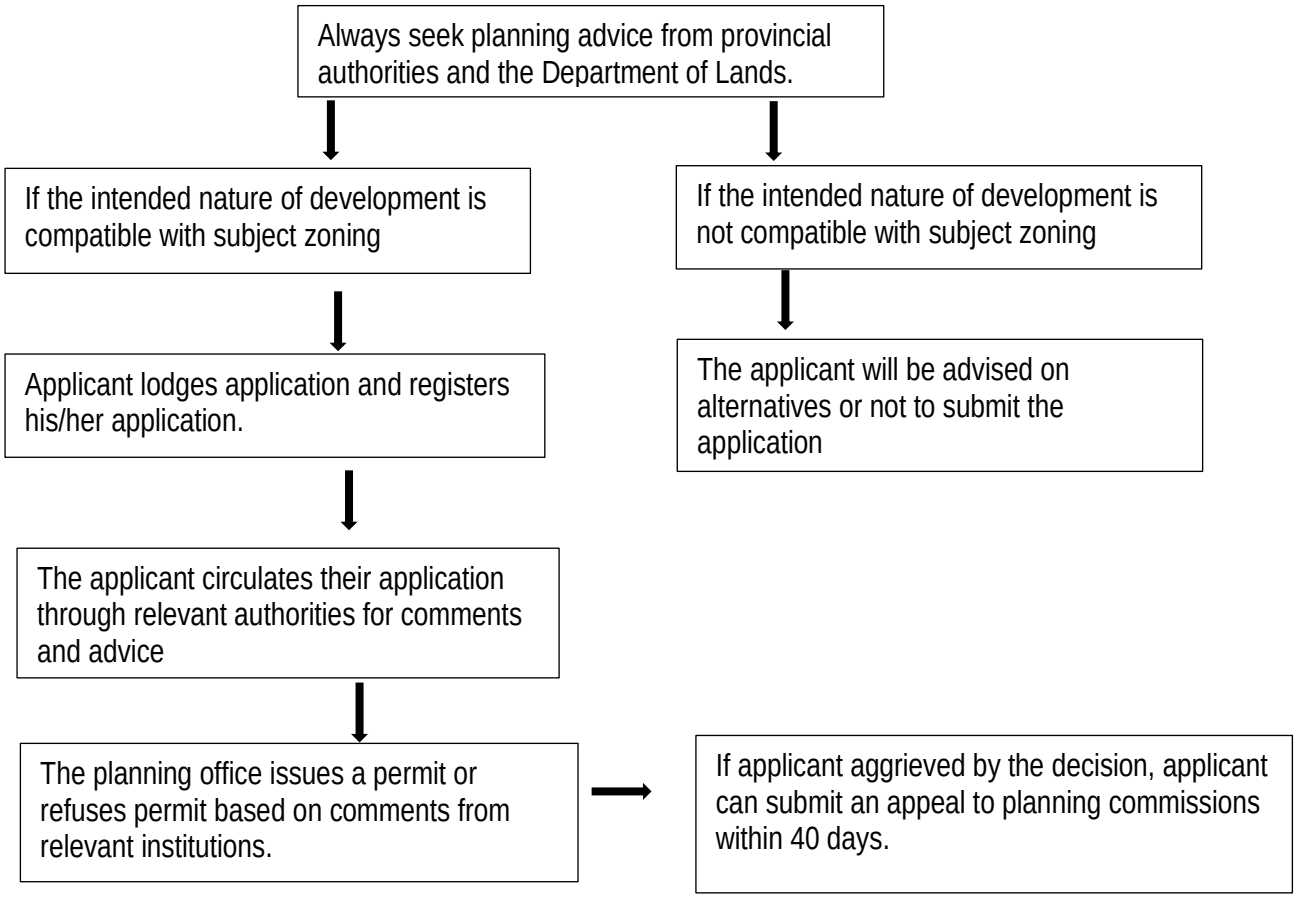
5. If there are any queries or questions about the above requirements and provisions, please consult with the Physical Planning Section of the Torba Provincial Government Council or the Department of Urban Affairs and Planning.

5.2. PROCEDURES

5.2.1 Development Approval Process

The following diagram outlines the process to be followed when submitting an application for a Material Change of Use

Application for Material Change of Use: Development Approval Process



NOTE:
A period of 2 weeks is applied for the process of registration, and registration fees is also applied.

Part 6
SUBDIVISION

6.1 Introduction

All subdivisions are administered under the Land Leases Act and the Strata and Community Titles Act and comply with the National Subdivision Policy 2019. The Director of Lands is the final approving authority for subdivisions. The National Subdivision Policy establishes the minimum standards of amenity, access, disaster risk reduction, health, and safety that must be met in any subdivision development.

This section is intended to complement the National Subdivision Policy to provide a clear guideline for custom owners and developers who intend to subdivide land in the Physical Planning Area of Sola. It sets the development parameters that have to be complied with prior to an approval being given to subdivide land. It also outlines the process and requirements for making an application to subdivide land.

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6.2 Purpose

The purpose of this subdivision policy is intended to ensure that all subdivisions of land result in ecologically sustainable development. Ecological sustainable development will be achieved by:

a. coordinating and integrating the development approval process; and

b. managing the process by which the development occurs; and

c. by managing the effects of the development on the environment (including the use of premises); and

d. by making sure that the decision-making process takes account of short- and long-term environmental effects of subdivision development within the Physical Planning Area of Sola;

e. seeking to provide equity for all landowners, including present and future generations;

f. voiding or otherwise lessening adverse environmental effects of development;

g. applying standards of amenity, conservation, health, and safety in the built environment.

6.3 Policy Objectives

The objectives of this policy are to ensure that all land subdivisions in the Physical Planning Area of Sola achieve the following:

6.3.1 Protect cultural sites and other resources by requiring the following:

i. All developers of land to be subdivided in the Physical Planning Area of Sola are required to comply with the Preservation of Sites and Artefacts Act CAP 39 by ensuring that any sacred sites contained within the subdivision are preserved. All developers have a duty to inform the Minister responsible by submitting an application to the Minister for consideration and approval prior to obtaining approval to subdivide the land;

ii. A developer intending to subdivide land must register the relevant leases in accordance with the Land Leases Act CAP163 to enable their use as collateral for security purposes.

6.3.2 Ensuring better planning and zoning by requiring the following:

i. All development pertaining to the subdivision of land must provide adequate access to water, electricity, telephone services, and roads of an appropriate standard;

ii. All development pertaining to the subdivision of land must provide appropriate access to rivers, seafront areas, and beaches for public use by adhering to the minimum setback requirements for waterways and foreshore development;

iii. All development pertaining to the subdivision of land must be undertaken so that it benefits and supports existing communities;

iv. All development pertaining to the subdivision of land must provide for recreational, commercial, and other public services where appropriate;

v. All development pertaining to the subdivision of land must incorporate the development parameters relevant to the zone and planning area in which it is located;

vi. All development pertaining to the subdivision of land must ensure that a user- pay maintenance scheme be adopted for maintenance purposes for the life of the subdivision. For the purposes of this scheme, a body corporate must be appointed, and the scheme must be managed by the appointed body corporate. A written tenancy agreement must be prepared between the Landlord and the tenant.

6.3.3 Careful management of natural resources by:

i. Development pertaining to the subdivision of land that may result in the degradation of land or environmental degradation must not be approved unless the developer can demonstrate that suitable mitigation measures are put in place to the satisfaction of the Torba Provincial Government Council;

ii. All development pertaining to the subdivision of land must protect and assist the sensible use of natural resources, including minerals and basic raw materials

iii. All development pertaining to the subdivision of land must incorporate best practice land management standards (if necessary, requiring covenants in leases) to reflect the land use, planning, and development processes;

iv. All development pertaining to the subdivision of land must be required to provide an environmental and social impact assessment to ensure the mitigation and minimization of potential negative impacts on the natural environment.

6.3.4 Minimize the potential for land use conflict and dispute resolution by requiring that:

i. All development pertaining to the subdivision of land must provide adequate evidence of ownership of land prior to any land subdivision; and

ii. The developer must provide adequate evidence that ownership of land is cleared of any encumbrances;

iii. All development pertaining to the subdivision of land is required to provide a community management statement as part of the conditions of approval to protect the rights of custom landowners and leaseholders of the land;

iv. All developments pertaining to the subdivision of land require the signatures of all chiefs, landowners, including customary landowners, and the minister on the approved land subdivision survey plan.

1. General requirements for Development, that is the subdivision of land

6.4.1 Minimum Lot Sizes for Subdivision of Land

All lots to be subdivided must be of a sufficient size to ensure that the lots are environmentally and economically sustainable. All lots must have a width- to- depth ratio of 1:4 and shall be of a regular shape.

The minimum lot size and minimum road frontage of any lot in a subdivision shall be as set out in the provisions of each zone and/or Table 1: Minimum lot sizes and minimum road frontages of the National Subdivision Policy.

Table 13: National Subdivision Policy: Minimum Lot Sizes and Minimum Road Frontage

Zone	Minimum Lot Size
Residential and tourist areas: low density	1,000 m²
Residential area: medium density	500 m² (sewered sanitation) Plot Frontage: The depth ratio should be no more than 1:2 and no less than 1:3. Maximum 10 dwelling units per hectare (net density) if on-site sanitation
Residential: High Density	400 m² (sewered sanitation) Plot frontage: depth ratio should be no more than 1:2 and no less than 1:3. Maximum 15 dwelling units per hectare (net density) if on- site sanitation
Business and Commercial Area: Low Density	1,000m²
Business or Commercial Area: High Density	500m² (sewered or shared on-site sanitation)
Industrial zone	1,500 m²
Special use zone	1,000 m²
Rural zone (agriculture lease)	2,500m²

6.4.2 Minimum Road Standards

Minimum widths of roads for any land comprising a lese to be subdivided shall comply with the provisions of each zone and/or table 15 of the Minimum Road Width of the National Subdivision Policy.

Table 14: National Subdivision Policy: Minimum Road Widths

Road Type	Width (Metres)
Road verge for principal roads	4 m
Residential roads are roads primarily used for access to residences, including shoulder, at a ratio of 1:4.	10 m
Road verge for residential roads	2 m
Lanes, being thoroughfares, are primarily used for access to back premises.	4 m
Access from the road to each plot	4 m
Pathways, being thoroughfares primarily for the use of pedestrians	2 m

6.4.3 Services

All subdivision applications must comply with the provisions of the National Subdivision Policy and thorough consideration of the land use of the subdivision.

Table 15: National Subdivision Policy: Minimum Amenities Provisions

Residential and commercial subdivisions
1 green space plot (park/safe evacuation area) for every 50 subdivision plots OR at least 10% of the subdivision area for active and passive green space, whichever is the higher
1 commercial plot (shop) for every 50 subdivision plots
1 special plot for clinic (minimum 400m²) for every 1,000 population
1 hectare of land for primary school for every 500 subdivision plots and at a distance of less than 1 km from each residential lot.
1 special plot for police post (minimum 1,000m²) for every 10,000 population

i. Additionally, an applicant proposing to subdivide land shall:

   a. Construct concrete kerb and channel or other surface drainage in accordance with the requirements of the Torba Provincial Government Council for the full length of the road frontage(s) of the land;

   b. Where the road is paved but does not meet the road width or standard required by this document, the road shall be upgraded to comply to the satisfaction of the Torba Provincial Government Council;

   c. Where the site is located in the commercial zone, the applicant will be required to provide a pedestrian pathway of concrete, brick pavers, or other materials approved by the Torba Provincial Government Council.

d. The applicant will be required to construct a vehicle crossing to the requirements of the Torba Provincial Government Council from the kerb and channel to the property alignment at all points of vehicle entry and exit from the site(s);

e. In conjunction with the works required by sections a-d above, the applicant is required to construct the appropriate drainage works, including external drainage as required by the Torba Provincial Government Council or any other statutory authority.

f. The applicant will be responsible for the alterations necessary to any public utility mains, services, or installations where required at no cost to the Torba Provincial Government Council or any other statutory authority.

g. All land intended to be subdivided for residential purposes shall be filled and appropriately compacted to a level that will ensure that the land is not subject to inundation. Adequate drainage shall be provided to the land to avoid ponding of water or any other adverse environmental impacts.

h. All development shall be provided with the necessary infrastructure and services of an appropriate level of water, waste water treatment and disposal, drainage, energy, communications, and other services.

i. Access, streets, roads, and pedestrian paths are provided to standards that ensure safe, convenient, and efficient operation of movement networks.

j. Infrastructure shall be provided in a manner that maximises resource efficiency and minimizes whole- life cycle costs and maintenance requirements.

k. Infrastructure should be integrated with surrounding networks, and where new development is proposed, the integrity of existing infrastructure must be maintained.

l. All development must be undertaken in accordance with best environmental practices to ensure environmentally sustainable development is achieved.

m. Development must not detract from the character and amenity of the locality in which it is located.

n. Any adverse impacts, including cumulative impacts, as a result of flooding must be minimised to ensure unacceptable risk to people and property is not created.

o. Movement networks for vehicles, public transport, pedestrians, and cyclists shall be integrated, safe and convenient, cost-effective, and sensitive to the environment in which they are provided.

p. The local street system must safely and conveniently provide for the functions of traffic flow, property access, vehicle parking, and pedestrian and cycle movements.

q. Applicants of any new development must demonstrate that there will be sufficient funding available to adequately manage and maintain all infrastructure associated with the development proposal. All applicants must be accompanied by appropriate

documentation and financial modeling over the lifecycle of the proposed infrastructure.

r. In determining the level of service, consideration should be given to what the assets deliver and the expectations of the customer. The level of services should be based on customer expectations and legislative/regulatory requirements.

ii. The key service criteria to be addressed by the applicant include quality, quantity, reliability, responsiveness, environmental/safety, costs, and legislative compliance.

6.5 Information to be provided with an application to subdivide land

1. Applications may be presented:

(1) by hand delivered to the Land Records Office, Port Vila; or

(2) by post addressed to the Land Records Office, P.O. Box 57, Port Vila.

2. Priority is not established until the application with all supporting documents is accepted by the Director of Land Records.

3. The correct fees must accompany the application; otherwise, it will be rejected.

4. Instruments presented with an application should bear the seal of the Controller of Stamp Duties together with his stamp indicating either:

(1) that the instrument is not liable to stamp duty; or

(2) that stamp duty has been paid.

5. On the first occasion an application is made by or on behalf of a company or other incorporated body for it to be registered as proprietor of an interest; a copy of the certificate of incorporation certified by the Registrar of Companies or other evidence of incorporation satisfactory to the Director of Land Records must be produced.

6. In the case of an application by more than one person, a single address for communication should be entered in Section 7 of the form.

7. The application must include a statement of the purpose of the subdivision, i.e., whether for agricultural, dwelling houses, industrial or commercial buildings, or any other non-agricultural use.

8. The application must include a plan on durable paper or other stable medium and must provide the following information:

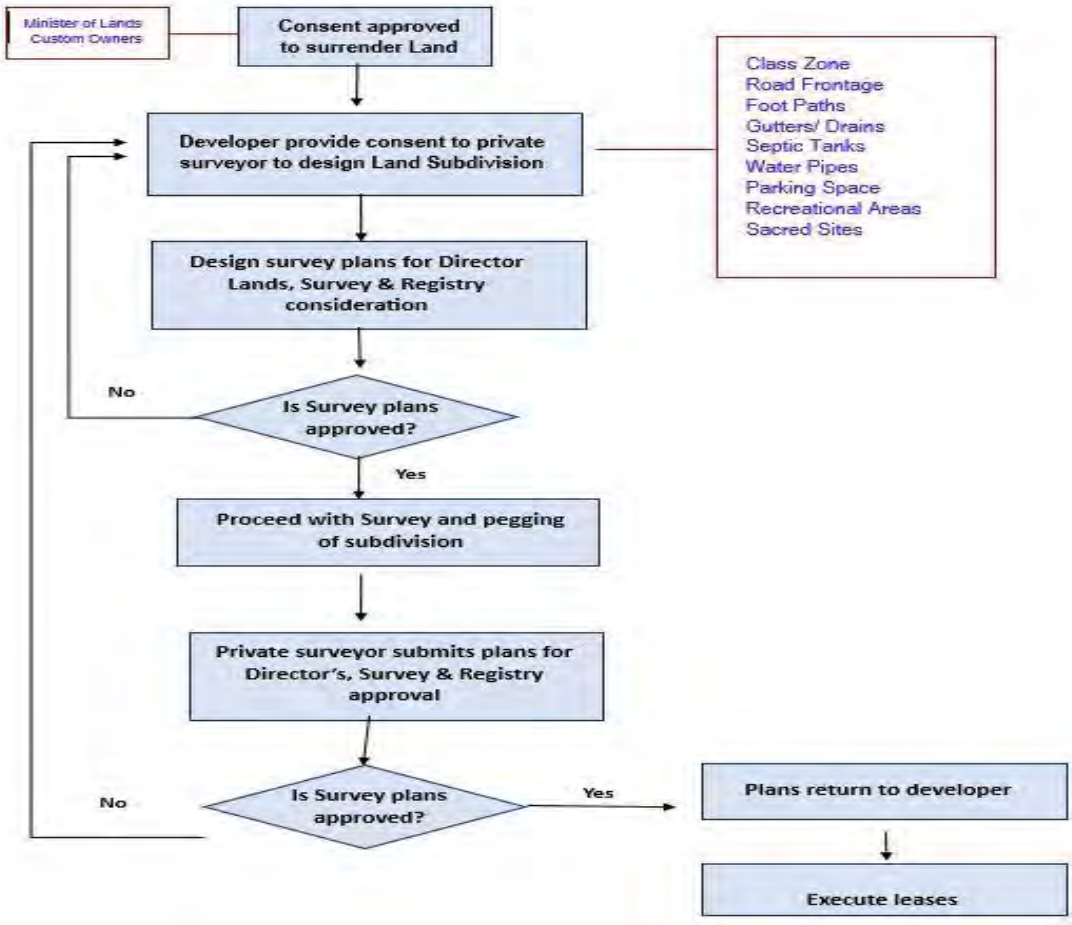
- Existing boundaries of the land,
- the purpose of the subdivision,

- the position of existing buildings on the parcel of land and in particular buildings with a setback of less than 3 metres from the boundaries of the land,
- the proposed position and width and hierarchy of any proposed roads, lanes, footpaths, gutters, and drains; the proposed position of houses, septic tanks, water pipes, telephone and electricity supply lines, vehicle parking spaces, pedestrian pavements, and green spaces.

8. The applicant has to submit the following documents prior to the subdivision plan being approved:

- A proposed land subdivision plan prepared in accordance with the guiding principles as provided in figure 21 below:
- A detailed development plan and the relevant planning approval from relevant authorities.
- VIPA- approved certificate.
- A detailed location plan.
- A detailed survey plan that provides the total area including the access
- A valuation report.
- Lot sizes: the proposed lots in the subdivision must comply with the lot sizes specified in Table 14 of this document. The lot sizes should be environmentally and economically sustainable in the long term.

Guide to Prepare Land Subdivision Development



11. Land Capability: The applicant must demonstrate that the land has sufficient capacity to accommodate and sustain the proposed uses together with the necessary infrastructure to support the proposed uses after subdivision.

12. Servicing: The applicant must provide confirmation that each lot has a sustainable water supply for domestic use, access to telecommunication facilities, and electricity and road access. Provision of access to beaches and waterfrontages to the public shall be documented. The proposed subdivision development must comply with all the relevant laws and, in particular the requirements of any laws or specifications relating to the provision of services.

13. Lot boundaries: subdivision boundaries must be designed to reflect sound planning and land use management, including zoning.

14. Heritage: Cultural sites must be protected and an additional clause must be inserted in all lease covenants pertaining to the subdivision that allows for protection of sites, including the covered heritage area, and maps including the protected sites, including the location.

15. Land Use: The subdivision of lots must conform to the approved land use for the zone in which the property is located, be of the appropriate lot sizes and suitability of the land.

APPENDICES

Appendix 1 - Definitions

INTERPRETATION

Where there is any question about the definition of any use, the definition of that use shall be as determined by the Torba Provincial Government Council, having regard to the nature and scale of the activities involved and their actual or potential impacts on the surrounding area.

Administrative Definitions

To assist the understanding of the use definitions and other provisions of the zoning document, the following terms are considered to have the meanings set out below.

"Ancillary activity" refers to a subordinate activity that is associated with the main activity on the site;

"Best management **practice"** refers to the management of any land use activity involving:

• the temporary or ongoing working of land;

• earthworks or other altering of landform;

• disturbance of natural vegetation;

• changes to the quality or quantity of any water resource; or

• the generation of noise or air emissions and waste, so as to avoid or minimize environmental harm through the use of cost-effective measures assessed against those currently used across the state, nationally and internationally, for the activity;

Draft Vanuatu National Building Code 1991; contains building recommendations and requirements.

"Buffer" refers to an area, structure, or physical feature separating a source of environmental impact from an area or use sensitive to such impact. A buffer area may include public park land, riparian zones, maritime zones, and any other areas where the Council may require such buffers.

"Building Height" means the maximum height that a building is permitted to be built to and refers to the height between natural ground level and the highest point of the building. Also refer to the Draft Vanuatu National Building Code 1991.

"Building setback" refers to a line or lines, fixed by Torba Provincial Government Council or any other authority, parallel to any boundary of a lot beyond which a building or other structure shall not encroach and measured as the shortest horizontal distance from the outermost projection of the building or other structure to the vertical projection of the lot boundary;

"Car parking" refers to an area set aside for parking associated with the use on the site.

"Carport" refers to a building providing covered vehicular parking, which ensures that a vehicle can turn onsite and leave in a forward direction.

"Communal Waiting **Places"** refers to places outside public or private property where people gather to wait for public transport or the like.

"Council" means the Torba Provincial Government Council (TPGC).

"Critical habitat" has the same meaning as incorporated in the Environment Management and Conservation Act 2002 and includes habitat that is essential for the conservation of a viable population of protected wildlife or community of native wildlife, whether or not special management considerations and protection are required. A 'critical habitat' may include an area of land that is considered essential for the conservation of protected wildlife, even though the area is not presently occupied by the wildlife, e.g. mangroves or riparian reserves;

"Cultural heritage significance" of a place or object includes its aesthetic, architectural, historical, spiritual, scientific, social, or technological significance to the present generation or past or future generations. Refer to the Preservation of Sites and Artifacts Act of 1988.

"Development" means the carrying out of building or other operations in, on, over, or under the land, or the making of any material change in the use of buildings or land, or the subdivision of any building and/or land;

"Development Plan" means a plan which is referred to in the conditions of a development approval as having been approved by relevant authorities and which shows the development approved on the site. The term includes any map, diagram, section, detail, schedule, or drawing shown or endorsed on or attached to the plan that may limit, condition, or otherwise describe the development;

"Dwelling unit" means habitable rooms and other spaces used or intended for use as one self-contained residential unit, comprising at least bathroom, toilet, and kitchen facilities provided on the same lot as well as other living and sleeping spaces to accommodate one or more persons;

"Environmental Impact **Assessment"** (EIA) means a study that may be required to be prepared to support an application for development approval and which includes, in sufficient detail, an adequate assessment of the potential environmental impacts and the suitability of proposed mitigation measures as required in Part 3 of the Environmental Management and Conservation Act (CAP 283).

"Environmental Management **Plan"** (EMP) means a document that may be required to be prepared to support a development application or as a condition of development approval that describes, for the design, construction, and operation of the premises and for emergency situations or as required under relevant Acts:
a) What acceptable levels of environmental impact are intended to be achieved or maintained;
b) How it is proposed to avoid or minimize risks of serious or material environmental harm or nuisance;
c) Who is responsible for implementing the management measures;
d) What monitoring and reporting will be undertaken; and
e) When actions will be taken.

"Environmental n**uisance"** means any unreasonable interference or likely interference caused by: a) noise, dust, odor, light or b) an unhealthy, offensive, or unsightly condition because of contamination.

"Existing" in relation to a use, building, other structure or premises means a use, building, other structure or premises that was lawfully in existence, or approved, immediately before the commencement day of this document. Whether any such use, building, other structure, or premises remains lawful at any given time shall be determined in accordance with the relevant provisions of this

Zoning Plan. To remove all doubt, where an existing use is located in a zone where such use is not preferred, the use will cease at the time a new lease is secured over the parcel of land.

"Flood prone" means that land that is below the 100-year Average Recurrence Interval (ARI) flood level of any rivers, streams, or tributaries thereof.

"Foreshore" means the land below mean high water mark and the bed of the sea within the territorial waters of Vanuatu (including the ports and harbours thereof) and includes land below mean high water mark in any lagoon having direct access to the open sea;

"Foreshore Development" means the carrying out of any building, engineering, mining, or other operations in, on, over, or under the land, or the making of any material change in the use of buildings or other land whether or not such land is covered by water;

"Forestry Management **Plan"** is a plan prepared by a developer of forestry activity that details the nature and extent of forestry activities and their impact and has been prepared in accordance with the Vanuatu Code of Logging Practice.

"Gross floor **area"** means the sum of the plan areas (inclusive of all walls, columns, and balconies, whether roofed or not) of all storeys of a building or buildings;

"Ground level" means:

(a) the ground level of the lot on the day the first plan of survey showing the lot was registered; or

(b) if the ground level on the day mentioned in paragraph (a) is not known, the natural ground surface or probable natural ground surface decided by the relevant assessing authority;

"Ground storey" means the storey that has its floor level closest to ground level at the time the construction of the building was completed, measured at the middle of the front wall of the building;

"Habitable Room" means a room used for normal domestic activities and includes a bedroom, living room, lounge room, music room, television room, kitchen, dining room, sewing room, study, playroom, family room, and sunroom; but excludes a bathroom, laundry, water closet, pantry, walk- in wardrobe, corridor, hallway, lobby, photographic darkroom, clothes drying room, and other spaces of a specialized nature occupied neither frequently nor for extended periods.

"Integrated development,**"** as applied to the development of premises, means premises that combine different uses and/or buildings that are planned, designed, and built (either at one time or staged) to incorporate common and/ or related siting, design, and/or construction elements;

"Lake" refers to an isolated water body that includes a swamp, marsh, or other natural collection of water, whether permanent or intermittent; also includes an artificial lake or dam that is being created for the purposes of recreation, amenity, on-site water supply, flood retardation, or as part of a water quality management system.

"Landscape and recreation **area"** means:

(a) any area used as any one or more of the following: lawn, garden, rockery, pathway, hedge, or other landscaping;

(i) a swimming pool;
(ii) a tennis court;
(iii) a children's play area, sand pit, or the like;
(iv) botanical gardens;
(v) an entertainment or recreation area, whether or not it includes barbecues, refreshment tables, or the like;
(vi) a balcony, courtyard, deck, or verandah not provided solely or mainly for access from one part of the premises to another part;
(vii) a roof- top terrace; and

(b) where such area is provided at ground level or ground- storey level where the premises are used exclusively for residential purposes; and

(c) which is not also provided or used as an area for any:

(i) vehicle parking or standing;
(ii) vehicle access or movement;
(iii) building;
(iv) refuse bin pad or shelter;
(v) incinerator;
(vi) vehicle and gardening maintenance; or
(vii) other caretaking or handyman facilities;

"Landscaping" means the treatment of premises for the purposes of protecting and/or enhancing any or all of the environmental values, appearance, and comfort and use of public or communal land by way of any one or more of:

(a) the planting of trees, hedges, shrubs, or grass, together with the provision of any irrigation works;

(b) the laying out of lawns, gardens, hedges, court yards, or similar open or semi-open spaces;

(c) the formation of banks, terraces, lakes, or gardens;

(d) the provision of paving or edging for decorative or aesthetic purposes;

(e) the erection of screens or decorative fences or walls, pergolas, trellises, or similar outdoor structures;

(f) the installation of lighting, interpretive signage, fountains, pools, or outdoor furniture;

(g) the placement of statues, sculpture, or other art for decorative purposes; and may include the incorporation of existing vegetation, water-bodies, landforms, and decorative structures.

"Local Area Structure **Plan"** means a schematic plan of an emerging urban development or peri-urban residential development area showing a conceptual layout of future major land uses, open space, roads, drainage, and other infrastructure for the locality as approved by Torba Provincial Government Council. Such a Structure Plan is intended to provide the site planning and design framework for future lot subdivision, together with any associated engineering work, in the locality and is generally intended to be a component of an outline permission for development in such an area;

"Material change of **use"** means any change of use of a building or land which alters the character of the building or land such that the new use lies outside the use class of the former or existing use. Refer to the different use classes in the Physical Planning Act 1986 and in the additional use definitions provided below:

"Mezzanine **Floor"** means an intermediate floor within a room which is not more than 1/3 of the floor area of the room or 200 m2, whichever is the lesser;

"Minor building **work"** means either:

1. Carrying out works for the maintenance, improvement, or other alteration of any building if the works affect only the interior of the building and do not materially affect the external appearance of the building.

2. The extension, on one occasion only, of any building for which permission has already been given by Council by not more than 10% of its net floor area.

3. The carrying out of works by a public authority required for the maintenance or improvement of a road if the works are carried out on land within a road reserve.

4. The carrying out by any public authority or statutory undertaker of any works for the purposes of inspecting, repairing, or renewing any sewers, pipes, cables, or other apparatus, "including the breaking open of any other land for that purpose.

5. The use of any building or other land within the curtilage of a dwelling house for any purpose incidental to the enjoyment of the dwelling house.

6. The use of any land and associated buildings, though not living accommodation, for the purposes of livestock keeping, agriculture, fishing, or forestry.

7. Any other operations or use of land that may be prescribed in regulations made by the Minister.

"Mixed- use **building"** means premises in which residential uses are integrated with commercial or other uses;

"New **premises"** includes extensions or alterations to existing premises;

"Relocatable home" means a habitable structure that is factory assembled or built in components and assembled on-site and capable of being transported by trailer or other vehicle, for which building approval has been granted on an approved site for accommodation purposes. Such structures may be fitted with wheels at the point of manufacture but only for the purpose of transport to the site on which they are to be located;

"Repository" means a place where goods are stored prior to sale;

"Riparian vegetation" refers to the vegetation along a waterway which that species and a character dependent on a close location to and interaction with the waterway system.

"Roof top **terrace"** means space on the roof of a building, used or intended for use for recreational purposes where such space:

• contains no habitable rooms;

• is open to the sky for at least 50% of its area;

"Room Unit" means any part of a building used or intended for use to accommodate one or more persons, but which does not include a kitchen;

"Shopping Complex Master **Plan"** means a schematic plan approved by the relevant authorities showing a conceptual layout of future retail and other associated land uses of a shopping complex and the coordination of pedestrian and vehicular access, car parking, drainage facilities, and landscaping. The Master Plan is intended to provide the site planning and design framework for the shopping complex and is intended to be a component of an outline permission for development in such an area;

"Significant Vegetation" means one or both of the following:

(a) vegetation within "environmentally sensitive areas" as identified by the environmental authorities; and/or

(b) vegetation which contains or is likely to contain species noteworthy in terms of geographic distribution and vegetation with historic or cultural association, recreational, scientific, or educational value, habitat importance, land protection functions, or structural and visual buffer qualities;

"Site" means any land on which development is carried out, or is proposed to be carried out whether such land comprises:

(a) the whole of any one lot or parcel of land;

(b) only part of one lot;

(c) more than one lot where each lot is adjoining with the other or another lot;

"Site cover" means the proportion of the site covered by buildings;

"Slope" means the slope of the building area determined as per the Draft Vanuatu National Building Code 1991.

"Slope Analysis" means a diagram prepared by a licensed surveyor representing the slope of the site, indicating the slope of the site in the following slope categories:

• up to 15%;

• 15% or more but less than 20%;

• 20% or more but less than 25%;

• 25% or more;

"Storey" means a space within a building that is situated between one floor level and the floor level next above, including a mezzanine level, or if there is no floor level above, the ceiling or roof above;

"Tidal land' includes reefs, shoals, and other land permanently or periodically submerged by waters subject to tidal influence;

“Townscape **significance”** of a building, other structure, or premises refers to its aesthetic, visual and/or architectural value to the attractive appearance and sense of place of the street or locality in which it is situated;

“Watercourse” means a river, creek, or stream in which water flows permanently or intermittently:

(a) in a natural channel;

(b) in a natural channel artificially improved;

(c) in an artificial channel that has changed the course of the watercourse; and includes bed and banks and any other element of a river, creek, or stream that confines or contains water;

“Waterway” means any natural or constructed surface water flow path, whether ephemeral or permanent;

Use Definitions

The use classifications and definitions listed below for the purposes of the Sola Zoning document have been adopted from the Physical Planning Act (Act 22 of 1986), which commenced on the 2nd of March 1987. These use classes will be reflected in the extended use definitions where appropriate.

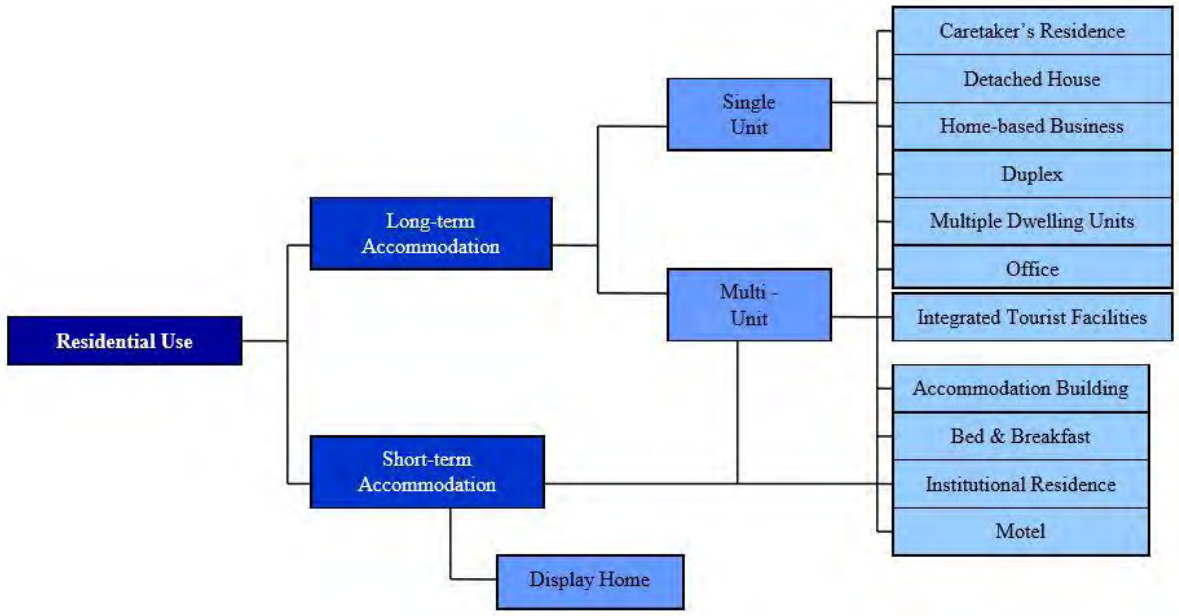
I. Class (1): Retailing, any commodity other than those defined in Classes (2), (3), and (4).
II. Class (2): Retailing hot food.
III. Class (3): Retailing liquor.
IV. Class (4): Retailing fuel and oil.
V. Class (5): A wholesale warehouse or repository for any purpose.
VI. Class (6): An office for any purpose.
VII. Class (7): Light Industry for any purpose which would not affect the amenity of a residential area.
VIII. Class (8): General Industry for any purpose which would not seriously affect the amenities of a residential area.
IX. Class (9): Special Industry.
X. Class (10): Single household residence
XI. Class (11): Multiple occupations (more than one household) or as an apartment building.
XII. Class (12): Boarding or guest house, or a hotel providing sleeping accommodation.
XIII. Class (13): Residential boarding school or a residential college. XIV. Class (14) – School or college.
XV. Class (15): Public worship or religious instruction.
XVI. Class (16): Institution providing for the boarding, care, and maintenance of children, old people, or persons under disability, a convalescent home, a nursing home, a sanatorium, or a hospital.
XVII. Class (17): Use (other than residentially) as a health centre, a school treatment centre, a clinic, a day nursery or a dispensary, a consulting room, or surgery.
XVIII. Class (18): Art Gallery (other than for business purposes): a museum, a public library or reading room, a public hall, or an exhibition hall.
XIX. Class (19): Theatre, a cinema, a music hall, or a concert hall.
XX. Class (20): Dance Hall, a swimming bath, vapor or foam bath or a gymnasium or sports hall. XXI. Class (21) – Sports field with ancillary facilities, open space, garden, landscaped area or park. XXII. Class (22): Marina with ancillary facilities excluding accommodation.
XXIII. Class (23): Any other class that the Minister may by order prescribe.

The use classes included in this document have been expanded to cater for future development associated with future growth and expectations of new landowners. These uses are separately defined as follows:

Extended Use Definitions

(1) Nesting of Residential Uses

Figure 3.1



"Residential use" means use for any of the following purposes (see Figure 3.1).

"Accommodation building" (Class 12) means premises comprising only room units (such as boarding houses, guest houses, backpacker hostels, serviced rooms, dormitories, lodges, student accommodation, or any similar use), but does not include motels or any other separately defined residential premises. The term includes a building or buildings or any parts thereof used for the provision of meals to residents (whether or not such facilities are open to public use), common room facilities, and the like, or for the purposes of a manager's residence or office;

"Bed and **breakfast"** (Class 12) mean an owner-occupied detached house in which overnight accommodation and meals are provided for tourists and travelers. The term includes any balconies, bedrooms, and/or bathroom facilities (but not including a kitchen) provided in a separate building or buildings (which may, in rural areas, include bungalows each with not more than two bedrooms) on the site but does not include any separately defined residential use;

"Caretaker's residence" (Class 10) means a dwelling unit used for caretaking purposes;

"Detached house" (Class 10) means the use of premises as a single detached dwelling unit. The term also includes relocatable homes. The term does not include a duplex or a caretaker's residence;

"Display home" (Class 10) means the use of premises for:

(a) display of residential premises to the general public being offered to be built; or

(b) display of residential premises to the general public for some other business or commercial purpose, including the promotion of a lottery for which the premises are offered as a prize; or

(c) the promotion and sale of lots and/or dwellings within a residential estate or other residential premises;

"Duplex" (Class 11) means two dwelling units on one site, which are either attached by way of a common wall or are otherwise contained within one building or are loose standing. The term does not include a caretaker's residence, detached house, or a relocatable home;

"Home-based **business"** means the use of premises for a business activity that is carried out on a lot used primarily for a detached house by one or more residents of that detached house; it must be subservient to the main use and must not exceed 10% of the total dwelling area; The term does not include any of the following uses:

- Any form of vehicle repair or service
- Panel beating;
- Vehicle detailing;
- Spray painting;
- Engine reconditioning or repair;
- Woodworking or manufacturing involving the use of power tools;
- Furniture manufacturing;
- Metal working;
- Welding;
- Educational facilities

It is acknowledged that Kava Bars are also traditionally located in these areas, but only small-scale Kava Bars will be permitted in the residential areas. The predominant land use will remain residential.

"Institutional residence" (Class 16) means the use of premises for accommodation of people with mental or intellectual disabilities, or the like;

"Integrated tourist **facility"** (Class 11 and Class 2 or Class 3 if restaurant and/or retail liquor is included) means premises that:

(a) are used primarily for facilities and activities that attract, accommodate, and entertain tourists, where some facilities are open to the public; and

(b) requires a large parcel of land; and

(c) includes two or more buildings; and

(d) are developed in an integrated way and managed as one entity; and

(e) may include provision for conference facilities and for permanent residential accommodation. The term includes integrated tourists' resorts, tourist theme parks, and the like;

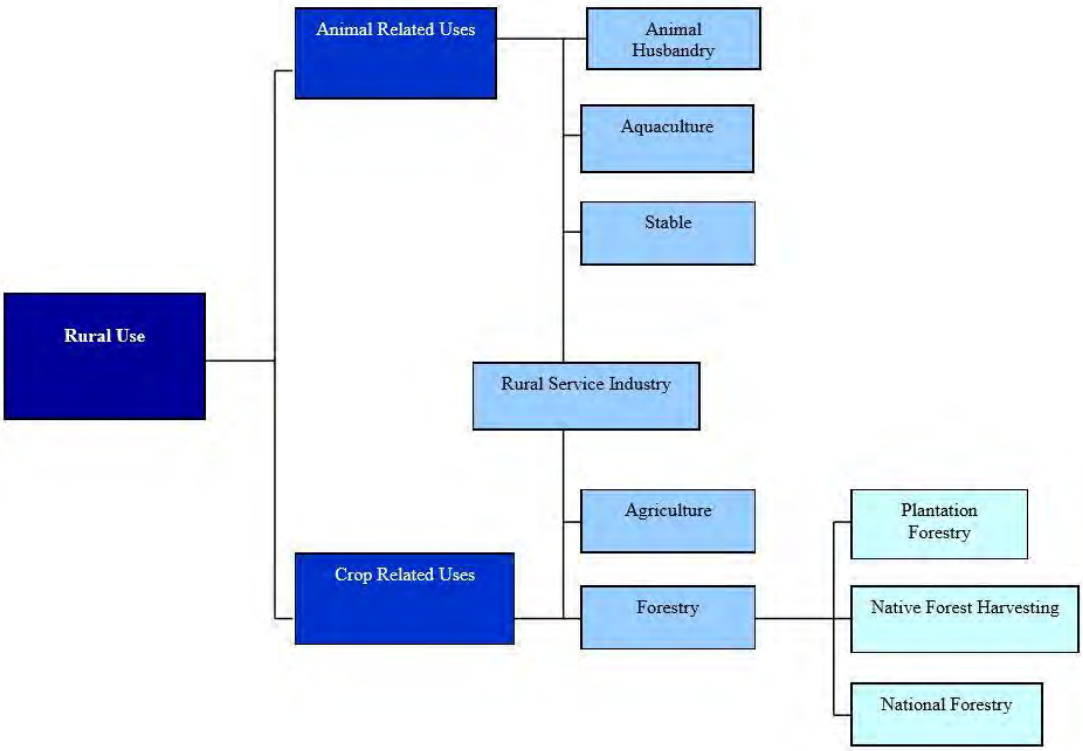
"Motel" (Class 12) means the use of premises for providing overnight, short-stay, or holiday accommodation for travelers and having on-site reception/bookings office facilities. The term includes a building or buildings or any parts thereof used or intended for use for the provision of any ancillary administration, restaurant, and conference facilities, and the manager's, owner's, or caretaker's residence. The term does not include accommodation buildings, bed and breakfasts, or hotels as separately defined;

"Multiple dwelling **units"** (Class 11) means premises comprising an integrated development of more than two dwelling units on the site. The term does not include accommodation buildings, bed and breakfasts; institutional residences as separately defined but may include a manager's residence;

"Urban Gardens" means premises for purpose producing organic compost to be used for gardening purposes associated with residential premises.

(2) Nesting of Rural Uses

Figure 3.2



"Rural use" means use for any of the following purposes (as shown in Figure 3.2):

"Agriculture" means the growing of crops, pastures, grass, flowers, fruit, vegetables, and the like on a domestic or commercial basis. The term does not include Forestry.

"Animal husbandry" means the keeping, depasturing, or stabling of any animal, bird, insect, reptile, or fish. The term includes the use of land for dairying, cattle grazing, animal breeding establishments, holding yards, or hatcheries. The term does not include the keeping of domestic animals or those types of animal industry that are separately defined (being aquaculture, intensive animal husbandry, and stables);

"Aquaculture" means the use of premises for the cultivation of live fisheries resources and includes:

- Aquaculture (minor impact): where the premises involve freshwater tanks with a total production area of <2,000 m2 (or <750 m2 where oxygen injection is used) or freshwater ponds with a total surface area of <5 ha and no off-site discharge of wastes from the tanks or ponds to natural waters; and

- aquaculture (significant impact) - where the premises are other than as defined as "minor impact";

For the purposes of this definition:

• **"T**anks**"** mean water-containing structures not formed by hollowing, excavating, or embanking natural surfaces; and

• **"Ponds"** mean water-containing structures formed by hollowing, excavating, or embanking natural surfaces;

"Forestry" means any of the following:

• Native forest harvesting: the managing, harvesting, initial on-site processing, and removal of trees and other forest products in an existing native forest for a business, regardless of whether it is old growth forest or naturally occurring regrowth. It includes enrichment planting in an existing native forest and the collection of tree products (other than timber) in the native forest, including, but not limited to, flowers, limited amounts of foliage, seeds, and fallen branches;

• Plantation forestry: the planting, managing, harvesting, initial on-site processing, and removal of either native or exotic trees and other forest products in a plantation, for a business. The terms include the collection of tree products (other than timber) in the plantation including, but not limited to, flowers, limited amounts of foliage, seeds, and fallen branches;

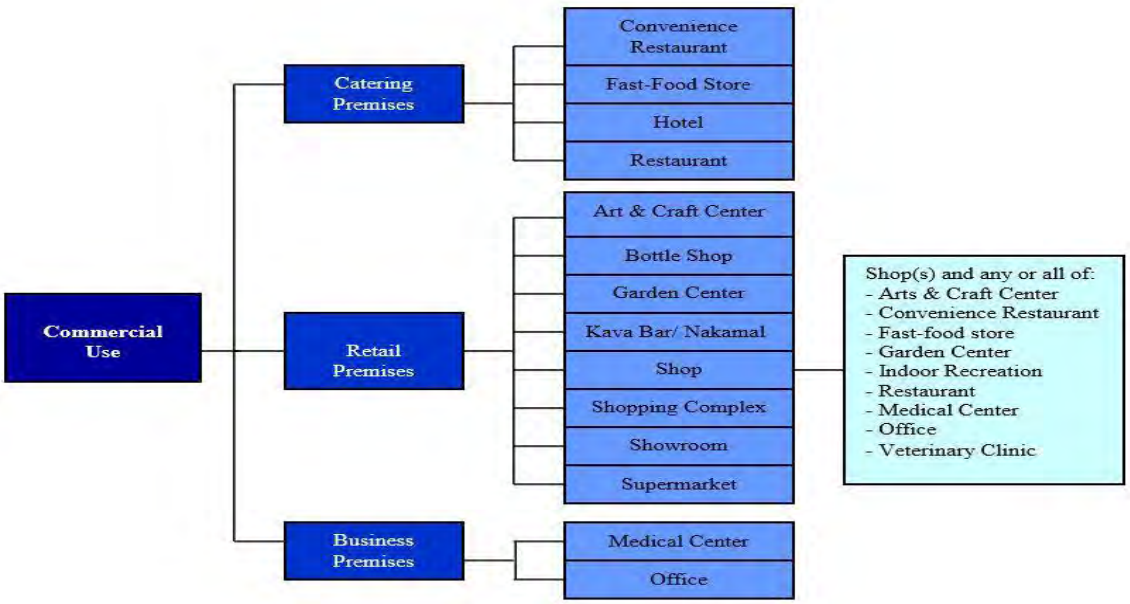
• National forestry: the planting and management, harvesting, and initial on-site processing of existing and planted trees in a declared national forest by the Government of the use of that land for multiple purposes including but not limited to forest management purposes, recreation, and education in accordance with the Forestry Act 2002 CAP 147;

"Rural service **industry"** means the use of premises for handling, treating, processing, or packing locally grown primary products;

"Stable" means premises incorporating a building or roofed structure, including a shed, loose box, stall, or roofed yard, used for the stabling, keeping, feeding, watering, grooming, shoeing, or veterinary treatment of any horse;

(3) Nesting of Commercial Uses

Figure 3.3



"Commercial use" (Class 1, 2, 3, or 4) means use for any of the following purposes, or for any other business purpose not separately defined and not characterized as an industrial activity (as shown in Figure 3.3):

"Art and Craft **Centre"** (Class 18) means the use of premises for making, displaying, and selling works of art or craft, such as handicrafts, pottery, paintings, and sculptures. The term includes ancillary use of such premises for individual or small group instruction in the making of such art or craft;

"Bottle Shop" (Class 3) means the use of premises for storage and retail of liquor and ancillary products;

"Convenience Restaurants" (Class 2) means the use of premises for the preparation of take-away meals and foods for sale to the public, where provision is made for high customer turn-over; facilities can also be provided for eating on the premises. The term does not include fast-food stores or restaurants as separately defined;

"Garden centre" means the use of premises for the display, hire, or retail sale of plants suitable for use in gardening or landscaping, whether or not such plants are grown on the site. The term includes ancillary use of such premises for the display and sale of such items as seeds, pots, packaged

fertilizers and potting mixes, gardening tools, and garden furniture and ornamentation. The term does not include agriculture or landscape supplies as separately defined;

"Hotel" (Class 12) means the use of premises for short term accommodation and includes dining facilities, bar facilities, and other ancillary activities;

"Kava Bar/Kava **Nakamal"** means the use of premises for the purpose of storage, preparation, consumption, and retail of kava;

"Market" means the use of premises for the sale of home or farm produce, including poultry, fish products, the sale of craft work, and artifacts, where the premises comprise a single building or a number of buildings;

"Medical centre" (Class 17) means the use of premises for the medical care or treatment of persons not resident on the site. The term includes such typical premises as medical and dental surgeries or clinics, pathology labs, naturopath clinics, chiropractic clinics, counseling rooms, psychiatric and psychological consulting rooms, premises providing nursing services, and the like. The term does not include home-based businesses and hospitals;

"Office" (Class 6) means the use of premises for administration, or clerical, technical, professional, or other business activity where no goods or materials are made, sold, or hired on the premises, whether for a public or private purpose. The term does not include medical centres or veterinary clinics as separately defined;

"Restaurant" (Class 2) means the use of premises for the preparation of meals and foods for sale to the public for immediate consumption mainly or exclusively on the premises (such as cafes, coffee shops, bistros, function centres, and tea rooms). The term can include an area used for outdoor dining. The term does not include convenience restaurants or fast-food stores as separately defined;

"Shop" (Class 1) means the use of premises for the display and retail sale of goods to members of the public;

"General store" (Class 1) means the use of premises for the display and retail sale of goods to members of the public, combined with the use of the same premises as a single dwelling unit, where the gross floor area of the retail component of the combined use is not more than 150 m2;

"Shopping complex" (Class1) means premises, comprising one or more buildings in the form of an integrated development having a gross floor area of more than 1,000m2, established in a coordinated manner, and used for one or more shops and can include ATM facilities;

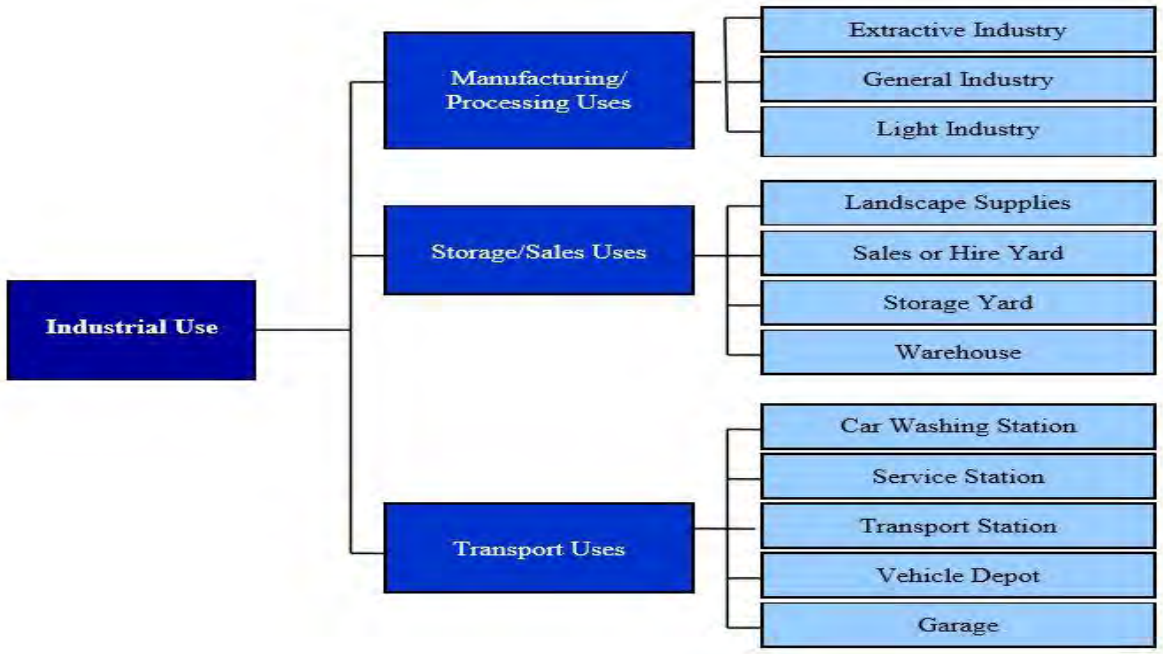
"Showroom" (Class 5) means the use of premises for the display and/or retail sale of goods (not including food items) primarily of a bulky nature, including agricultural equipment, boats, hardware, electrical goods, computer goods, furniture, floor coverings, building supplies, motor vehicles, motor accessories, sporting equipment, or the like, mainly indoors. The term includes any area used for the selling of spare parts and the carrying out of repairs, servicing, and detailing where such use is incidental to and necessarily associated with the showroom. The term does not include shops, sales and hire yards as separately defined;

"Super Market" (Class 1) means the use of premises for the display and/or retail sale of goods, including food items, in either bulk or single components, where the gross floor area of the retail component exceeds 450 m2.

"Veterinary clinic" means the use of premises for the treatment of sick or injured animals. The term does not include animal husbandry as separately defined;

(4) Nesting of Industrial Uses

Figure 3.4



"Industrial use" means
(a) use for any of the following purposes (see Figure 3.4), or use of any other premises for any industrial activity being:

i. the making of any item or part of any item; or

ii. the altering, repairing, servicing, ornamenting, finishing, cleaning, washing, freezing, packing or canning, or adapting for sale, of any item; or

iii. the recycling of any material or item involving receiving and processing (other than only any collecting, stripping, sorting, packing, breaking up or demolition, storage, and sale or distribution) of such material or item;

iv. the treatment or disposal of waste material; or

v. the storage, whether for sale or not, of any solid, liquid, or gaseous fuel;

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vi. the bulk storage of other goods, vehicles, equipment, and materials (whether or not for sale or hire) that is not separately defined as a "commercial use"; or

(b) when conducted as an ancillary activity on the same site as any of the above activities:

i. the storage of goods or materials used in connection with or resulting from any of the above activities; or

ii. the sale of goods, resulting from such activities; or

iii. any work of administration or accounting in connection with such activities; or

iv. facilities for the comfort of persons working on the site.

"Car washing **station"** means premises used for washing motor vehicles by means of mechanical, hydraulic, or pneumatic means;

"Extractive industry" (Class 9) means the use of premises or works for a business purpose, for the winning on or from the land, and/or the treatment and processing, including crushing and screening, of gravel, rock, sand, soil, stone, or other similar materials.

"Garage (Workshop)" means the use of premises for commercially servicing, repairing, or maintaining motor vehicles or motor vehicle equipment, agricultural machinery, and the like, including engine tuning, engine reconditioning, radiator repairs, and panel beating. The term does not include service stations as separately defined.

"General industry" (Class 8) means the use of premises for a business purpose for any industrial activity that is not separately defined;

"Special/Heavy Industry" (Class 9) means the use of premises for a business purpose for any industrial use which:

(a) principally involves animal product processing, food processing or beverage production, or

(b) is for the purposes of a junkyard or salvage yard; or

(c) involves the use, storage, handling, or disposal of any radioactive substance or material, or

(d) otherwise involves dangerous goods in quantities that are not minor;

These uses will also include uses such as:

- Abattoirs or slaughterhouses
- Acid manufacture
- Ammonia manufacture and storage
- Ammunition manufacture and storage
- Anima by-product manufacture
- Bacon factories
- Battery smelting

- Boiling down works
- Calcium carbide manufacture or storage
- Caustic soda manufacture
- Celluloid or celluloid products manufacture
- Cement or lime manufacture
- Chemical works
- Crushing stone, rock grave, sand
- Disinfectant manufacture
- Explosives manufacture or storage
- Fat extraction
- Fertiliser works
- Fireworks manufacture or storage
- Fish processing factory
- Flammable liquid manufacture, refinement, storage, or bottling
- Flock works
- Food preserving works
- Gasworks
- Germicide manufacture
- Incinerators (where such are capable of consuming in excess of one ton of material per hour and whether or not the use of such is ancillary to some other use)
- Kava Manufacturing
- Knackeries (bits and pieces)
- Matches manufacture
- Meat preserving and processing works
- Oxygen production works
- Paint manufacture
- Petroleum Storage
- Pesticide manufacture
- Photographic film manufacture (other than non-flammable film)
- Plastics manufacture

- Poisons manufacture
- Radioactive material storage
- Rubber processing
- Sandblasting
- Sawmills
- Smelting works
- Soap works
- Tannery
- Tar and tar products manufacture
- Turpentine manufacture
- Wharf and related activities

"Landscape supplies" means the use of premises for the sale of sand, soil, screenings, and other such garden and landscaping materials where such material is stored on site for sale or distribution in quantities greater than one cubic metre. The term includes the ancillary use of such premises for the sale, or displaying or offering for sale (in any quantity), of such items as:

(a) seeds, plants, or other propagative plant material;

(b) goods associated with the cultivation of plants;

(c) garden ornamentation, furniture, or structures;

(d) garden tools or equipment. The term does not include agriculture, extractive industry, or garden centres as separately defined;

"Light industry" (Class 7) means the use of premises for business purposes for any small-scale industrial activity that is not ancillary to another use on the site and which complies with the provisions of the Physical Planning Act 2004, Class 7;

"Sales or hire **yard"** means the use of premises or intended use of premises for:

(a) the sale, hire or leasing of any construction or industrial plant and equipment, motor vehicles or boats (sold, hired or leased mainly outdoors) agricultural machinery, trailers, other transportable structures, and the like, where such items are stored thereat; or

(b) the displaying for sale, hire, or leasing of any of the items referred to in (a) above; or

(c) a timber yard.

The term includes any ancillary use of the premises for:

(a) routine servicing of any of the items sold, hired, or leased, and

(b) any ancillary use of those premises for the sale or hiring out of portable tools, machinery, or equipment;

"Service station" (Class 4) means the use or intended use of premises for use for the sale by retail of petrol and automotive distillate or any derivatives therefrom; and for all or any of the following ancillary purposes, namely:

(a) the sale by retail of:

i. lubricating oils and greases; or

ii. batteries; or

iii. tyres; or

iv. accessories and spare parts for motor vehicles; or

v. power and lighting kerosene; or goods, including food for the comfort and convenience of travelers by motor vehicles where the area of such activity is not used for a purpose that would constitute a convenience restaurant as separately defined;

vi. other products manufactured or distributed by oil companies and motor accessory manufacturers;

(b) the carrying out of all or any of the following operations:

i. fitting, removal, and exchange of tyres;

ii. repairing of tubes;

iii. supply of compressed air;

iv. charging of batteries;

v. lubrication and greasing of motor vehicles;

vi. cleaning and adjustment and replacement of spark plugs;

vii. receipt of tyres for retreading and other processes and the redelivery thereof;

viii. running repairs of a minor nature and of a type that do not normally immobilize a vehicle for a period longer than four hours;

ix. washing of motor vehicles;

(c) the rendering of minor services incidental to any of the foregoing;

"Storage yard" (Class 5) means:

(a) a builder's yard, or construction or earthmoving contractor's yard; or

(b) a container depot; or

(c) other premises used for the storage of goods wholly or primarily in the open, whether or not any of those goods are sold by wholesale, where such premises are not used or intended for use for a separately defined purpose. The term includes ancillary activities:

(i) use of any facilities on the premises for the garaging, inspecting, cleaning, and routine servicing of vehicles and containers involved in the storage yard use; and
(ii) storage of goods in covered stacks or in enclosed structures not being a building but being in the nature of silos, bins, tanks (whether or not underground) or transport containers. The term does not include storage, which is an ancillary activity for another use on the same site, or the storage of dangerous goods other than in minor quantities;

"Transport station" means the use of premises for a road, air or water transport passenger and/or goods terminal, a bus station, or heliport. The term does not include vehicle depots or major utilities as separately defined.

"Vehicle depot" (Class 5) means the use of premises for the overnight or longer storage, for commercial or public purposes, (either in the open or covered) of more than one bus, truck, taxi, other motor vehicle, trailer, and/or boat, and/or premises used as an operational base or depot for any such vehicles. The term includes ancillary activities:

(a) the servicing of any such vehicles on the premises; or

(b) the sale of any such vehicles by wholesale. The term does not include facilities ancillary to another use on the same site, the retail sale of vehicles, or car parks, sales or hire yards, or transport stations as separately defined;

"Warehouse" (Class 5) means the use of premises for business purposes, for the storage of goods, merchandise, or materials in a building or buildings, whether or not pending their distribution or sale by wholesale. The term does not include:

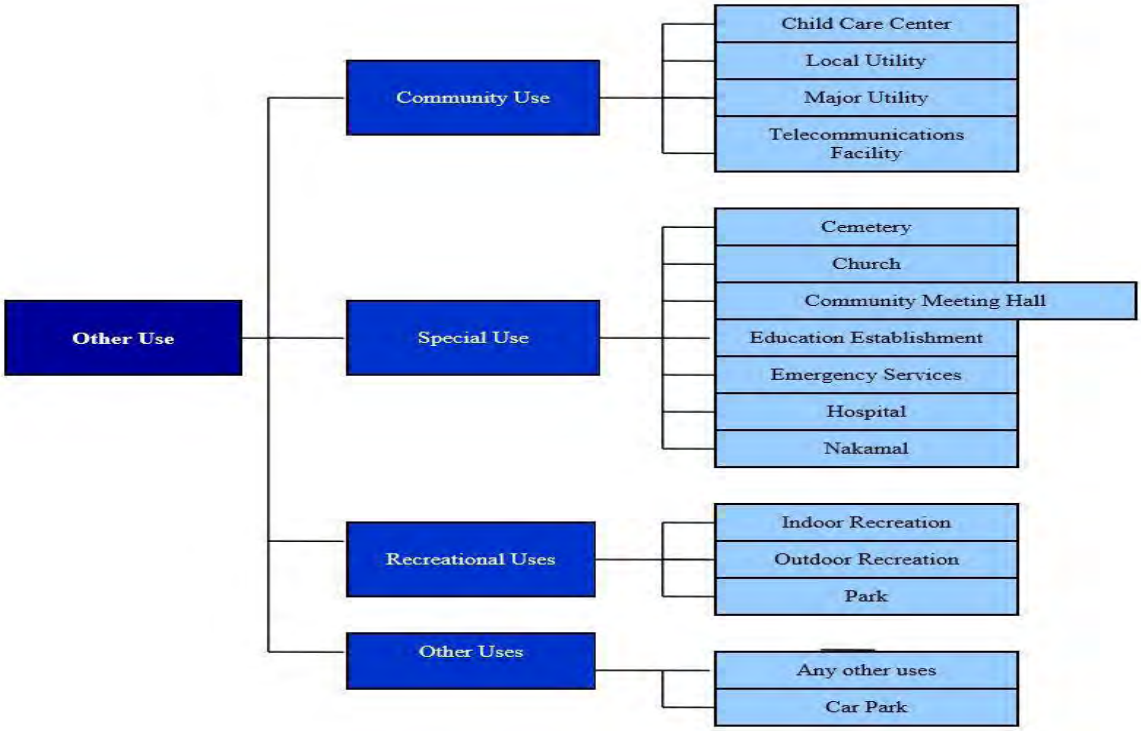
(a) the storage of dangerous goods other than in minor quantities: or

(b) storage, which is an ancillary activity for another use on the same sites; or

(c) any separately defined storage use.

(5) Nesting of Other Uses

Figure 3.5



"Community use" means use for any of the following purposes (see Figure 3.5);

"Child care **centre"** (Class 17) means the use of premises for the paid minding or care, but not residence, of children. The term includes a nursery school or kindergarten but does not include child care undertaken as a home-based business;

"Local utility **(services)"** means the use of premises other than parkland for:

(a) any of the undertakings of the Sola State Land or other public sector agency, including:

i. the conveyance of water, sewerage, and stormwater drainage;

ii. the provision of neighbourhood or district community services such as libraries, theatres, galleries, tourist information facilities, and the like;

iii. the provision and maintenance of roads and traffic control devices;

iv. administrative offices;

v. the provision and maintenance of premises and facilities for public spaces and for conservation purposes;

vi. such other public purposes carried out by the Sola State Land pursuant to the By-Laws of Sola State Land;

(b) the reticulation of electricity;

(c) public transport facilities other than transport stations, vehicle depots, garage, workshops, or offices;

(d) the following telecommunications facilities:

i. communication dishes in any commercial, industrial or rural zone where the dish has a diameter not exceeding 1800 mm;

ii. pits and manholes;

iii. groups of up to four payphone cabinets; and

iv. temporary facilities, for the purpose of providing additional network capacity or facilities, during special events or at other times of excessive demand, for a maximum duration of three months;

"Major utility" means the use of premises for the purposes of any installation or undertaking for:

(a) the generation and/or supply of electricity;

(b) the storage and/or treatment of water, sewerage, or garbage;

(c) the provision of community services such as major sports stadiums, convention centres, nakamals, and the like;

(d) a prison, reformatory, or similar institutional establishment;

(e) any national and provincial government purpose not otherwise defined;

(f) a depot operated by or for the Council, other public authority, or statutory corporation;

(g) the following telecommunication facilities:

- towers or other structures more than 10 metres in height in, or on a site adjoining, a residential zone, a peri urban zone or a special purpose zone;
- towers or other structures more than 15 metres in height in any other zone;
- any aboveground facility on or adjoining a site of cultural heritage significance, and
- aerial cabling in a residential, peri urban zone, or a special purpose zone. The term does not include local utility as separately defined;

"Telecommunications facility" means any line, equipment, apparatus, tower, mast, antenna, tunnel, duct, hole, pit, pole, or other structure or thing used by a holder of a carrier's license under the Telecommunications Act, or for use, in or in connection with a system or series of systems that carries or is capable of carrying communications by means of guided or unguided electromagnetic energy, whether such facility is manned or remotely controlled, and not being a local utility or major utility.

"Public restrooms" means premises for the provision of toilet facilities for public use in public open spaces, town centres, community facilities, supermarkets, and the like;

Special Uses

"Cemetery" means the use of premises for the interment of the dead;

"Church" (Class 15) means the use of premises for religious activities of a religious organization, community, or association. The term includes a chapel, synagogue, mosque, or temple;

"Community meeting/**Nakamal"** means the use of premises for the conduct of meetings or gatherings and other activities of a club, organization, or community association;

"Educational establishment" (Class 17) means the use of premises for a school, pre-school, college, adult education centre, university, or other educational facility. The term includes ancillary uses such as offices, libraries, bookshops, or canteens. The term does not include a child care centre as separately defined;

"Emergency services" means the use of premises for a police station, ambulance station, fire brigade, or emergency services depot, not separately defined as a commercial use;

"Hospital" (Class 16) means the use of premises for medical or psychiatric care and treatment of patients. The term includes ancillary facilities, including administrative offices, canteens, kitchens, and the like. The term does not include a medical centre as separately defined;

"Nakamal" means the use of premises for the purpose of meetings, ceremonies, community activities, and fundraising and can include the consumption of kava;

Recreational Uses

"Sport and recreational **use"** means use or intended use for a public park or for either of the following purposes (see Figure 3.5);

"Indoor recreation" (Class 20) means the use of premises for any sporting or other recreational activity or leisure pastime that is conducted wholly or mainly indoors. The term includes such typical premises as theatres, cinemas, nightclubs, amusement centres, licensed clubs, indoor sports centres, gyms, and the like (including other premises having more than two pinball or electronic game machines). The term does not include a clubhouse or ancillary building used in association with an outdoor recreation or public park, or a hotel;

"Outdoor recreation" (Class 21) means the use of premises for any sporting or recreational activity, or other leisure pastime, which is conducted wholly or mainly outdoors. The term includes such typical premises as show grounds, (outdoor) public swimming pools, walk-in theaters, race tracks, golf courses and driving ranges, outdoor courts and sports grounds, and the like. The term also includes the provision of clubhouses and other ancillary facilities but does not include a public park.

"Park" (Class 21) means the use of premises for the purpose of parks and gardens open to the public. The term includes associated ancillary buildings or structures, including a picnic area, playground equipment, amenities block, and the like. The term does not include indoor recreation or outdoor recreation as separately defined.

Other Uses

"Any Other **Uses"** is any other use that may be prescribed by the Minister and/or any other relevant authority.

"Car park" means the use of premises for the parking of motor vehicles where such parking is not an ancillary activity on the site.

Appendix 2

Form 1 Application Ref No: .....

PHYSICAL PLANNING ACT NO. 22 OF 1986

SOLA STATE LAND (TORBA PROVINCIAL GOVERNMENT COUNCIL)

Application for Permission to Develop Land, ETC. [Important; see notes below].

1. APPLICANT:

Name: ……..

Address……
……
……
Tel……..

2. AGENT/ARCHITECT [IF ANY]

Name……..

Address……..
……
……
Tel……

3. Description of proposed development:

_____

4. Location of proposed development:

_____

5. Is the applicant the owner, prospective purchaser, tenant, etc. Please state:

_____

6. Is the applicant the owner or lessee? Please state the name and address of the owner/lessee:

_____

7. Is the owner or tenant aware of the application: YES/NO. If yes, please insert the date of service of notice:

_____

8. Type of permission requested; tick as appropriate:

FULL CHANGE OF USE OUTLINE RESERVE DETAILS

_____

9. State clearly the existing or last use[s] of the site:

_____

10. Plot No. [s] [where known]:
Area of site [sq. m]:
Floor area of building [sq. m]:
[including area of external and internal walls & partitions]

_____

11. Please state the type of materials/colour to be used externally for:
[Material] Roof: _____ Walls: _____
Colour: _____ Colour: _____

SIGNED: …… Date: …… (By or on behalf of the applicant

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Appendix 3

Form 2 Application Ref No: .....

PHYSICAL PLANNING ACT NO. 22 OF 1986

SOLA STATE LAND (TORBA PROVINCIAL GOVERNMENT COUNCIL)

Application for building permit [Important: see notes below]

1. APPLICANT:

Name: …….

Address……
Tel……

2. AGENT/ARCHITECT [IF ANY]

Name…… ……

Address……
Tel……

3. Description of proposed development:

_____

4. Location of proposed development:

_____

5. Number of storeys in new building/extension:

_____

6. Estimated cost of new building:

_____

7. Estimated cost of all works:

_____

8. Has a separate application been made for planning permission under the Physical Planning Act No. 22 of 1986? YES/NO [Tick]

9. Plot No. [s] [where known]: _____
Area of site [sq. m]: _____
Floor area of building [sq. m]: _____
Including area of external walls & partitions [all storeys]

_____

10. Please state materials to be used in construction of:

External walls: _____ Floors: _____
Internal walls: _____ Ceiling: _____

11. Please state the type anticipated number of persons living, working in, or visiting the premises:

_____

12. State capacity of any proposed septic tanks: How will surface water be disposed of?

_____

SIGNED…… Date: …… (by or on behalf of the applicant)

Appendix 4

****PLEASE READ THESE NOTES CAREFULLY****

RIGHT OF APPEAL AGAINST REFUSAL TO GRANT PLANNING PERMISSION OR AGAINST THE IMPOSITION OF PLANNING CONDITIONS - SECTION 9 OF THE PHYSICAL PLANNING ACT NO. 22 OF 1986.

9. [1] Where an application is made under this Act to the Council for permission to develop, and such permission is refused or is granted subject to conditions, the applicant may, if aggrieved by the decision of the Council by notice served on it within FOURTY DAYS from the receipt of notification of its decision, appeal to the Minister, and the Council shall forthwith transmit such notice to the Minister.

[2] The Minister shall not entertain any appeal

[a] submitted after the expiry of the time allowed for the appeal; or
[b] where it appears to the Minister that the application in respect of the planning permission has been refused could not have been granted by the Council or could not have been granted by Council otherwise than subject to the conditions imposed upon it.

[3] Where an appeal is brought under the section, he may allow or dismiss the appeal or may reverse or vary any part of the decision as it had been made to him in the first place.

PLEASE ALSO NOTE:

This permission refers ONLY to that required under the Physical Planning Act No. 22 of 1986 and DOES NOT include any consent under any other enactment, by-law, order, or regulation.

AND

It may also be necessary BEFORE ANY DEVELOPMENT IS COMMENCED to obtain a BUILDING PERMIT. If you are in any doubt whatsoever, please seek advice from Torba Provincial Government Council.

Undertaking Development In Sola State Land Without TheNecessary Prior Written Consents Is A Criminal Offence Punishable By The Court!!

Appendix 5

Form 3 Application Ref No: .....

SOLA STATE LAND (TORBA PROVINCIAL GOVERNMENT COUNCIL)

Application for Subdivision Planning Permission

1. APPLICANT: 2. AGENT/ARCHITECT [IF ANY]

Name: ……. Name: …….

Address: …… Address: …….
…… ……..
……

Tel…… Tel……

3. Description of proposed development:

_____

4. Location of proposed development:

_____

5. Is the applicant the owner – essee? Yes or No [circle appropriate]
If no, state the name and address of the owner-
lessee: …….

6. Is the owner-lessee or tenant aware of the application? Yes /No [circle appropriate]. If yes, state date notification given: …….

7. Type of permission requested: [tick as appropriate]
Full [ ] Change of Use [ ] Outline [ ] Reserved Details [ ] Renewal [ ] Extension [ ]:

8. State clearly the existing or the last use of the site: ……

9. Lease Title Number: ……

Area of proposed subdivision: ……

10. Please state the total number of plots in the proposed subdivision: ……

11. Will a separate application be made for a subdivision permit? (see Form 4) YES /NO [circle the appropriate]

SIGNED: …… Date: …… (by or on behalf of the applicant)

Appendix 6

Form 4 Application Ref No: .....

SOLA STATE LAND (TORBA PROVINCIAL GOVERNMENT COUNCIL)

APPLICATION FOR SUBDIVISION PERMIT

1. APPLICANT: 2. AGENT/ARCHITECT [IF ANY]

Name: …… Name: ……..

Address: …… Address ……..
…… ……..
……

Tel: …… Tel ……

3. Description of proposed development [Tick appropriate box] Please specify the type of subdivision:
Commercial [ ] (specify type) ……..
Industrial [ ] (specify type) ……
Agricultural [ ] (specify type) ……
Tourism [ ] (specify type) ……
Residential [ ] (specify type) ……

4. Location of proposed development:

_____

5. Area of site of proposed subdivision: ……

6. Number of plots in the proposed subdivision: ……

7. Estimated cost of proposed subdivision: ……

8. Has a separate application been made for subdivision planning permission under the Physical Planning Act No. 22 of 1986? YES [ ] NO [ ] (tick appropriate)

9. Please state briefly the equipment(s) to be used in the construction of the subdivision:
Clearing of site: ……
Roads/Access Roads: ……
Drainage: …… ……
Disposal of waste generated: ……

10. Please state who will maintain the Roads/Access roads in the future:
……

SIGNED: …… Date: …… (by or on behalf of the applicant)

Appendix 7

Application to SUBDIVIDE LAND:

Section 45(1) of the Land Surveyors Act, CAP 175 provides that an application to the Director for approval to subdivide land must be in accordance with Section 12 of the Land Leases Act, CAP 163 and must be in the form as set out below:

DO NOT WRITE HERE. THIS IS FOR OFFICIAL USE ONLY.

APPLICATION No:
Tine and date of receipt:
HOURS the……:
Day of……20…. …..:

Complete Sections Below After Reading Note on the Following Page

SECTION 2

WRITE TITLE NUMBER(S) AFFECTED

1_____ :4 _____:7 _____
2_____ :5_____ :8 _____
3_____ :6_____ :9 _____

SECTION 3.

LIST DETAILING(S) IN ORDER OF PRIORITY TO BE REGISTERED

1_____5 _____
2 _____ 6 _____
3 _____ 7 _____
4 _____ 8 _____

SECTION 4.

LIST INSTRUMENT(S) AND OTHER DOCUMENTS ENCLOSED

1_____:4_____
2_____:5 _____
3 _____:6_____

SECTION 5

FULL NAMES OF APPLICANT(S) IN BLOCK CAPITALS

1_____:4_____
2_____:5 _____
3_____:6 _____

SECTION 6

ADDRESS(ES) AND TELEPHONE NUMBER(S) IN VANUATU

1_____:4 _____
2_____:5 _____
3 _____

SECTION 7 SINGLE NAME AND ADDRESS AND TELEPHONE NUMBER IN VANUATU FOR COMMUNICATIONS WHERE THERE IS MORE THAN ONE APPLICANT

I tender herewith cash/cheque for VT..... in payment of registration fees.

I/We apply for the registration of the dealings listed in Section 3.

Signature(s)

Appendix 8
Form 5

SOLA STATE LAND (TORBA PRONVICIAL GOVERNMENT COUNCIL)

Application for Preliminary Environment Impact Assessment

Any Ministry, Department, Government Agency, Provincial Government, or Municipal Council that receives an application for any project, proposal, or development activity not exempt by Section 13 of the Environmental Management and Conservation Act must undertake, or have undertaken on its behalf, a preliminary environmental impact assessment of that application.

If any of the above mentioned is the project proponent, the application must be referred to the Vanuatu Environment Unit, which will be responsible for conducting the preliminary environment impact assessment.

A copy of the completed preliminary environment impact assessment, then a copy of the application and the completed Preliminary Environment Impact Assessment must be sent to the Vanuatu Environment Office where the Vanuatu Environment Unit will be responsible for establishing the Terms of Reference for the conduct of an Environment Impact Assessment with the developer and all other relevant stakeholders.

If an environment impact assessment is not required, then a copy of the preliminary impact assessment must be sent to the Vanuatu Environment Unit, and the application should be processed as per usual.

For official use only.

(Circle the appropriate one) 1. Do you think that the proposal will require a Preliminary Environment Impact Assessment? Yes/ No

2. If you circled yes, then a PEIA must be produced before any decision is taken by the Council on the application.

3. Give reason(s) why they think a PEIA is required: ……
……...
……

4. If you circled No, give reasons why: ……
……
……

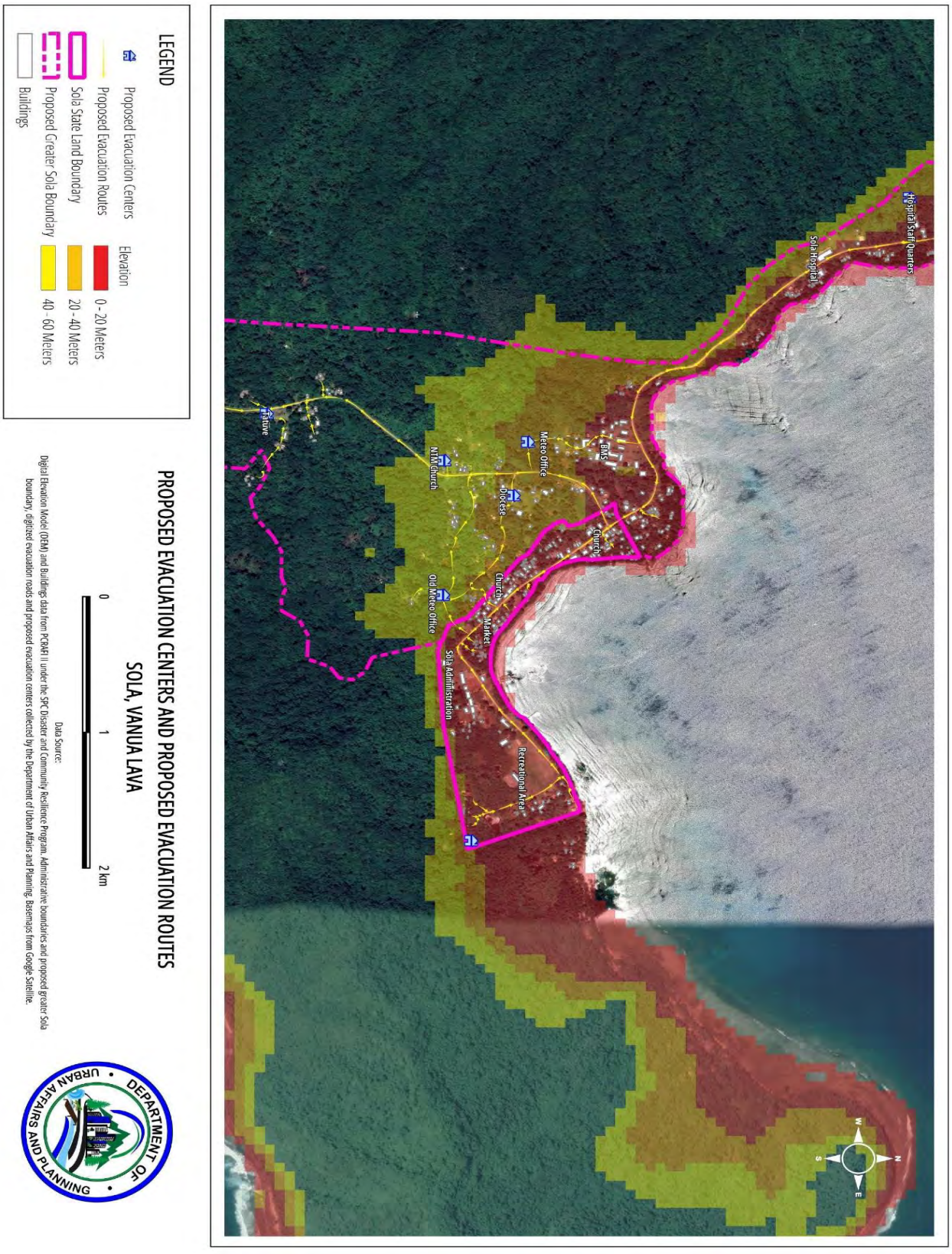
5. When PEIA is confirmed not required, then Council will proceed to consider the application as per usual.

Signature: …….

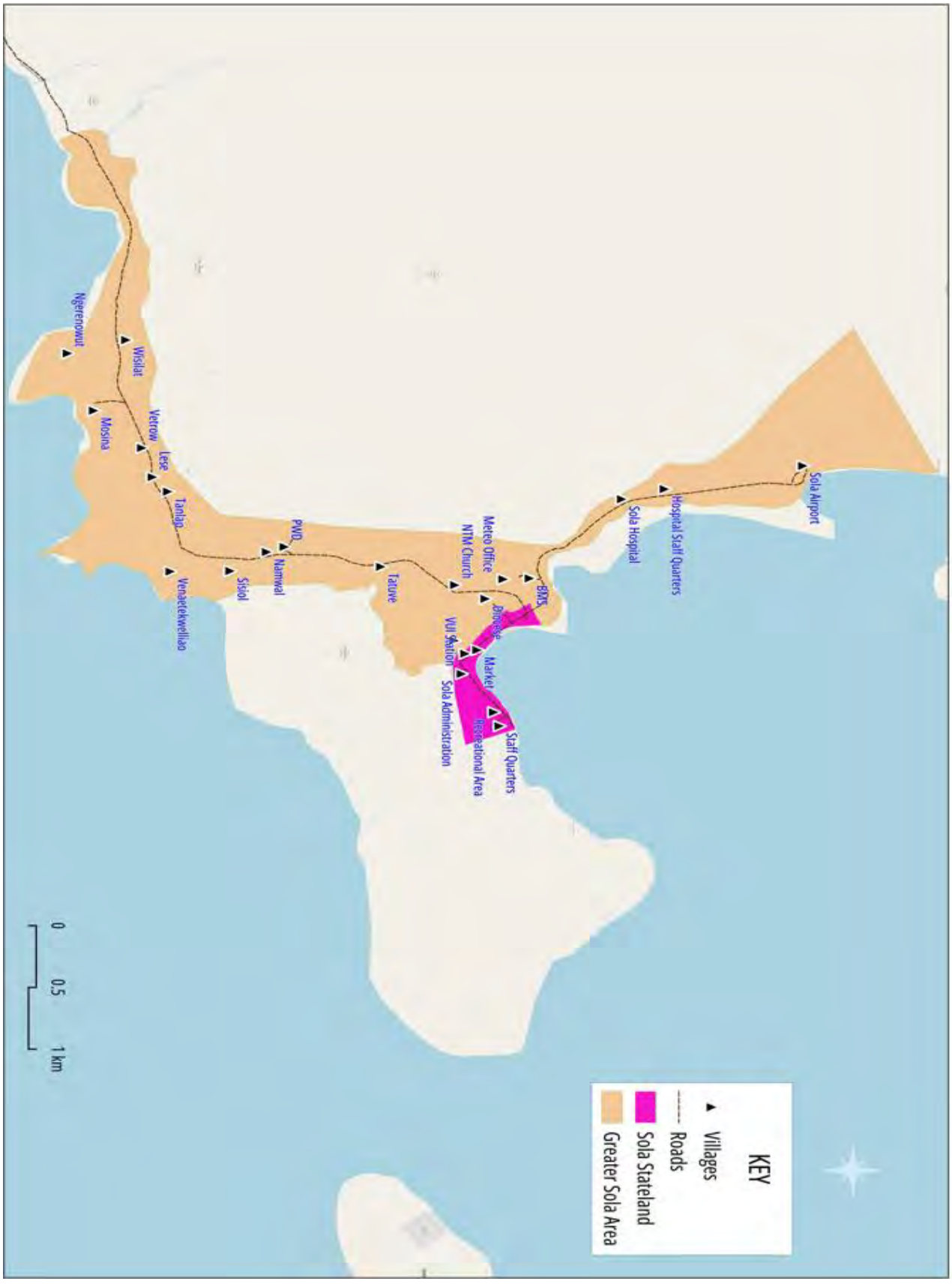
Date: … ……

Council Officer ……

Appendix 9
MAPS



Proposed Greater Sola Boundary



Appendix 10

Planning Permission for the Use of Buildings

Zones	Development not requiring planning permission	Development requiring planning permission	Prohibited Development
Residential	1. Carrying out works for the maintenance, improvement, or other alteration of any building if the works affect only the interior of the building and do not materially affect the external appearance of the building 2. The extension, on one occasion only, of any building for which permission has already been given by Council by not more than 10% of its net floor area 3. The carrying out of works by a public authority required for the maintenance or improvement of a road if the works are carried out on land within a road reserve 4. The carrying out by any public authority or statutory undertaker of any works for the purposes of inspecting, repairing, or renewing any sewers, pipes, cables, or other apparatus, including the breaking open of any other land for that purpose. 5. The use of any building or other land within the curtilage of a dwelling house for any purpose incidental to the enjoyment of the dwelling house. Any other operation or use of land which may be prescribed in Regulations made by the Minister	1. Accommodations buildings 2. Bed and breakfast accommodation 3. Duplex dwellings 4. Dwelling house 5. Flat/ apartment 6. Home- based business 7. Multiple dwellings 8. Professional offices 9. Shops 10. Fencing	1. Aged persons homes 2. Agriculture 3. Airports 4. Airstrips 5. Animal husbandry 6. Aquaculture 7. Bulk garden supplies 8. Bulk stores 9. Camping grounds 10. Caravan parks 11. Catteries 12. Domestic animal husbandry 13. Estate sales offices* 14. Extractive industries 15. Forestry 16. General industries 17. Hospitals 18. Hotels 19. Indoor entertainment 20. Institutions 21. Junkyards 22. Kennels 23. Light industries 24. Liquid fuel deposits 25. Lot feeding of stock 26. Marinas 27. Marine industries 28. Markets 29. Nightclubs 30. Noxious, offensive, or hazardous industries 31. Nurseries 32. Outdoor entertainment 33. Passenger terminals 34. Piggeries 35. Poultry farms 36. Produce stores 37. Relocatable homes parks

			38. Services industries 39. Services shops 40. Services stations 41. Showrooms 42. Special purposes 43. Sports and recreation 44. Stables 45. Stockyards 46. Tourist facilities 47. Vehicles hire premises 48. Warehouses
Commercial	1. Carrying out of works for the maintenance, improvement, or other alteration of any building if the works affect only the interior of the building and do not materially affect the external appearance of the building 2. The extension, on one occasion only, of any building for which permission has already been given by Council by not more than 10% of its net floor area 3. The carrying out of works by a public authority required for the maintenance or improvement of a road if the works are carried out on land within a road reserve 4. The carrying out by any public authority or statutory undertaker or of any works for the purposes of inspecting, repairing, or renewing any sewers, pipes, cables, or other apparatus, including the breaking open of any other land for that purpose.	1. Bottle shop 2. Car park/car wash 3. Commercial premises 4. Commercial services 5. Convenience restaurant 6. Fast food store 7. Function rooms 8. General stores 9. Hotel 10. Indoor entertainment (see below) 11. Licensed club 12. Medical centre/Pharmacy 13. Multiple dwellings 14. Nightclubs 15. Estate sales office 16. Professionals' offices 17. Restaurants 18. Sales Office & Administration 19. Services shops (barber shop, beauty salon, and the like) 20. Shops 21. Tourist facility 22. Vehicle hire premises 23. Veterinary clinic Indoor entertainments: 1. Amusement hall 2. Art gallery (commercial) 3. Billiard Saloon 4. Broadcasting studio 5. Cinema 6. Concert hall 7. Covered swimming pool 8. Dance hall – building must be soundproof. 9. Exhibition 10. Theatre	1. Aged persons homes 2. Agriculture 3. Airports 4. Airstrips 5. Animal husbandry 6. Aquaculture 7. Bed and breakfast 8. Bulk garden supplies 9. Bulk stores 10. Camping grounds 11. Caravan parks 12. Catteries 13. Domestic animal husbandry 14. Dwelling houses 15. Educational establishments 16. Estates sales office 17. Extractive industries 18. Forestry 19. Funeral Parlors 20. General industries 21. Home- based business 22. Hospitals 23. Institutions 24. Junkyard 25. Kennels 26. Light industries 27. Liquid fuel deposit 28. Lot feeding of stock 29. Marinas 30. Passengers' terminal 31. Marine industries 32. Noxious, offensive, or

	5. The use of any building or other land within the curtilage of a dwelling house for any purpose incidental to the enjoyment of the dwelling house. Any other operation or use of land which may be prescribed in Regulations made by the Minister		hazardous industries 33. Nurseries 34. Outdoor entertainment 35. Piggeries 36. Place of worship 37. Poultry farm 38. Produce store 39. Relocatable home parks 40. Services industries 41. Service shops 42. Service stations 43. Special purposes 44. Sports and recreation 45. Stables 46. Stockyard 47. Vehicles sales premises 48. Warehouses
Industrial Zone	1. Carrying out of works for the maintenance, improvement, or other alteration of any building if the works affect only the interior of the building and do not materially affect the external appearance of the building 2. The extension, on one occasion only, of any building for which permission has already been given by Council by not more than 10% of its net floor area 3. The carrying out of works by a public authority required for the maintenance or improvement of a road if the works are carried out on land within a road reserve 4. The carrying out by any public authority or statutory undertaker of	1. Automobile repair shop 2. Bulk stores 3. Bus depots 4. Engine reconditioning or repair 5. Farm machinery sheds 6. Freight Depot 7. Furniture manufacturing 8. Light industries 9. Local services 10. Local utilities 11. Manufactures shop 12. Service station 13. Warehouse 14. Liquid fuel storage 15. Mechanical workshop 16. Vehicle repair/services 17. Panel beating 18. Vehicle detailing 19. Spray painting 20. Wood working/manufacturing involving the use of power tools 21. Metal working 22. Welding	1. Accommodation Buildings 2. Aged persons homes 3. Agriculture 4. Animal husbandry 5. Bed and breakfast 6. Camping grounds 7. Caravan Parks 8. Catteries 9. Child care centers 10. Commercial stables 11. Dairies 12. Domestic horticulture 13. Duplex dwellings 14. Dwelling house 15. Extractive Industries 16. Forestry 17. General Industries 18. Home- based business 19. Hospitals 20. Hotels 21. Institutions 22. Junk Yards 23. Kennels 24. Licensed clubs

	any works for the purposes of inspecting, repairing, or renewing any sewers, pipes, cables, or other apparatus, including the breaking open of any other land for that purpose. 5. The use of any building or other land within the curtilage of a dwelling house for any purpose incidental to the enjoyment of the dwelling house. Any other operation or use of land which may be prescribed in Regulations made by the Minister		25. Lot feeding of stock 26. Markets 27. Medical centers 28. Motels 29. Noxious, offensive, or hazardous industries 30. Piggeries 31. Poultry farms 32. Relocatable home parks
Special Zone	1. Carrying out of works for the maintenance, improvement, or other alteration of any building if the works affect only the interior of the building and do not materially affect the external appearance of the building 2. The extension, on one occasion only, of any building for which permission has already been given by Council, by not more than 10% of its net floor area 3. The carrying out of works by a public authority required for the maintenance or improvement of a road if the works are carried out on land within a road reserve 4. The carrying out by any public authority or statutory undertaker or of any works for the purposes of inspecting, repairing, or renewing any sewers, pipes, cables, or other apparatus including the breaking open of any	33. Public and Government Offices 34. Chiefs Nakamal 35. Childcare centres 36. Court 37. Educational establishments (including schools and colleges teaching) 38. Hospitals/Clinic 39. Government Institutions 40. Local utilities 41. Medical Centre 42. Places of public worship/church 43. Professional Offices as NGO's 44. Public utilities 45. support centres	Any use not specified in Column 1 or Column 2

	other land for that purpose. 5. The use of any building; or other land within the curtilage of a dwelling-house for any purpose incidental to the enjoyment of the dwelling house. Any other operation or use of land which may be prescribed in Regulations made by the Minister		



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REPUBLIC OF VANUATU

THE PHYSICAL PLANNING ACT (AMENDMENT). NO. 26 OF 2021 [CAP.193]

NOTICE OF ZONING AND DEVELOPMENT CONTROL PLAN TO BE PUBLISHED IN THE GAZETTE

NOTICE NO. 10 OF 2025

IN ACCORDANCE with section 3 (6) of the Physical Planning Act Amendments N0. 26 of 2021 CAP 193, the Shefa Provincial Council hereby declares that the **'Zoning and Development Control Plan for Rovobay'** under the land title No. **10/1113/008** at Vermali Area Council, Epi Island is completed.

As specified in Section 3 (6) (a) the Shefa Provincial Government Council and Department of Urban Affairs and Planning has prepared the Zoning Development Control Plan over a Physical Planning Area (PPA).

Subsequently, as stated in Section 3 (6) (b) the information on the 'Zoning and Development Control Plan' can be viewed and obtained once gazetted from the Shefa Provincial Government Council Office, the Vermali Area Council Office and the Department of Urban Affairs and Planning (DUAP).

This Declaration shall take effect from the date of publication of this notice in the official Gazette.

Signed in Shefa Provincial Headquarter on the 20th day of November 2024.

SHEFA PROVINCIAL GOVERNMENT COUNCIL
SECRETARY GENERAL
SECRÉTAIRE GÉNÉRAL
CONSEIL PROVINCIAL

President	Secretary General	Chairman,Physical Planning Committee
Hon. Kalmer Kalwatman	**Mr. Lionel Kaluat**	**Hon. Nokai Manipen**

EPI ISLAND

ROVO BAY

Zoning & Development Control Plan

Rovo Bay **Zoning and Development Control Plan**
Department of Urban Affairs & Planning
Ministry of Internal Affairs
Republic of Vanuatu

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Published by the **Department of Urban Affairs and Planning**

P R E F A C E

This document was prepared by Team DUAP following the Vanuatu Government acquisition of the Rovobay area in 2012. Its purpose is to serve as a guiding framework for sustainable development in Vanuatu, ensuring that all future projects balance ecological protection with economic advancement. It aims to safeguard the unique ecological processes and natural systems of Vanuatu while enhancing the cultural, economic, physical, and social well-being of its people. It also strives to promote decentralization, bringing the government closer to the people to enhance transparency and accountability.

Recognizing the distinct character and needs of different areas within Epi Island, this document seeks to manage development and land use in an orderly and sustainable manner. It considers environmental values, community needs, and service provisions, all the while offering choices to residents and visitors alike. This document is an essential resource for planners, developers, policymakers, and community members, providing clarity on zoning regulations and their implementation.

Furthermore, it serves as a foundation for assessing development applications, instilling confidence in residents, government authorities, and investors regarding future developments within the Greater Physical Planning Area. The preparation of this document drew upon the *'Zoning Document and Development Control Plan for Greater Luganville'* as a reference model.

Once officially gazetted and in use, this document will require regular review and updates to ensure it remains relevant and effective.

ACKNOWLEDGEMENT

The following people contributed to the preparation of this document.

Department of Urban Affairs & Planning (DUAP) TEAM

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Shefa Provincial Government Council

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Janet Orah Maselulu – Vermali (Rovobay) Area Administrator

We would like to extend our gratitude to other respective institutions who continuously provided information upon request, these are:

1. Department of Land, Survey & Registry
2. Department of Local Authorities
3. Foreshore Unit (DUAP)
4. Department of Water
5. Department of Geology & Mines
6. Department of Environment
7. Vanuatu Meteorological & Geohazard Department
8. Vanuatu Cultural Center

Our sincere and special thanks are expressed to all of the team members and others in their respective departments for their input and dedication towards the preparation of this Zoning and Development Control Plan Document. The document would not have been possible without their input and hard work.

A special thanks to all the people who prepared the previous document from which we could borrow diagrams, content and forms to include in this document.

Thank- You Tumas

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Part 1- General Information

This Zoning and Development Control Plan and associated zoning provisions apply to the Rovobay Physical Planning Area.

1.1 Purpose of the document

This document has been prepared to:

1. Provide guidelines to regulate development on, and use of, premises in a way which encourages orderly and sustainable development, having proper regard to the community needs, environmental values, availability of services and facilities and to provide choice;
2. To provide a framework for efficient and equitable development;
3. To allocate future land uses in such a way that is safe, convenient, and economical to operate infrastructure
4. To zone sufficient land for various uses in accordance with anticipated demands and to provide a basis for assessing development.
5. To facilitate the integration of Government and Provincial policies, and interests
6. To guide the re-use of land for more appropriate purposes through rezoning
7. To avoid the inappropriate subdivision of land
8. To provide a basis for assessing development
9. To provide residents, public authorities, and investors with confidence about future land use in the declared Physical Planning Area.

1.2 Background and the demographic composition of Rovobay

History, Size, and Location of Rovobay

Generally, the Shefa provincial government council in Epi is made up of 4 different area councils: Vermali area council, Varisu area council, Vermaul area council, and South Epi area council. Rovobay area located within the Vermali area councils in the northwestern part of Epi Island.

After independence in 1980, the 11 local government councils were established throughout Vanuatu to provide government services to the people of Vanuatu. In 1995, local government was changed into provincial government and this was when the Shefa Provincial Government Council (SPGC) came into being.

In October 2012, the Vanuatu Government acquired a 115,900 m² (11.59ha) area of the Rovobay area.

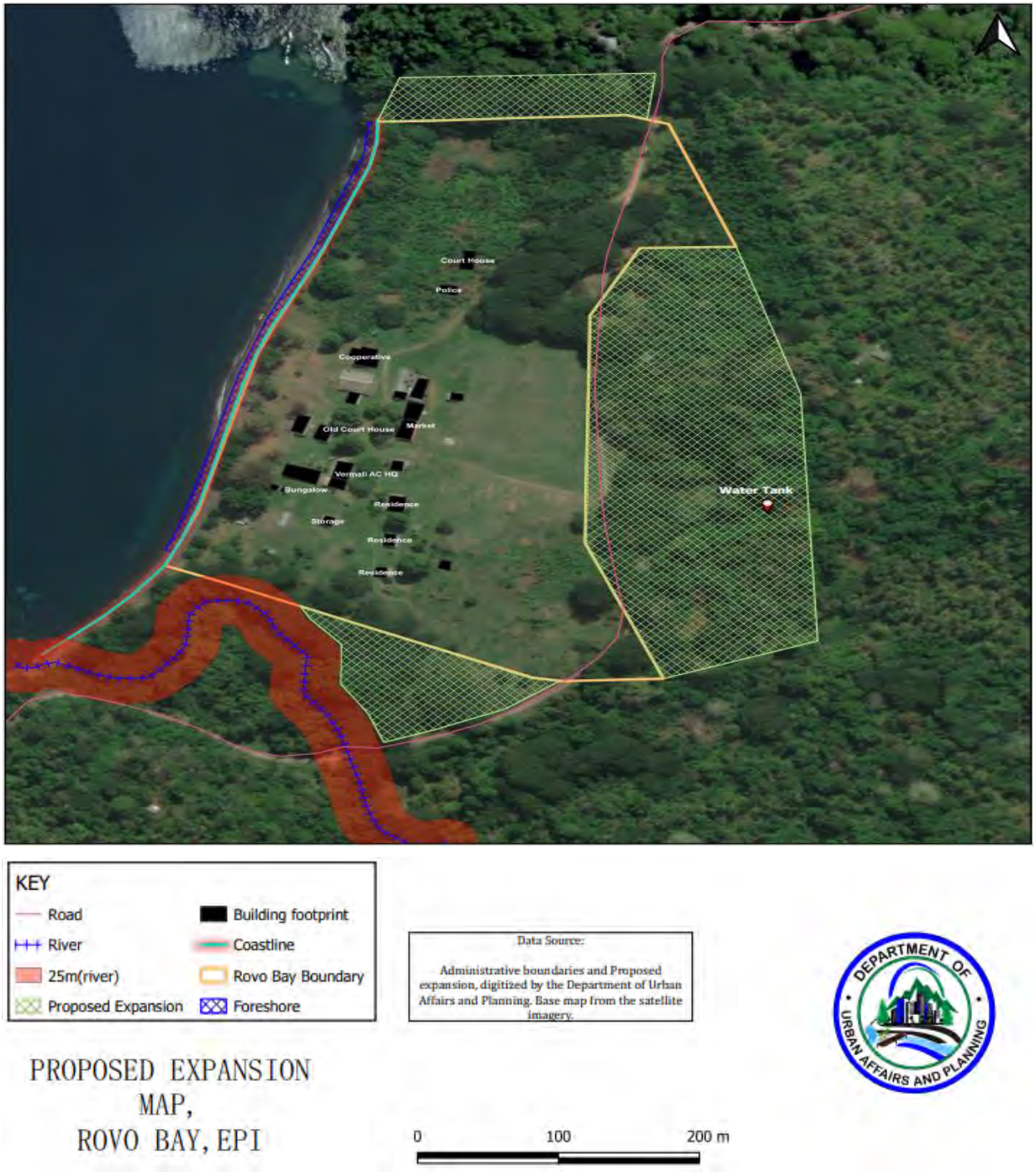
Figure 1: The Rovobay State Land Boundary



Proposed Greater Vermali – Expansion of the Rovobay Physical Planning Area

There is potential to expand the PPA in the future, as this area is set to become the primary economic centre of Epi Island, attracting investors and increasing demand for residential and commercial spaces. The expansion will also encompass the current water tank area to safeguard the water catchment.

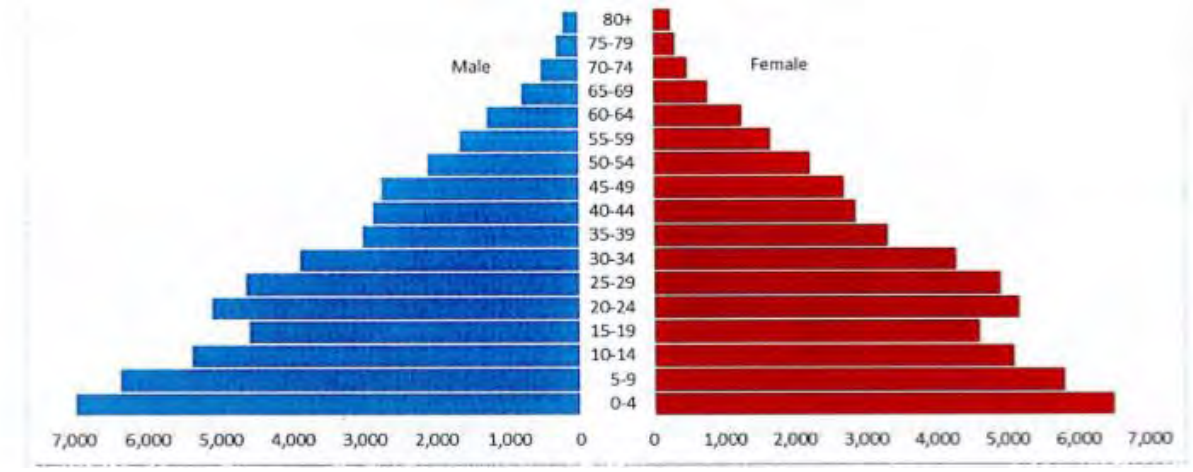
Figure 2: Map Showing the Proposed Rovobay Expansion Area



Population

The 2020 population and housing census preliminary indicates that Shefa Province has a total population of 105,336 for private households, with a lead of male population by 52,857 and female population by 52,479. The annual population growth rate is 2.7% and a total population density of 70. According to the pyramid in figure 3, it indicates that Shefa Province has the highest population, which is between the ages of 0 and 14, which means that the dependency ratio is high (see table 1) and 20 -25. Since the capital city is located in Shefa province, this indicates that plenty of young people move to town. Epi Island itself has a total household's population per area council in 2020 of 1,694, where the female population leads by 3,875 and the male is 3,833. The Vermali area council where Rovobay was located has the highest population with 520 households, the male population leading by 1,145 and the female population with 1,257 (see figure 3).

Figure 3: Shefa Provincial Population Pyramid by 5 -Year Age Group and Sex



Source: VNSO 2020 Report

Table 1 Summary Indicators

Indicators	**Shefa**
Total Population (Private households only)	**105,336**
Male	*52,857*
Female	*52,479*
Annual Population Growth Rate (%)	**2.7**
Dependency Ratio	**68**
Sex Ratio	**101**
Population Density	**70**
Total Private Household	**22,100**
Average Household Size	**4.8**

Source: VNSO 2020 Report

Table 2: Population by Area Council and Sex

Island/Area Council	Households	Sex	
		Male	Female
Epi	**1,694**	**3,833**	**3,875**
Vermali ★	*520*	*1,148*	*1,257*
Varisu	*464*	*1,033*	*1,004*
Vermaul	*369*	*821*	*829*
South Epi	*341*	*831*	*785*

Source: VNSO 2021 Preliminary Results

Table 3: Number of Households and Population by Sex Per Island and Area Council (EPI)

Age Group	Sex		Total
	Male	Female	
0-4	6,984	6,524	13,508
5-9	6,379	5,815	12,194
10-14	5,419	5,115	10,534
15-19	4,613	4,619	9,232
20-24	5,133	5,179	10,312
25-29	4,654	4,914	9,568
30-34	3,903	4,289	8,192
35-39	3,036	3,324	6,360
40-44	2,890	2,888	5,778
45-49	2,781	2,714	5,495
50-54	2,124	2,250	4,374
55-59	1,685	1,682	3,367
60-64	1,302	1,271	2,573
65-69	830	794	1,624
70-74	548	501	1,049
75-79	327	333	660
80+	249	267	516

Source: VNSO 2020 Report

Current land use for Rovobay

The Rovobay area is situated within the largest provincial administration zone of Epi Island, which also encompasses Laman Bay and includes several government services, such as a police station and a courthouse. Additionally, there are other developments in the area, including: A market building, The National Bank of Vanuatu (NBV), The Office of the Area Administrator, Housing for government officials, area administrators, and NBV staff.

Land Tenure

Like all the islands of Vanuatu, the land tenure system in the Rovobay area is customary land ownership. The custom owners own the lands; however, in 2012, when the Vanuatu government acquired the current Rovobay land, all the ownership rights were transferred to the Vanuatu government.

Volcano

According to the Vanuatu Meteorology and Geohazards Department (VMGD), there are 2 submarine volcanos located near Epi Island, one of which is known as East Epi Submarine volcano, located in the eastern part of Epi. The volcano activity of the East Epi submarine volcanoes is continuing at the level of minor unrest state consistent with volcanic alert 1. Historical activity can be dated back to 1920, 1953, 1958, 1979, 1999, 2002, 2004, and on the 1st of February 2023, the volcano entered another phase of eruption with phreatic explosions propelling ash some 100 m into the atmosphere.

With the ongoing volcano activity and its associated hazards, the danger zone remains at a 2 Km radius from the active submarine vent (see East Epi submarine volcano safety map below). The volcanic activity is likely to continue at its normal level of unrest. It is a useful reminder that eruptions can occur at any level of unrest with little or no warnings.

Another volcano that will have an effect on Epi Island is located at South Epi. Known as Kumae, it is located between the south of Epi and the island of Tongoa. There is no history of eruptions but the volcano is currently active.

Figure 4: East Epi Submarine Volcano Safety Map



(Sources : http://www.vmgd.gov.vu/vmgd/index.php/geohazards/volcano/alert-bulletin)

Flooding

Within the area of Epi there is no risk of flooding; however, for future development, ensure to be conscious of developing the proper drainage since the area is not all flat but there are slight slopes (see Figure 5).

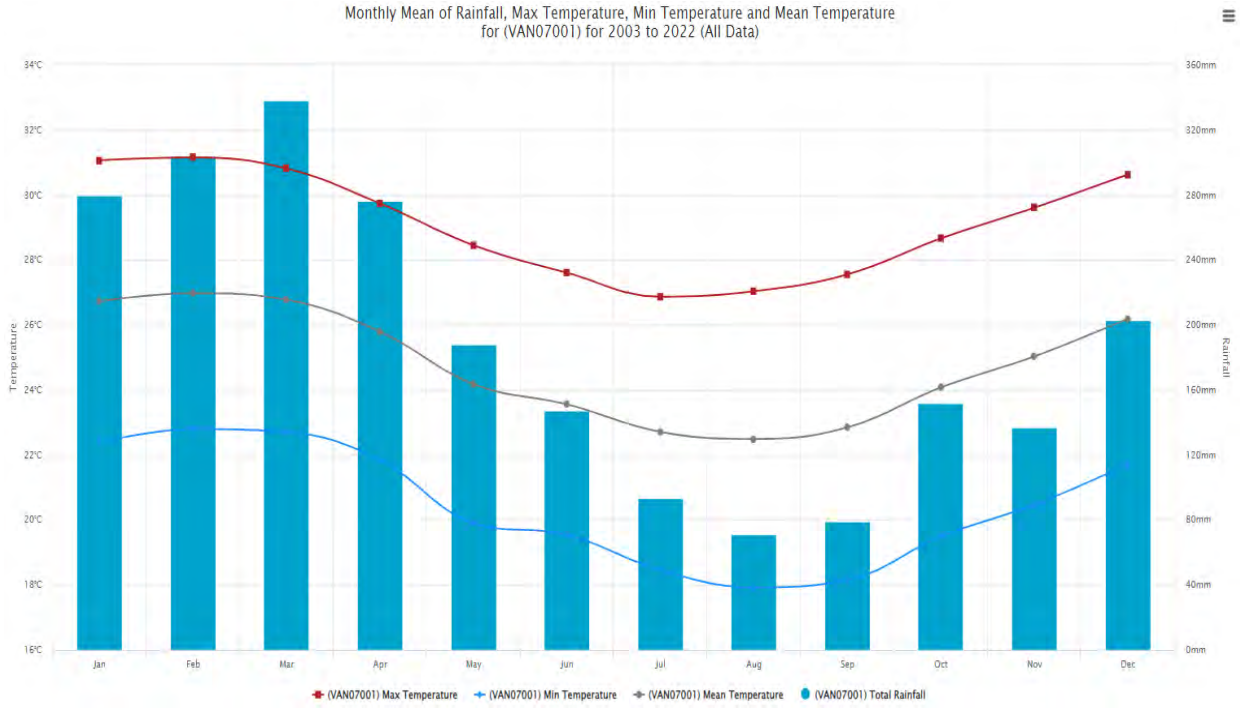
Figure 5: Current Rovobay Boundary Area



Rainfall

There is no thermometer located in Rovobay for rainfall reading; readings are taken at the station of Bauerfield. The reading indicates for Efate and the nearby offshore islands. In the past years, the highest rainfall was in the months of January –April where March got the highest with 33˚C. The lowest rainfall falls in the months of July – September where the temperature falls between 18˚C and 22˚C.

Figure 6: Monthly Mean of Rainfall, Max Temperature, Min Temperature, and Mean Temperature for 2003 to 2022



Source: VMGD Data

Roads

Presently, there is a principal road that gives access to Rovobay to the nearby villages as well as the airport. It is not tar- sealed nor concrete but a local type of road (see figure 7).

Figure 7: Current Road Within the Rovobay Boundary Area



Figure 8: Current Principal Road Access



The area is yet to be developed therefore there is no existence of proper subdivision and roads.

Water

The Rovobay water system used to be wells during the condominium government until the rural water supply established its current water system. The current water sources are located 9 km away from the Rovobay area.

Sewage

In Rovobay there is no proper septic systems used. The current residential and offices building use dual flat toilets but due to the water problem in the area there is still uses of crude facilities- where the public toilet is still a 'bush toilet.'

Electricity

Currently there is no presence of any electricity firm in Rovobay, but the people in the area use Sola as a main source of energy, and they also use the electric generator.

Telecommunication

Both networks have been accessed. There is still an issue with the network sometime due to a lack of sun or fuel to generate the towers.

Solid Waste Disposal and Management

Currently, Rovobay has no landfill or waste collection. Household waste is usually either burnt or the canned waste is placed in bags to be thrown away in the bush. Negotiation is in process for identifying a dumpsite.

Hospital & School

The working people who make up the community of Rovobay access these services in the nearby villages. A preschool was located at Walavea, which is approximately 1-2 kilometres from Rovobay. Other schools are Yevali 3-km, Akama & Epi High School approximately 5-6 kilometres from Rovobay.

On the other hand, Vaemalie hospital is 6–7 kilometres from Rovobay. This hospital is the biggest hospital that provides service to the whole of Epi Island.

Implementation

According to the Physical Planning (Amendment) Act No. 26 of 2021, it states that *'When the plan has been completed, the Council must cause a notice to be published in the Gazette …'* therefore to commence the implementation of this scheme, the Zoning and Development Control Plan/Planning Scheme, it goes through the following hierarchy of approvals:

1. Council: Shefa Provincial Government Council (SPGC)
2. Director, Department of Urban Affairs & Planning (DUAP)
3. Attorney General's office/State Law office
4. Implementation

Upon approval, the Shefa Provincial Government Council will commence the implementation of this zoning and development control plan. Through its day-to-day processing of applications for developments (sub-division, rezoning, and building applications), the Council will ensure that future developments conform to the overall aims and specific provisions contained within the plan.

It is envisaged that future development under this plan will contribute to the orderly and sustainable growth of Rovobay and its surrounds and act as a catalyst to investment by both the public and private sectors.

Amendments

Any changes to the Zoning and Development Control Plan will follow the same hierarchy of approvals outlined in the implementation mentioned above. The Shefa Provincial Government Council will give public notice of any intention to initiate any proposed amendments to the Zoning Development Control Plan. Affected landowners, communities, and the interested public will be consulted on any proposed changes. Any feedback or comments will be included in the consideration of the proposed changes to the Zoning and Development Control Plan.

The Department of Urban Affairs & Planning is responsible for maintaining consistent zoning provisions, including tables of use of buildings and land, for each zone across Vanuatu. The Department will notify provincial government councils and give public notice of any proposed amendments to the national zoning provisions *[Physical Planning (Amendment) Act No. 26 of 2021 (Vu), s.3 (3)]*.

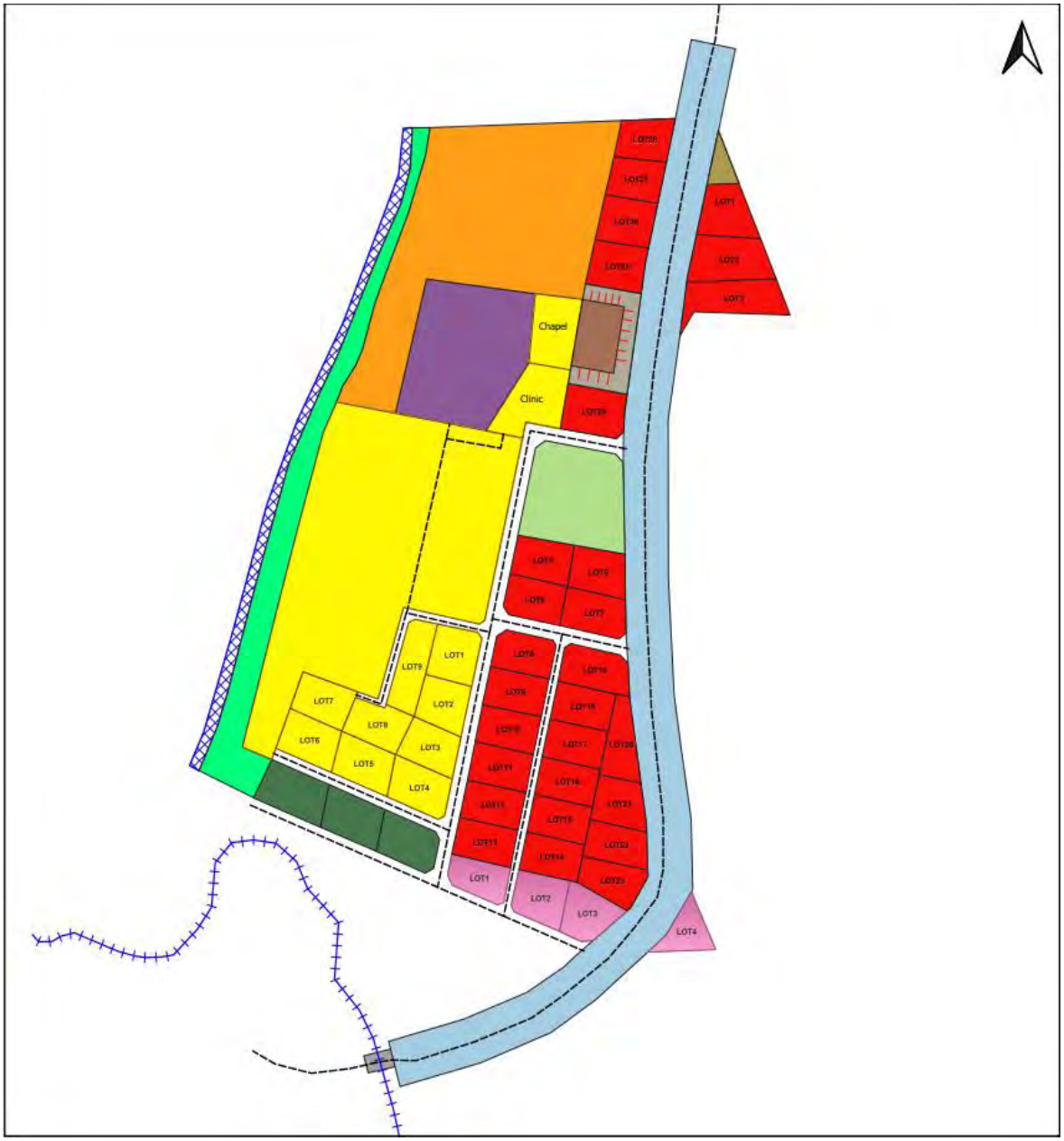
Relevant Acts Relies Upon

In the preparation of this document, the following acts and policies have been Considered, consulted, and/or relied upon for any development:

i. Custom Land Management Act No. 33 of 2013
ii. National Building Code 2000
iii. Decentralization Act [CAP 230] of 1994
iv. Environment Protection and Conservation Act [CAP 283]
v. Environmental Impacts Regulations
vi. Foreshore Development Act [CAP 90] 1988 & Foreshore Development (Amendment) Act
vii. Land Acquisition Act [CAP 215] & Land Acquisition (Amendment) Act No. 5 of 2017
viii. Land Leases Act [CAP 163] 1998 and Land Leases (Amendment) Act No. 35 of 2014
ix. Land Valuation Act [CAP 288] of 2006
x. Land Reform Act [CAP 123] & Land Reform (Amendment) Act No. 31 of 2013
xi. Land Surveyors Act [CAP 175] OF 1988
xii. Maritime Act [CAP 131]
xiii. Mines and Minerals Act [CAP 190]
xiv. Municipalities Act [CAP 126]
xv. Ports Act [CAP 26] of 1988 and Ports (Amendment) Act No. 11 of 1999
xvi. Preservation of Sites and Artefacts Act [CAP 39] & (Amendment) Act No. 21 of 2008
xvii. Public Health Act No. 22 of 1994
xviii. Public Roads Act No. 35 of 2013
xix. Public Roads Policies
xx. Public Works Department Standard Drawings (released May 26, 2017)
xxi. Vanuatu Road Design Guide (September 2023)
xxii. Strata Titles Act [CAP 266] of 2000 and Strata Titles (Amendment) Act No. 4 of 2017
xxiii. Physical Planning Act [Cap 193] & Physical Planning (Amendment) Act No. 26 of 2021
xxiv. National Land Subdivision Policy of the Republic of Vanuatu – April 2019
xxv. Water Supply Act CAP 24 & Water Supply (Amendment) Act No. 31 of 2016

Note: The above Acts are to be consulted for full detail of the content thereof pertaining to any development.

Part 2- ROVOBAY ZONING MAP



KEY

- Propose Market
- Police Survey
- Commercial Zone
- Commercial
- Special Zone (Administration, Church,Clinic, Market)
- Residential Zone
- Residential
- Industrial Zone
- Light Industry
- Recreational Zone
- Green Space
- Park
- Sports Ground
- Restricted Zone
- Foreshore
- Road
- River
- Main Road
- Concrete bridge
- Parking Space
- Cultural site

DEPARTMENT OF URBAN AFFAIRS AND PLANNING

ZONING MAP
ROVO BAY, EPI

0 100 200 m

Data Source:

Administrative boundaries and other Layers is digitized by the Department of Urban Affairs and Planning. Subdivision done by the Department of Lands, Survey unit.

Part 3: ZONING PROVISIONS AND THE USE OF LAND

3.1 Residential:

Residential zone is identified with the orange colour within the zoning map, as indicated in the picture below. The area is partially sloppy and flat with no development of any kind.

Figure 9: The Residential Zone Area



Objective

Ensures to meet the residence needs of working people and visitors.

Intended outcomes

Due to limited space, the residential area will likely change into a commercial zone in the future as the physical planning area (PPA) expands. Long term apartment rentals are to be built within this area to meet the residence needs of the working people. The predominant land use will remain that of residential

The area will **permit** small scale commercial activities such as home - base businesses (shops and guesthouses) as stated below. These uses will only be given favourable consideration if their impact on the residential amenity of the area is minimal.

Home-based commercial uses will **not include** any of the following uses:

1. Any form of vehicle repair/service
2. Panel beating
3. Vehicle detailing
4. Spray painting
5. Engine reconditioning or repair

6. Woodworking or manufacturing involving the use of power tools
7. Furniture manufacturing
8. Metal working
9. Welding
10. Educational facilities.

Use of buildings and land

1. In the residential areas, no building or use will be permitted that is likely to cause any kind of environmental pollution, such as noise, smoke, odour, or unpleasant waste.
2. No buildings, whether prefabricated or not, shall be constructed of light or temporary materials. All buildings shall comply with the provisions of the National Building Code for Vanuatu.
3. The external appearance of all buildings and surrounding land uses must be aesthetically acceptable in both design and colour, and all occupants will be required to maintain all buildings and landscaping.
4. All unbuilt land shall be planted as gardens. Any vegetable garden shall be appropriately screened from public view.
5. No building shall be allowed to be built on a parcel of land without access to a public road or with less than 8 meters of frontage on the road.

The uses listed are intended to be associated with and complementary to the activities to be found in the residential zone. The maintenance of the amenity of residential will be of importance in determining any application for planning permission in this zone. This zone will also incorporate small-scale home-based business activities, which form part of the economic base of the area.

Table 4: Residential Zone Planning Permission for the Use of Buildings

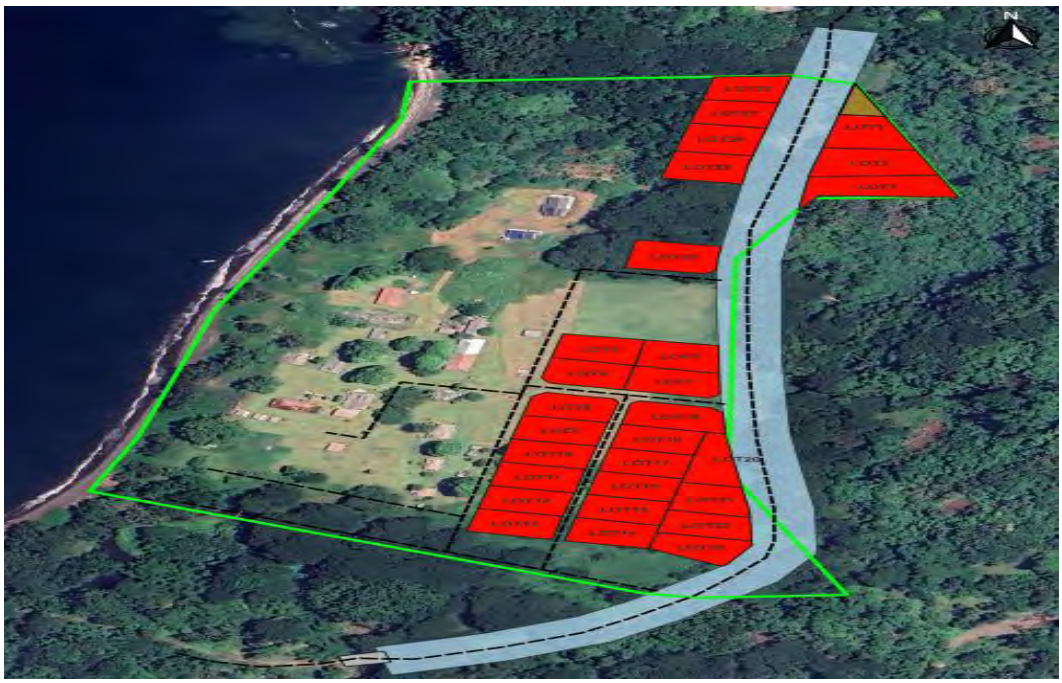
Column 1: Development not Requiring Planning Permission	Column 2: Development Requiring Planning Permission	Column 3: Prohibited Development
1. Carrying out of works for the maintenance, improvement, or other alteration of any building if the works affect only the interior of the building and do not materially affect the external appearance of the building 2. The extension, on one occasion only, of any building for which permission has already been given by Council by not more than 10% of its net floor area 3. The carrying out of works by a public authority required for the maintenance or	1. Accommodations buildings 2. Bed and breakfast accommodation 3. Car washing station 4. Duplex dwellings 5. Dwelling house 6. Flat/ apartment 7. Home - based business 8. Multiple dwellings 9. Professional offices 10. Shops 11. Fencing	1. Aged persons homes 2. Any form of vehicle repair/service 3. Agriculture 4. Airports 5. Airstrips 6. Animal husbandry 7. Aquaculture 8. Bulk garden supplies 9. Bulk stores 10. Camping grounds 11. Caravan parks 12. Catteries

improvement of a road if the works are carried out on land within a road reserve 4. The carrying out by any public authority or statutory undertaker or of any works for the purposes of inspecting, repairing, renewing any sewers, pipes, cables, or other apparatus, including the breaking open of any other land for that purpose. 5. The use of any building or other land within the curtilage of a dwelling house for any purpose incidental to the enjoyment of the dwelling house. 6. Any other operation or use of land which may be prescribed in Regulations made by the Minister.		13. Domestic animal husbandry 14. Education facilities 15. Engine reconditioning or repair 16. Estate sales offices* 17. Extractive industries 18. Forestry 19. Furniture manufacturing 20. General industries 21. Hospitals 22. Hotels 23. Indoor entertainment 24. Institutions 25. Junkyard 26. Kennels 27. Light industries 28. Liquid fuel deposits 29. Lot feeding of stock 30. Marinas 31. Marine industries 32. Markets 33. Metal working 34. Nightclubs 35. Noxious, offensive, or hazardous industries 36. Nurseries 37. Outdoor entertainment 38. Pannel beating 39. Passenger terminals 40. Piggeries 41. Poultry farms 42. Produce stores 43. Relocatable homes parks 44. Services industries 45. Services shops 46. Services stations 47. Showrooms 48. Special purposes 49. Sports and recreation 50. Spray painting 51. Stables 52. Stockyards 53. Tourist facilities 54. Vehicles hire premises 55. Vehicle detailing 56. Warehouses 57. Welding 58. Wood working/ manufacturing involving the use of power tools

3.2 Commercial Zone

The commercial zone area is identified with the red colour in the zoning map, as indicated in the arial map view figure 10 below. The area is located next to the main road access.

Figure 10: Commercial Zone Area



Objective

The area is to provide for most concentrated retail, commercial, and business activity for the Rovobay community and the people of Epi.

Intended outcomes

The commercial zone is served as the main employment area and the preferred location for retailing and commercial entertainment. It is intended to be an accessible, pedestrian friendly area. It must provide for an attractive, safe, and comfortable environment and should be able to create a vibrant and highly attractive place to work and visit and also promote places of heritage and social significance.

The intended principal is to cater for retailing commercial shops, where retail functions ranging from local or neighborhood centers to larger shopping centers will be found in this zone. Land included in this zone will be centralized locations to ensure high levels of accessibility and convenience. Uses such as restaurants and the like can also be established in this zone with planning permissions.

Use of buildings and land

1. A building for the purposes of shops and commercial uses shall be provided with a tar-sealed or cement-surfaced parking area of sufficient size to provide parking.

2. A sufficient area must be provided to enable the parking of service vehicles to allow for loading and unloading of goods with no encroachment of such service vehicles permitted upon the road.
3. Provided the parcel of land has a frontage to the road of at least 10 meters, the building may be built to the front boundary. If the road frontage is less than 10 meters, the building must be setback at least 1.5 meters from the boundary to the road frontage.

Table 5: Commercial Zone Planning Permission for the Use of Buildings

Column 1: Development not Requiring Planning Permission	Column 2: Development Requiring Planning Permission	Column 3: Prohibited Development
1. Carrying out of works for the maintenance, improvement, or other alteration of any building if the works affect only the interior of the building and do not materially affect the external appearance of the building 2. The extension, on one occasion only, of any building for which permission has already been given by Council, by not more than 10% of its net floor area 3. The carrying out of works by a public authority required for the maintenance or improvement of a road if the works are carried out on land within a road reserve 4. The carrying out by any public authority or statutory undertaker of any works for the purposes of inspecting, repairing, or renewing any sewers, pipes, cables, or other apparatus, including the breaking open of any other land for that purpose. 5. The use of any building or other land within the curtilage of a dwelling house for any purpose incidental to the enjoyment of the dwelling house.	1. Bottle shop 2. Car park/car wash 3. Commercial premises 4. Commercial services 5. Convenience restaurant 6. Fast food store 7. Function rooms 8. General stores 9. Hotel 10. Indoor entertainment (see below) 11. Licensed club 12. Medical centre/pharmacy 13. Multiple dwellings 14. Nightclubs 15. Estate sales office 16. Professionals' offices 17. Restaurants 18. Sales Office & Administration 19. Services shops (barber shop, beauty salon, and the like) 20. Shops 21. Tourist facility 22. Vehicle hire premises 23. Veterinary clinic **Indoor entertainments:** 1. Amusement hall 2. Art gallery (commercial) 3. Billiard Saloon 4. Broadcasting studio 5. Cinema 6. Concert hall 7. Covered swimming pool 8. Dance hall- building must be soundproof.	1. Aged persons homes 2. Agriculture 3. Airports 4. Airstrips 5. Animal husbandry 6. Aquaculture 7. Bed and breakfast 8. Bulk garden supplies 9. Bulk stores 10. Camping grounds 11. Caravan parks 12. Catteries 13. Domestic animal husbandry 14. Dwelling houses 15. Educational establishments 16. Estates sales office 17. Extractive industries 18. Forestry 19. Funeral Parlors 20. General industries 21. Home based business 22. Hospitals 23. Institutions 24. Scrap Junkyard 25. Kennels 26. Light industries 27. Liquid fuel deposit 28. Lot feeding of stock 29. Marinas 30. Passengers' terminal 31. Marine industries 32. Noxious, offensive, or hazardous industries 33. Nurseries 34. Outdoor entertainment 35. Piggeries 36. Place of worship 37. Poultry farm 38. Produce store

Any other operation or use of land which may be prescribed in Regulations made by the Minister.	9. Exhibition 10. Theatre	39. Relocatable home parks 40. Services industries 41. Service shops 42. Service stations 43. Special purposes 44. Sports and recreation 45. Stables 46. Stockyard 47. Vehicles sales premises 48. Warehouses

3.3 Industrial Zone: Light Industry

The industrial area is identified with the pink colour in the zoning map, as indicated in the arial map figure 11 below. The allocated area is close to the main road and is approximately 150 meters away from the river.

Figure 11: Industrial Zone Area



Objective

To provide for various types of light industrial uses, storage facilities, hardware, and the like.

Intended outcome

The industrial zone is intended to accommodate Rovobay's primary light industrial functions in the physical planning area. Service industries, categorized as light industry, will be the primary land use in this zone. General industries may also be conducted where an application for planning permission is made and approved. A range of supportive and ancillary uses may also be located within this zone; however, it is not intended that commercial enterprises and residential dwellings dominate the light industrial zone.

Any development within this zone will make sure to have areas for loading and unloading purposes, and it will not impede the traffic flow. In the least, outdoor storage shall be screened from public view by a fence of sufficient height or with the evergreen hedged with

sufficient height and depth. The Light Industrial Area will mainly support the service and light industry uses and will require planning permission.

Use of buildings and land

1. All buildings and uses in the industrial zone shall incorporate mitigation measures to reduce the level of environmental nuisance by using the correct building methods and materials and acoustic treatment.
2. The town planning committee may require amendments to be made to any proposed development to ensure the environmental nuisance is minimized.
3. Areas for loading and unloading purposes, work spaces, and parking areas shall be separated from public access points to ensure that traffic flow is not impeded. Sufficient parking spaces shall be provided separately from the public parking area.
4. The remaining area of the land shall be planted with grass, flowers, and shrubs.
5. Any outdoor storage areas shall be screened from public view by a fence of sufficient height or with evergreen hedges with sufficient height and depth.

Table 6: Industrial Zone Planning Permission for the Use of Buildings

Column 1: Development not Requiring Planning Permission	Column 2: Development Requiring Planning Permission	Column 3: Prohibited Development
1. Carrying out of works for the maintenance, improvement, or other alteration of any building if the works affect only the interior of the building and do not materially affect the external appearance of the building 2. The extension, on one occasion only, of any building for which permission has already been given by Council by not more than 10% of its net floor area. 3. The carrying out of works by a public authority required for the maintenance or improvement of a road if the works are carried out on land within a road reserve 4. The carrying out by any public authority or statutory undertaker of any works for the purposes of inspecting, repairing, or renewing any sewers, pipes, cables, or other apparatus, including the breaking open of any other land for that purpose.	1. Automobile repair shop 2. Bulk stores 3. Bus depots 4. Car washing station 5. Engine reconditioning or repair 6. Extraction industry 7. Farm machinery sheds 8. Freight Depot 9. Furniture manufacturing 10. Garage 11. Light industries 12. Local services 13. Local utilities 14. Manufactures shop 15. Service station 16. Warehouse	1. Accommodation Buildings 2. Aged persons homes 3. Agriculture 4. Animal husbandry 5. Bed and breakfast 6. Camping grounds 7. Caravan Parks 8. Catteries 9. Child care centers 10. Commercial stables 11. Dairies 12. Domestic horticulture 13. Duplex dwellings 14. Dwelling house 15. Extractive Industries 16. Forestry 17. General Industries 18. Home - based business 19. Hospitals 20. Hotels 21. Institutions 22. Junk Yards 23. Kennels 24. Licensed clubs

5. The use of any building; or other land within the curtilage of a dwelling house for any purpose incidental to the enjoyment of the dwelling house. Any other operation or use of land which may be prescribed in Regulations made by the Minister.	17. Liquid fuel storage 18. Mechanic workshop 19. Vehicle depot 20. vehicle repair/services 21. Panel beating 22. Vehicle detailing 23. Spray painting 24. Wood working/manufacturing involving the use of power tools 25. Metal working 26. Welding	25. Lot feeding of stock 26. Markets 27. Medical centers 28. Motels 29. Noxious, offensive, or hazardous industries 30. Piggeries 31. Poultry farms 32. Relocatable home parks 33. Retirement communities 34. Riding schools 35. Shops 36. Stables 37. Stockyards 38. Tourist facilities 39. Wastewater treatment and disposal works 40. Commercial premises.

3.4 Special Use Zone

A special zone is identified with yellow in the zoning map as shown on the map below for its specific area. The area is located at the center of Rovobay, and it is the largest activity within the whole state land of Rovobay, and it serves the main purpose of the state land.

Figure 12: Special Zone Area



Objective

It is to provide for special uses of a government or public nature or offices, including churches, clinics, childcare centers, Markets, and the like.

Intended Outcome

This zone is intended to accommodate necessary community and civic uses to serve the physical planning area and the state land of Rovobay. The area will be divided equally among the thirteen government ministries, with the Shefa Provincial Government planning to construct a complex to house these ministries, as well as any other offices that wish to be established to serve the people of Epi.

Use of Buildings and Land

1. Apart from the government buildings, all lawful uses and buildings built and used for a purpose that does not comply with the provisions of this document shall be protected until such time as the lease expires. Any lease pertaining to the non-confirming building or use shall not be permitted to be renewed or extended for that purpose or use.
2. The height of any building that exceeds the heights permitted in [Refer to Table 10] shall be determined by the Town Planning Committee on the advice of the respective department, and the permitted height shall be specially indicated on the building permit.

3. Administrative buildings shall be provided with tar-sealed or cement - surfaced parking areas of sufficient area to provide one parking space for each 20 square meters of office space. The remainder of such parcel of land shall be provided with footpaths and landscaping.
4. Buildings may be built to the side boundaries of the land provided that the permission of the neighbouring owner or owners is first obtained in writing and that the neighbouring owner(s) has or have been allowed to build to the boundary. Buildings may be built to the rear boundary of the parcel of land.

Table 7: Special Zone Planning Permission for the Use of Buildings

Column 1: Development not Requiring Planning Permission	Column 2: Development Requiring Planning Permission	Column 3: Prohibited Development
1. Carrying out of works for the maintenance, improvement, or other alteration of any building if the works affect only the interior of the building and do not materially affect the external appearance of the building 2. The extension, on one occasion only, of any building for which permission has already been given by Council, by not more than 10% of its net floor area 3. The carrying out of works by a public authority required for the maintenance or improvement of a road if the works are carried out on land within a road reserve 4. The carrying out by any public authority or statutory undertaker or of any works for the purposes of inspecting, repairing, or renewing any sewers, pipes, cables, or other apparatus, including the breaking open of any other land for that purpose. 5. The use of any building or other land within the curtilage of a dwelling house for any purpose incidental to the enjoyment of the dwelling house. Any other operation or use of land which may be prescribed in Regulations made by the Minister.	1. Public and Government Offices 2. Chiefs Nakamal 3. Childcare centres 4. Court 5. Hospitals/Clinic 6. Government Institutions 7. Local utilities 8. Medical Centre 9. Places of public worship/church 10. Professional Offices as NGO's 11. Public utilities 12. support centres	1. Educational establishments (including Schools and Colleges teaching) Any use not specified in Column 1 or Column 2

3.5 Recreational Zone: Parks & Open Spaces

This area is colored in 3 different types of green, as shown in the zoning map below. Recreational activities depend on the different locations of the area, which are sports grounds, parks, and green/open spaces.

Figure 13: Recreational Zone Area



Objectives

To provide for:

1. **Parks and open spaces –a** large public garden for recreation activities. This limits development due to the high vulnerability of natural hazards such as sea level rise, tsunamis, and cyclones. It should be maintained green with tree planting.
2. **Sport Grounds**: This area is purposely to create a sports complex for sports activities and other social activities for the residents and the visitors.

Intended Outcome

This zone is used for public land use for passive open space/park functions, for sport and recreational purposes. Part of the land included within this zone serves for conservation purposes as it may be highly prone to disaster; therefore, it is unsuited for other activities.

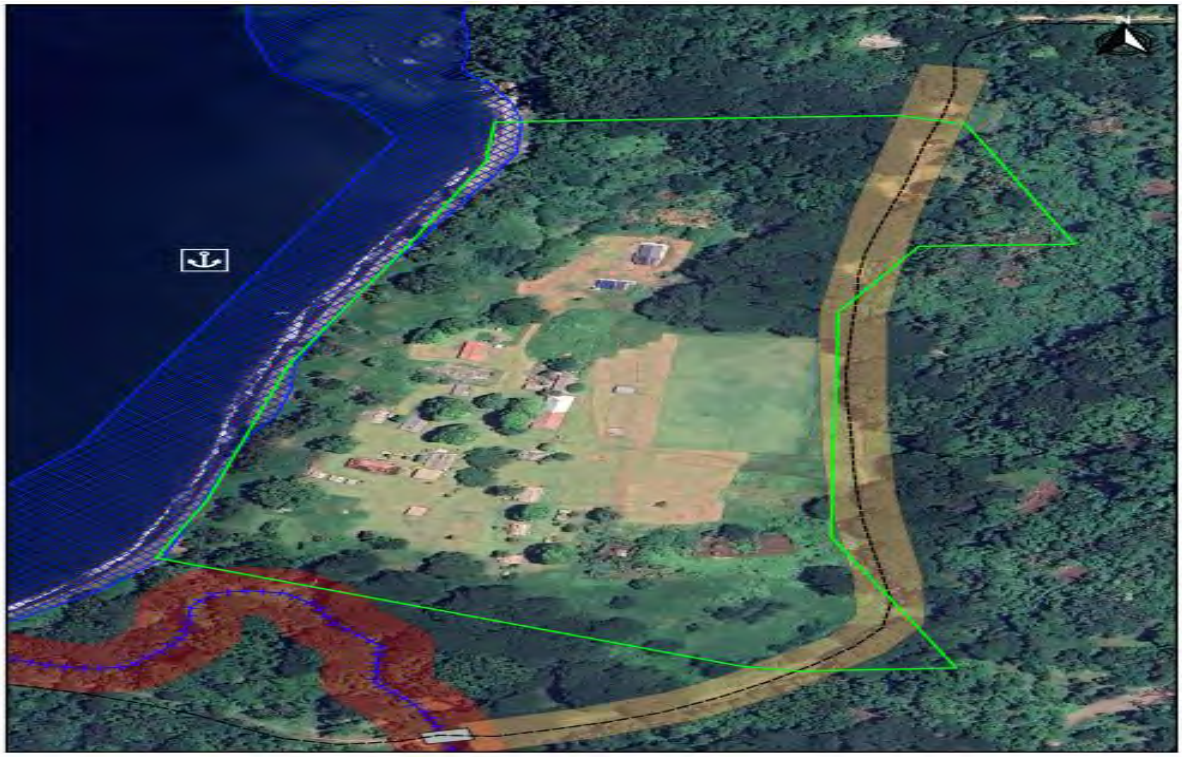
In appropriate areas, these zones will be suitable for development to cater for organized open outdoor sports and other recreational activities that encourage social interaction between the locals within the area.

The area will be free from permanent development, but ensure that the following associated facilities are available, such as amenities blocks, a stadium/ Sport Complex, Kiosks /Mama vendor market, and parking facilities.

3.6 Foreshore Area Zone

The foreshore areas are shown on the zoning map below with the shaded blue colored. This area is mainly located in the coastal area.

Figure 14: Foreshore Zone Area



Objectives

To foster the sustainable development of Rovobay's foreshore while balancing environmental stewardship, community needs, and government regulations.

Intended Outcome

The primary goal is to create buffer zones that safeguard the foreshore and ensure that development does not compromise the environment or the physical characteristics of the area. Rovobay's foreshore is of strategic importance, with significant natural features, including:

a. Intrinsic Environmental Qualities: These qualities highlight the ecological importance of the foreshore.
b. Community livelihood access: The foreshore provides essential resources for the daily sustenance of local populations.
c. Mangrove Ecosystems: Mangroves play a crucial role in maintaining environmental sustainability and protecting the area.
d. Environmentally sensitive areas: These zones demand careful management to avoid degradation.

e. Reclaimed Land: Certain portions are unsuitable for urban development, making preservation paramount.

Development Controls: Strict land use and subdivision controls will be applied, with mandatory buffer zones between any development and the high-water mark. This approach ensures that public access is maintained and any proposed development remains sustainable. Only limited, non-intrusive uses will be approved, with an emphasis on projects that benefit the broader community and avoid altering the natural landscape. Applications that involve clearing native vegetation or significantly changing the area's character will be rejected.

Furthermore, any septic systems installed must be constructed with high standards to prevent waste leakage, ensuring protection of the coastal environment.

Compliance with Government Regulations: In accordance with the Foreshore Development Act, no development may proceed on the foreshore of any island in Vanuatu without prior written consent from the responsible Minister. Additional permissions will also be required from the Department of Urban Affairs and Planning for any development that extends from the high-water mark to the fringing reefs. Coastal protection infrastructure may be integrated to safeguard areas designated for public access, ensuring long-term environmental sustainability and resilience against climate impacts.

This strategic, green-focused approach to foreshore development integrates public needs while adhering to strict government regulations, ensuring that the area's unique environmental and cultural values are preserved for future generations.

Part 4- Provision of Development Setbacks

The following provisions are general guidelines that ensure development occurs in appropriate locations and is sustainable. The setbacks enable development to accurately reflect the development priorities and values of the country and, the community, and the people of Rovobay.

Building Setbacks

Building setbacks indicate ways in which a developer should consider when deciding on developing a plot of land.

Table 8: Building setback Layout

Zone	Minimum lot size	Road frontage	Side & rear setbacks with windows	Side & rear setbacks without windows	Distance between the facing side of any building
1. Residential	500 m²	5-10 meters	4 metes	2meters	Not less than 1.5 m
1.1. Residential outbuilding	–				
1.2. Accommodation buildings, multiple units, flats Hotels and commercial or administrative buildings in the medium/high density residential zone		6 meters	3 meters		
2. Commercial [new]	1,000	10 meters	4 meters	2 meters	
2.1 Addition to any existing commercial uses		10 meters	4 meters	2 meters	

2.2 Accommodations: buildings, multiple units, flats, hotels, and commercial		6 meters	3 meters		
3. Industrial	1,500 m²	12 meters	4 meters unless there is a common wall adjoining the property, in which case the building may be built to the boundary.		40 meters
4. Special	1,000 m²				

Other General Setbacks Requirements

Table 9: Plot Ratio, Building Coverage, and Car Park Ratio

Zone	Plot Ratio	Building Coverage	Car park ratio
1. Residential	0.6	Not more than 50%	NIL
1.1. Accommodations, hotel buildings	1.5	Not more than 75% of the land	1 parking space per unit
1.2. Mixed use (commercial & residential)	1.5	Not more than 75%	1 parking space per 40m² of office space
2. Commercial	Not exceed 1.8	Not more than 60%	1 parking space per 20m² of the gross floor
3. Industrial	1.8	Not more than 60%	1 parking space per 100m²
4. Special			

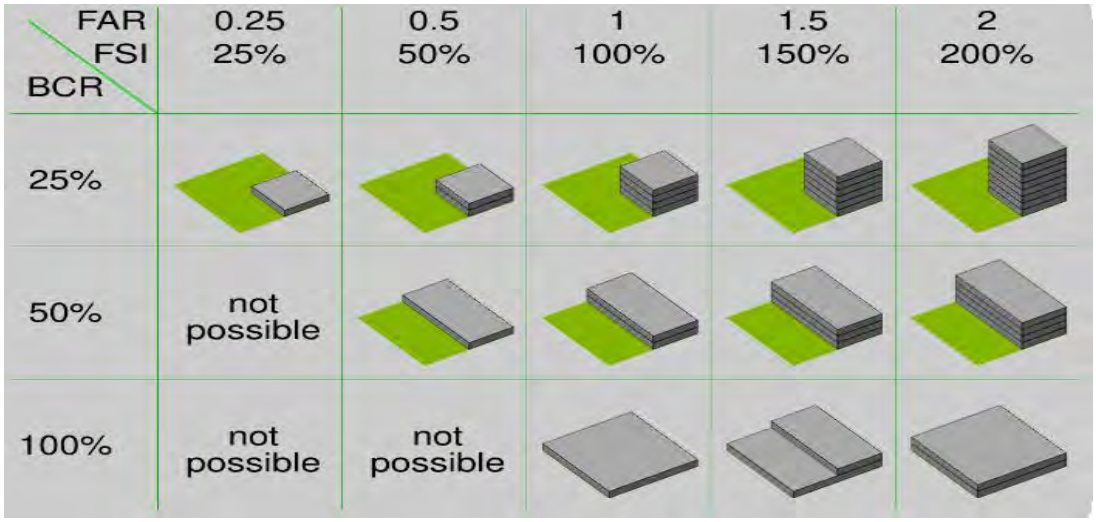
Calculation of Building Coverage Ratio & Floor Area Ratio

Building Coverage Ratio (BCR)

BCR (%) =Building Area (B) ÷ Site Area (A) × 100

Floor Area Ratio (FAR)

FAR (%) = Total floor Area (B+C) ÷ Site Area (A) × 100



(https://www.realestate-tokyo.com/news/floor-area-ratio-and-building-coverage-ratio/)

Building Heights

Building height is one of the more significant factors in determining the impact a building will have on its surrounding environment with the influence of a natural disaster happening. The following is the maximum permitted building height for different uses.

Table 10: Building Heights

Use	Maximum Permitted Building Height	Building height measured from the gutters to the highest point of ground
Single residence	2 storeys	Not exceed 6 meters
Multiple residence	3 storeys	Not exceed 9 meters
Hotels, accommodations buildings	3 storeys	Not exceed 9 meters
Commercial	3 storeys	Not exceed 9 meters
Mixed use (Commercial and Residential)	3 storeys	Not exceed 9 meters
Industrial	1 storey	9 meters

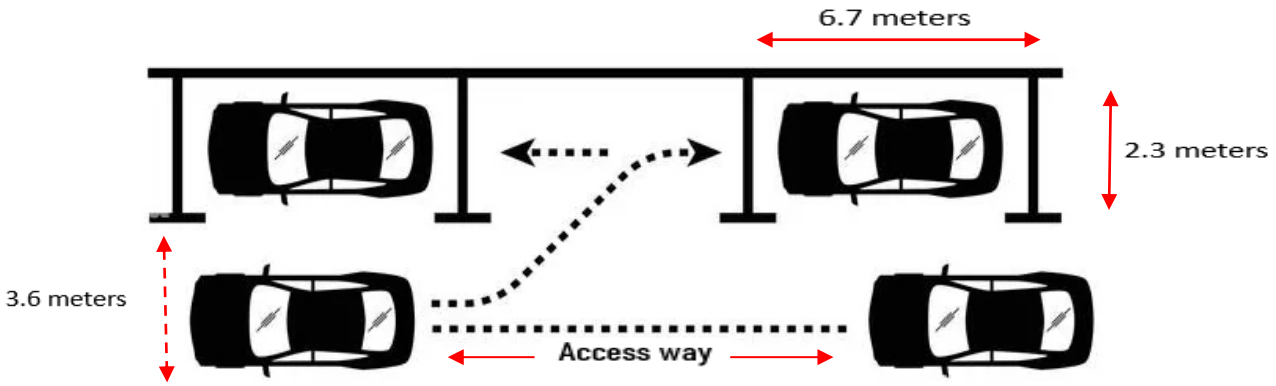
Car park standards

The standard carpark design is made to address the parking problem in Rovobay to make sure that the developments are designed to accommodate adequate on-site parking to cater for anticipated parking demand by the development.

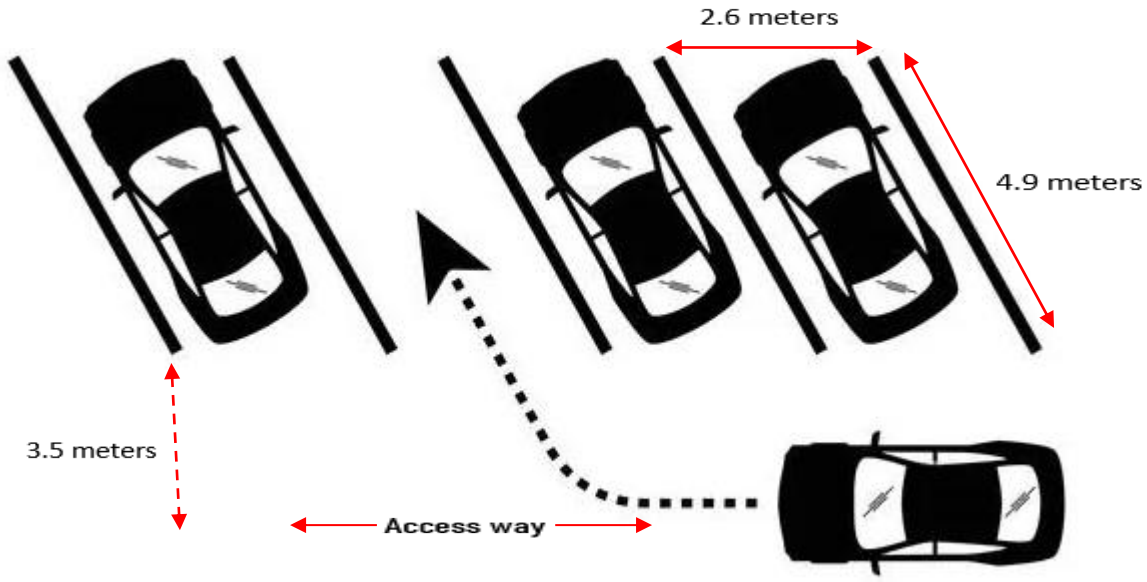
Table 11: General Car Park Design and Requirement

Angle of car space to access ways	Access way width	Car park width	Car park length
Parallel Parking	3.6m	2.3m	6.7m
Angle Parking (45° & 60°)	3.5m 4.9m	2.6m 2.6m	4.9m 4.9m
Perpendicular Parking (90°)	4.8m	3.2m	4.9m

Parallel Parking



Angle Parking



Perpendicular Parking

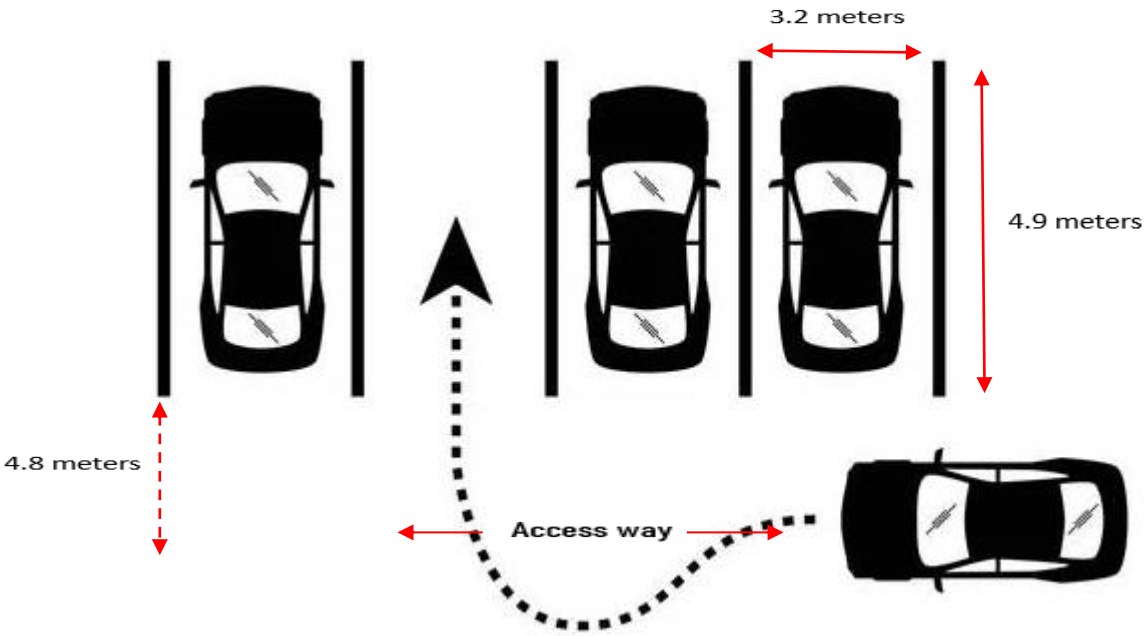


Table 12: General Car Parking Guide for Each Use

Provision/Use	Guide
Residential	To ensure consideration of road capacity, future residential developments should have enough parking provision to match ownership of cars
Commercial	To ensure that commercial development should have sufficient on-site parking to match commercial activity requirements
Industrial	To ensure that sufficient parking and loading and unloading spaces are provided to satisfy the activities
Serviced accommodations	To ensure adequate parking spaces are provided to satisfy activities
Special	To ensure adequate parking spaces are provided to satisfy activities
Recreational	This will be an open space area. Most transport vehicles will use the area; therefore, ensure that parking is available to meet the activities, not blocking space for people

The provisions and standards above ensure that any development, whether new or additional to existing development, will have to meet the required number of car spaces as per the guide. The requirement may be waived or reduced depending on the size of the lot.

Existing Uses and Use Rights Protected

For the purposes of this zoning document, due to no lease register within the area the current land uses will have to upgrade in the current physical development. Development located in an inappropriate zone(s) will not be extended beyond their current area/boundary.

Building Restriction Areas

Table 13: Building Restriction Area & Its Special Provisions

Relevant Areas	Special Provisions
Flood prone areas	- Appropriately filled and drained to mitigate for flooding - Lease condition adhere to flooding area
Foreshore	- Seek foreshore approval from the foreshore unit within the Department of Urban Affairs & Planning - Ensure any development within the foreshore area achieved stable, sustainable and prosperous urban and foreshore development in Vanuatu.
Areas of Geologically Unstable Land	- Require geotechnical by suitable, qualified report for proposed development
Areas subject to storm surges and tidal waves	- Any development in areas subject to storm surges and tidal waves shall be setback at least 50 metres or at an appropriate setback determined by authority concern to ensure protection thereof. The land shall be at a level that is free of flooding.
Creek and river banks or any other waterways	- Vegetation contained in these areas is not to be removed, and in areas where any vegetation has been damaged, it will be required to rehabilitate and revegetate the area. No construction is to be undertaken in the banks and beds of any river, creek, or other waterway without obtaining approval from the relevant authority.
Steep Land (more than 20%)	- Any development proposed on steep land will be required to submit a geotechnical report prepared by a suitably qualified person and any buildings or structure will require to be certified by a suitably qualified engineer.

General Provisions for Infrastructure and Services

1. All development shall be provided with the necessary infrastructure and services of an appropriate level of water, waste water treatment and disposal, drainage, energy, communications, and other services.
2. Access, streets, roads, and pedestrian paths are provided to standards that ensure safe, convenient, and efficient operation of movement networks.
3. Infrastructure shall be provided in a manner that maximises resource efficiency and minimises whole - life cycle costs and maintenance requirements.
4. Infrastructure should be integrated with surrounding networks, and where new development is proposed, the integrity of existing infrastructure must be maintained.
5. All development must be undertaken in accordance with best environmental practice to ensure environmentally sustainable development is achieved.
6. Development must not detract from the character and amenity of the locality in which it is located.
7. Any adverse impacts, including cumulative impacts, because of flooding must be minimised to ensure unacceptable risk to people and property is not created.
8. Movement networks for vehicles, public transport, pedestrians, and cyclists shall be integrated, safe and convenient, cost- effective, and sensitive to the environment in which they are provided.
9. The local street system must safely and conveniently provide for the functions of traffic flow, property access, vehicle parking, and pedestrian and cycle movements.
10. Applicants of any new development must demonstrate that there will be sufficient funding available to adequately manage and maintain all infrastructure associated with the development proposal. All applications must be accompanied by appropriate documentation and financial modelling over the lifecycle of the proposed infrastructure.
11. In determining the level of service, consideration should be given to what service the assets deliver, and the expectations of the customer. The level of services should be based on customer expectations and legislative/regulatory requirements.
12. The key service criteria to be addressed by the applicant include quality, quantity, reliability, responsiveness, environmental/safety, costs, and legislative compliance.

Others:

1. No building, whether prefabricated or not, shall be constructed of light or temporary materials. All buildings shall comply with the provisions of the *National Building Code for Vanuatu*, ensure that the building is constructed in order to withstand the changing climate.

2. The maintenance of the amenity of each zone will be of importance in determining any application for planning permission in each zone.
3. Within each zone, make sure that no building or use will be permitted that is likely to cause any kind of environmental pollution that is unpleasant to the surrounding area.
4. The external appearance of all buildings and surrounding land uses must be aesthetically acceptable in both design and colour, and all occupants will be required to maintain all buildings and gardens.
5. Any traditional or custom structure fabricated from traditional materials where any natural rock, sand, coral, rubble, or gravel that is used must not be taken within the commercial zone; however, ensure to consult with the Department of Geology and Mines for any extraction of these traditional materials within the area.
6. Septics must be properly constructed to avoid waste leakage, and water runoff must be managed properly to evade flooding. For any development that is not stated, ensure to consult with the Provincial Government and, the Department of Urban Affairs and Planning, and other responsible stakeholders.

General Requirements for Development that is a Material Change of Use

1. Earth filling, excavations, or the layout of the building foundation shall not impede normal drainage of the soil but should assist natural drainage into drains where there are any.
2. Stormwater from gutters shall flow through covered underground pipes to sumps provided for the purpose.
3. Sanitary installations shall be connected to septic tanks with adjacent sumps built following normal technical specifications. Waste water shall be carried directly to such sumps by underground pipes. Grease traps shall be placed where necessary in such a way as to permit cleaning.
4. Any parcel of vacant land must be developed within **three years** of the lease being signed.

Special Provisions for Development that is a Material Change of Use

1. All lawful uses and buildings built and used for a purpose that does not comply with the provisions of this document shall be protected until such time as the lease expires. Any lease pertaining to the non-conforming building or use shall not be permitted to be renewed or extended for that purpose or use.
2. The height of any building that exceeds the height permitted in Table 10 shall be determined by the Town Planning Committee on the advice of the Department of Urban Affairs and Planning, and the permitted height shall be specially indicated on the building permit.

Part 5: Development Requirement Under the Physical Planning Act No. 22 of 1986 and Amendment Act No. 26 of 2021

It is necessary to follow the requirements when submitting any application for development. Below are the requirements that an applicant must comply with when applying for outline or planning permission and/or a building permit.

Application for Approval for Material Change of Use of Buildings or Land (Outline Permission or Planning Permission)

I. When applying for planning permission and/or a building permit the following documentation must be submitted with your application:

Type of Application	Form in Appendix
Planning permission	Form 1
Building Permit	Form 2

II. Architectural drawings of your proposal should include at least the following:

1. Location Plan
2. Site Plan
3. Survey Plan (as proof that you legally own the lease)
4. Lease Document
5. Floor Plan (Layout Plan)
6. Electrical Plan
7. Soak Away Plan
8. Septic Tank System Plan: Must indicate the position of the septic tank and must be accessible for the septic truck preferably in the road reserve at the front of the lot; and must indicate accessibility of the fire engine
9. Elevations of Building: Plan showing cross sections of the buildings
10. Drainage plan, in case of subdivision
11. Plumbing plan

III. It is a requirement under the Physical Planning Act and the by-law of the Shefa provincial government that the following fees be paid to the Council:

1. Planning Permission Fee
2. Building Permit Fee
3. Wall fencing permission fee
4. Subdivision permission fee

[The above fee can be obtained from the Shefa Provincial Government Council Office.]

IV. Please note that the Physical Planning (Amendment) Act No. 26 of 2021 states that a person must not carry on development within a physical planning area without receiving the permission of the council under Section 5, which states as follows;

Application for Development

1. An application for development is to
    i. Be made to the council in such form as approved by the council, and
    ii. Contain such information as the council may specify.
2. The council may require an applicant to publicly advertise sufficient particulars of the proposed development, as considered by the council:
    i. To be a large development, or
    ii. Is likely to be a public interest

V. Enforcement Planning Controls: The council may serve an enforcement notice if it appears that any development has been carried out without first obtaining Council permission or if any conditions of any permission granted in respect of any development has not been complied with. An enforcement notice will take effect at the expiration of such period not being less than 28 days after it has been served.

VI. Penalties for Failure to Comply with Enforcement Notices: Failure to comply with an enforcement notice makes the person guilty of an offence and liable on conviction to a fine not exceeding 500,000 Vatu or a term of 3 years imprisonment.

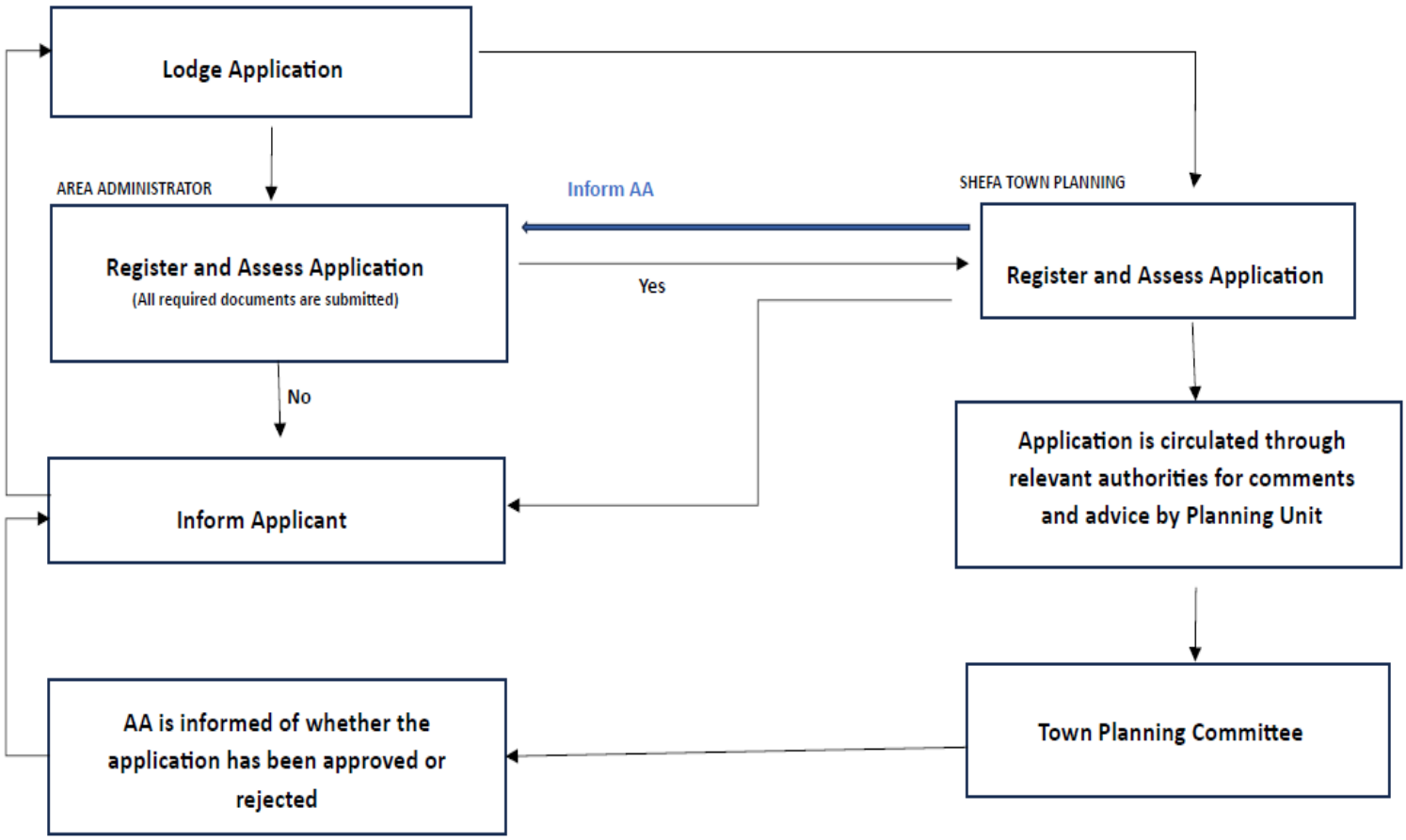
If there are any queries or questions about the above requirements and provisions, please consult with the Physical Planning section of the Shefa Provincial Government Council or the Department of Urban Affairs and Planning.

Procedures

The following diagram outlines the process to be followed when applying for a 'Material Change of Use.'

Figure 15: Application process for material change of use - Development approval process

Area Administrator facilitates an application and sends it to the Planning Unit for 1 month and Planning Unit Facilitation for 2 weeks (depending on the application),



Part 6: Subdivision

Introduction

All subdivisions are administered under the Land Lease Act and the Strata and Community Titles Act and comply with the National Subdivision Policy 2019. The Director of Lands is the final approving authority for subdivisions. The National Subdivision Policy establishes the minimum standards of amenity, access, disaster risk reduction, health, and safety that must be met in any subdivision development.

This section is intended to complement the National Subdivision Policy to provide a clear guideline for custom owners and developers who intend to subdivide land in Rovobay as well as the Physical Planning Area in Epi Island. It sets the development parameters that must be complied with prior to an approval being given to subdivide land. It also outlines the process and requirements for making an application to subdivide land.

Purpose

The purpose of this subdivision policy is intended to ensure that all subdivisions of land result in ecologically sustainable development. Ecological sustainable development will be achieved by:

a) Coordinating and integrating the development approval process and
b) Managing the process by which the development occurs; and
c) By managing the effects of the development on the environment (including the use of premises); and
d) By making sure that the decision-making process takes account of short - and long-term environmental effects of subdivision development within the area and the Physical Planning Area of Epi Island;
e) Seeking to provide equity for all landowners, including present and future generations;
f) Voiding or otherwise lessening adverse environmental effects of development;
g) Applying standards of amenity, conservation, health, and safety in the built environment.

Policy Objectives

The objectives of this policy are to ensure that all land subdivisions in the Physical Planning Area of Epi achieve the following:

Protect cultural sites and other resources by requiring the following:

1. All developers of land to be subdivided in the Physical Planning Area of Epi are required to comply with the Preservation of Sites and Artefacts Act CAP 39 by ensuring that any sacred sites contained within the subdivision are preserved. All developers have a duty to inform the Minister responsible by applying to the Minister for consideration and approval prior to obtaining approval to subdivide the land;

2. All developers intending to subdivide land must register the relevant leases in accordance with the Land Lease CAP 163 to enable their use as collateral for security purposes.

Ensuring better planning and zoning by requiring the following:

1. All development pertaining to the subdivision of land must provide adequate access to water, electricity, telephone services, and roads of an appropriate standard;
2. All development pertaining to the subdivision of land must provide appropriate access to rivers, seafront areas, and beaches for public use by adhering to the minimum setback requirements for waterways and foreshore development;
3. All development pertaining to the subdivision of land must be undertaken so that it benefits and supports existing communities.
4. All development pertaining to the subdivision of land must provide for recreational, commercial, and other public services where appropriate;
5. All development pertaining to the subdivision of land must incorporate the development parameters relevant to the zone and planning area in which it is located;
6. All development pertaining to the subdivision of land must ensure that a user- pay maintenance scheme be adopted for maintenance purposes for the life of the subdivision. For the purposes of this scheme, a body corporate must be appointed, and the scheme must be managed by the appointed body corporate. A written tenancy agreement must be prepared between the landlord and the tenant.

Careful management of natural resources by:

1. Development pertaining to the subdivision of land that may result in the degradation of land or environmental degradation must not be approved unless the developer can demonstrate that suitable mitigation measures are put in place to the satisfaction of the Shefa Provincial Government Council;
2. All development pertaining to the subdivision of land must protect and assist the sensible use of natural resources, including minerals and basic raw materials
3. All development pertaining to the subdivision of land must incorporate best practice land management standards (if necessary, requiring covenants in leases) to reflect the land use, planning and, development processes;
4. All development pertaining to the subdivision of land must be required to provide an environmental and social impact assessment to ensure the mitigation and minimisation of potential negative impacts on the natural environment.

Minimize the potential for land use conflict and dispute resolution by requiring that:

1. All development pertaining to the subdivision of land must provide adequate evidence of ownership of land prior to any land subdivision; and
2. The developer pertaining to the subdivision of land is required to provide a community management statement as part of the conditions of approval to protect the rights of custom owners and leaseholders of the land;
3. All developments pertaining to the subdivision of land require the signature of all chiefs, land owners, including custom landowners, and the minister on the approved land subdivision survey plan.

General Requirement for Development, that is, the Subdivision of Land

Minimum lot sizes for subdivision of land

All lots to be subdivided must be of a sufficient size to ensure that the lots are environmentally and economically sustainable. All lots must have a width- to- depth ratio of 1:4 and shall be of a regular shape.

The minimum lot size and minimum road frontage of any lot in a subdivision shall be set out in the provision of each zone and/or table 14 of the National Subdivision Policy.

Table 14: National Subdivision Policy-: Minimum lot sizes and minimum road frontage

Zone	Minimum Lot Size
Residential and tourist areas: low density	1,000 m²
Residential area: medium density	500 m² (sewered sanitation) Plot Frontage: The depth ratio should be no more than 1:2 and no less than 1:3. Maximum 10 dwelling units per hectare (net density) if on-site sanitation
Residential: High Density	400 m² (sewered sanitation) Plot frontage: depth ratio should be no more than 1:2 and no less than 1:3. Maximum 15 dwelling units per hectare (net density) if on - site sanitation
Business and Commercial Area: Low Density	1,000m²
Business/Commercial Area: High Density	500m² (sewered or shared on-site sanitation)
Industrial zone	1,500 m²
Special use zone	1,000 m²
Rural zone (agriculture lease)	2,500m²

Minimum Roads Standards

Minimum widths of roads for any land comprising a lese to be subdivided shall comply with the provisions of each zone and/or table 15 of the Minimum Road Width of the National Subdivision Policy.

Table 15: National Subdivision Policy – Minimum Road Widths

Road Type	Width (Metres)
Road verge for principal roads	4 m
Residential roads, being roads primarily used for access to residences, including shoulder, at a ratio of 1:4.	10 m
Road verge for residential roads	2 m
Lanes, being thoroughfares, are primarily used for access to back premises.	4 m
Access from the road to each plot	4 m
Pathways, being thoroughfares primarily for the use of pedestrians	2 m

Services

All subdivision applications must comply with the provisions of the National Subdivision Policy and thorough consideration of the land use of the subdivision.

Table 16: National Subdivision Policy: Minimum Amenities Provisions

RESIDENTIAL AND COMMERCIAL SUBDIVISIONS
1 green space plot (park/safe evacuation area) for every 50 subdivision plots OR at least 10% of the subdivision area for active and passive green space, whichever is the higher
1 commercial plot (shop) for every 50 subdivision plots
1 special plot for clinic (minimum 400m²) for every 1,000 population
1 hectare of land for primary school for every 500 subdivision plots and at a distance of less than 1 km from each residential lot.
1 special plot for police post (minimum 1,000m²) for every 10,000 population

Additionally, an applicant proposing to subdivide land shall:

a. Construct concrete kerb and channel or other surface drainage in accordance with the requirements of the Shefa Provincial Government Council and Public Works Department for the full length of the road frontage(s) of the land;
b. Where the road is paved but does not meet the road width or standard required by this document
c. Where the site is in the commercial zone, the applicant will be required to provide a pedestrian pathway of concrete, brick pavers, or other materials approved by the Shefa Provincial Government Council and Public Works Department.

d. The applicant will be required to construct a vehicle crossing to the requirements of the Shefa Provincial Government Council & Public Works Department from the kerb and channel to the property alignment at all points of vehicle entry and exit from the site(s)
e. In conjunction with the works required by sections A above, the applicant is required to construct the appropriate drainage works, including external drainage as required by the Shefa Provincial Government Council or any other statutory authority;
f. The applicant will be responsible for the alterations necessary to any public utility mains, services, or installations where required at no cost to the Shefa Provincial Government Council or any other statutory authority.
g. All land intended to be subdivided for residential purposes shall be filled and appropriately compacted to a level that will ensure that the land is not subject to inundation. Adequate drainage shall be provided to the land to avoid ponding of water or any other adverse environmental impacts.
h. All development shall be provided with the necessary infrastructure and services of an appropriate level of water, waste water treatment and disposal, drainage, energy, communications, and other services.
i. Access, streets, roads, and pedestrian paths are provided to standards that ensure safe, convenient, and efficient operation of movement networks.
j. Infrastructure shall be provided in a manner that maximises resource efficiency and minimises whole - life cycle costs and maintenance requirements.
k. Infrastructure should be integrated with surrounding networks, and where new development is proposed, the integrity of existing infrastructure must be maintained.
l. All development must be undertaken in accordance with best environmental practice to ensure environmentally sustainable development is achieved.
m. Development must not detract from the character and amenity of the locality in which it is located.
n. Any adverse impacts, including cumulative impacts, because of flooding must be minimised to ensure unacceptable risk to people and property is not created.
o. Movement networks for vehicles, public transport, pedestrians, and cyclists shall be integrated, safe and convenient, cost-effective, and sensitive to the environment in which they are provided.
p. The local street system must safely and conveniently provide for the functions of traffic flow, property access, vehicle parking, and pedestrian and cycle movements.
q. Applicant of any new development must demonstrate that there will be sufficient funding available to adequately manage and maintain all infrastructure associated with the development proposal. All applications must be accompanied by appropriate documentation and financial modelling over the lifecycle of the proposed infrastructure.

r. In determining the level of service, consideration should be given to what service the assets deliver and the expectations of the customer. The level of services should be based on customer expectations and legislative/regulatory requirements.
s. The key service criteria to be addressed by the applicant include quality, quantity reliability, responsiveness, environmental/safety, costs, and legislative compliance.

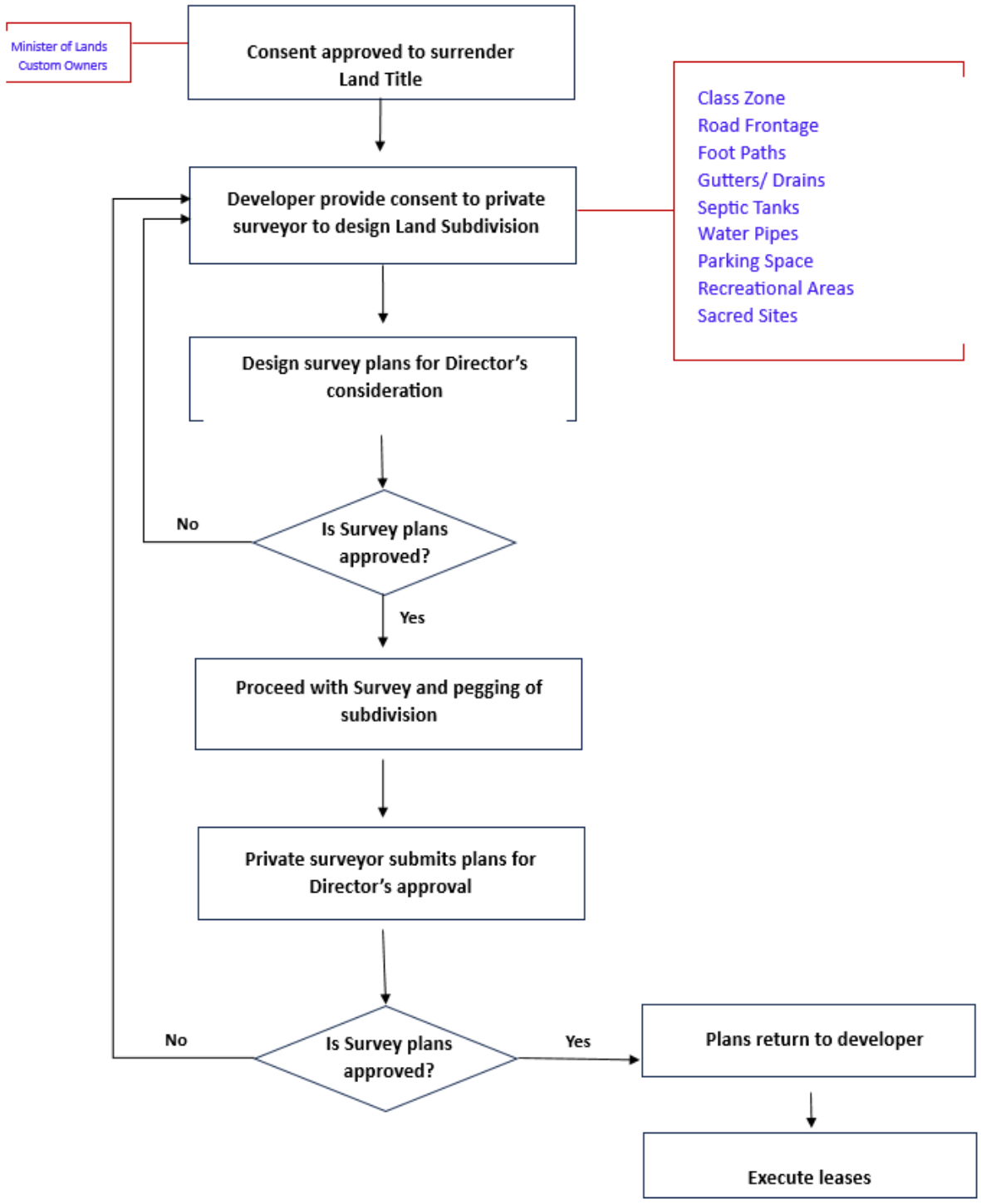
Information to Be Provided with an Application to Subdivide Land

1. Applications may be presented:
    - by hand delivered to the department of Lands office in Port Vila or Luganville
    - by post addressed to the Land Records Office, P.O. Box 57, Port Vila.
2. Priority is not established until the application with all supporting documents is accepted by the Land Management Planning Committee.
3. The correct fees must accompany the application' otherwise, it will be rejected, which will be obtained from the Department of Lands.
4. Instruments presented with an application should bear the seal of the Controller of Stamp Duties together with his stamp indicating either:
    - That the instrument is not liable to stamp duty; or
    - That stamp duty has been paid.
5. On the first occasion an application is made by or on behalf of a company or other incorporated body for it to be registered as proprietor of an interest, a copy of the certificate of incorporation certified by the Registrar of Companies or other evidence of incorporation satisfactory to the Director of Land Records must be produced.
6. In the case of an application by more than one person, a single address for communication should be entered in Section 7 of the form.
7. The application must include a statement of the purpose of the subdivision, i.e., whether for agricultural, dwelling houses, industrial or commercial buildings, or any other non-agricultural use.
8. The application must include a plan on durable paper or other stable medium and must provide the following information:
    - Existing boundaries of the land,
    - the purpose of the subdivision,
    - the position of existing buildings on the parcel of land and in particular buildings with a setback of less than 3 metres from the boundaries of the land,
    - Concept Development Plan: ensure to consider the following:
        1. the proposed position and width and hierarchy of any proposed roads, lanes, footpaths,
        2. gutters and drains,
        3. the proposed position of houses,
        4. septic tanks,

5. water pipes,
6. telephone and electricity supply lines,
7. vehicle parking spaces,
8. pedestrian pavements, and
9. green spaces.

9. The applicant must submit the following documents prior to the subdivision plan being approved:
    - A proposed land subdivision plan prepared in accordance with the guiding principles as provided in figure 21 below:
    - A detailed development plan and the relevant planning approval from relevant authorities.
    - VIPA approved certificate.
    - A detailed location plan.
    - A detailed Survey Plan which provides the total area including the access
    - A valuation report.
    - Lot sizes: the proposed lots in the subdivision must comply with the lot sizes specified in Table 14 of this document. The lot sizes should be environmentally and economically sustainable in the long term.

Figure 16: Guide to Prepare Subdivision Development



10. **Land Capability:** The applicant must demonstrate that the land has sufficient capacity to accommodate and sustain the proposed uses together with the necessary infrastructure to support the proposed uses after subdivision.
11. **Servicing:** The applicant must provide confirmation that each lot has a sustainable water supply for domestic use, access to telecommunication facilities and, electricity, and road access. Provision of access to beaches and waterfrontages to the public shall be documented. The proposed subdivision development must comply with all the relevant laws and, in particular, the requirements of any laws or specifications relating to the provision of services.
12. **Lot boundaries:** The subdivision boundaries must be designed to reflect sound planning and land use management, including zoning.
13. **Heritage** – Cultural sites must be protected, and an additional clause must be inserted in all lease covenants pertaining to the subdivision that allows for protection of sites, including the covered heritage area, and maps including the protected sites, including the location.
14. **Land Use:** The subdivision of lots must conform to the approved land use for the zone in which the property is located and be of the appropriate lot sizes and suitability of the land.

Part 7: Use of Buildings

Use Definitions

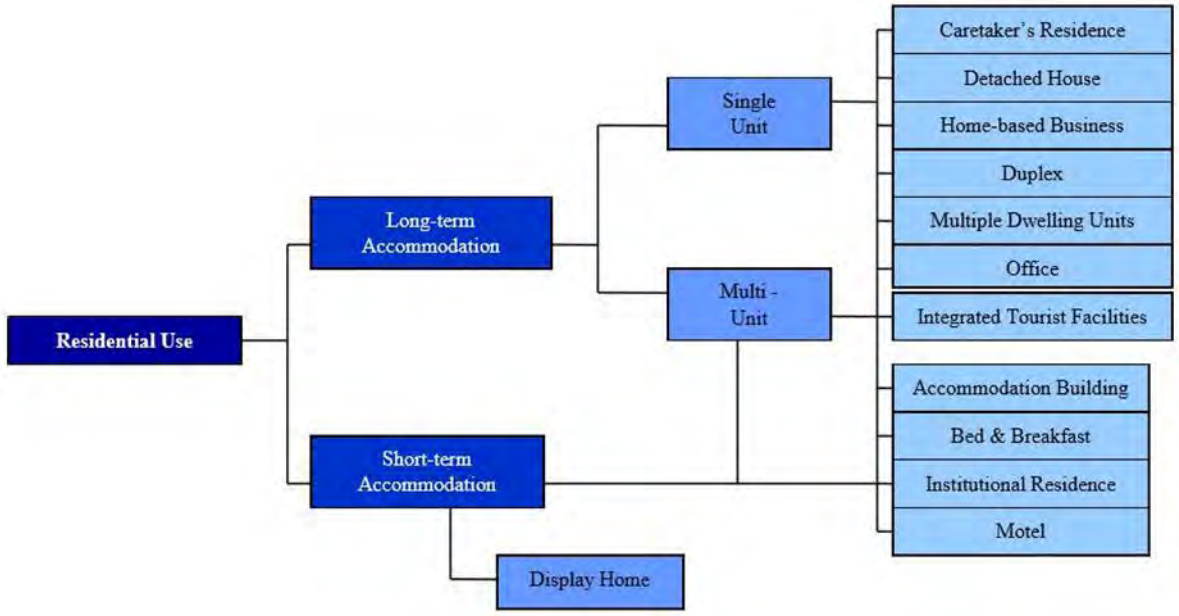
The use classifications and definitions listed below for the purposes of the Rovobay zoning document have been adopted from the Physical Planning Act (Act 22 of 1986), which commenced March 2, 1987. The use classes will be reflected in the extended use definition where appropriate.

1. **Class (1)** - Retailing, any commodity other than those defined in Classes (2), (3), and (4).
2. **Class (2)** – Retailing hot food.
3. **Class (3**) – Retailing liquor.
4. **Class (4)** – Retailing fuel and oil.
5. **Class (5)** – A wholesale warehouse or repository for any purpose.
6. **Class (6)** – An office for any purpose.
7. **Class (7)** – Light Industry for any purpose which would not affect the amenity of a residential area.
8. **Class (8)** – General Industry for any purpose which would not seriously affect the amenities of a residential area.
9. **Class (9)** – Special Industry.
10. **Class (10)** – Single household residence.
11. **Class (11)** – Multiple occupations (more than one household), or as an apartment building.
12. **Class (12)** – Boarding or guest house, or a hotel providing sleeping accommodation.
13. **Class (13**) – Residential boarding school or a residential college
14. **Class (14)** – School or college.
15. **Class (15)** – Public worship or religious instruction.
16. **Class (16)** – Institution providing for the boarding, care, and maintenance of children, old people, or persons under disability, a convalescent home, a nursing home, a sanatorium, or a hospital.
17. **Class (17)** – Use (other than residentially) as a health centre, a school treatment centre, a clinic, a day nursery or a dispensary, a consulting room, or surgery.
18. **Class (18)** – Art Gallery (other than for business purposes), a museum, a public library or reading room, a public hall, or an exhibition hall.
19. **Class (19)** – Theatre, a cinema, a music hall, or a concert hall.
20. **Class (20)** – Dance Hall, a swimming bath, a vapor or foam bath or a gymnasium or sports hall.
21. **Class (21)** – Sports field with ancillary facilities, open space, garden, landscaped area, or park.
22. **Class (22)** – Marina with ancillary facilities excluding accommodation.
23. **Class (23)** – Any other class that the Minister may by order prescribe.

The use classes included in this document have been expanded to cater for future development associated with future growth and expectations of new landowners. These uses are separately defined as follows:

Extended Use Definitions

Figure 17: Nesting of Residential Uses



"Residential use" means use for any of the following purposes (see Figure 15 above).

"Accommodation building" (Class 12) means premises comprising only room units (such as boarding houses, guest houses, backpacker hostels, serviced rooms, dormitories, lodges, student accommodation, or any similar use), but does not include motels or any other separately defined residential premises. The term includes a building or buildings or any parts thereof used for the provision of meals to residents (whether such facilities are open to public use), common room facilities, and the like, or for the purposes of a manager's residence or office;

"Bed and breakfast" (Class 12) mean an owner-occupied detached house in which overnight accommodation and meals are provided for tourists and travellers. The term includes any balconies, bedrooms, and/or bathroom facilities (but not including a kitchen) provided in a separate building or buildings (which may, in rural areas, include bungalows each with not more than two bedrooms) on the site but does not include any separately defined residential use;

"Caretaker's residence" (Class 10) means a dwelling unit used for caretaking purposes;

"Detached house" (Class 10) means the use of premises as a single detached dwelling unit. The term also includes relocatable homes. The term does not include a duplex or a caretaker's residence;

"Display home" (Class 10) means the use of premises for:

a) display of residential premises to the general public being offered to be built; or
b) display of residential premises to the general public for some other business or commercial purpose, including the promotion of a lottery for which the premises are offered as a prize; or
c) the promotion and sale of lots and/or dwellings within a residential estate or other residential premises;

"Duplex" (Class 11) means two dwelling units on one site, which are either attached by way of a common wall or are otherwise contained within one building or are loose standing. The term does not include a caretaker's residence, detached house, or a relocatable home;

"Home-based business" means the use of premises for a business activity that is carried out on a lot used primarily for a detached house by one or more residents of that detached house, it must be subservient to the main use and must not exceed 10% of the total dwelling area; The term does not include any of the following uses:

- Any form of vehicle repair or services;
- Panel beating;
- Vehicle detailing;
- Spray painting;
- Engine reconditioning or repair;
- Woodworking or manufacturing involving the use of power tools;
- Furniture manufacturing;
- Metal working;
- Welding;
- Educational facilities

It is acknowledged that Kava Bars are also traditionally located in these areas, but only small-scale Kava Bars will be permitted in the residential areas. The predominant land use will remain residential.

"Institutional residence" (Class 16) means the use of premises for accommodation of people with mental or intellectual disabilities.

"Integrated tourist facility" (Class 11 and Class 2 / Class 3) if restaurant and/or retail liquor are included) means premises that:

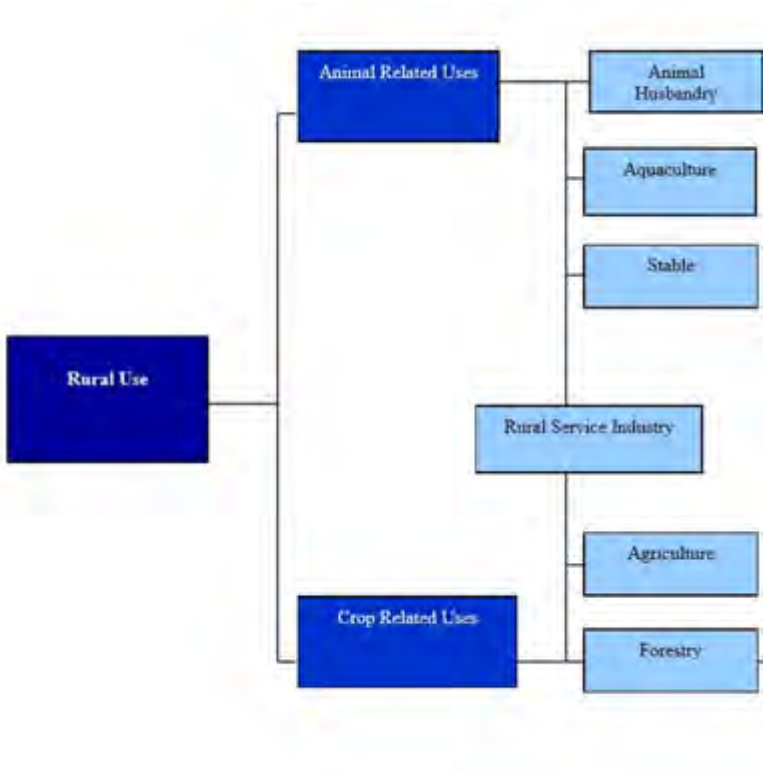
a) are used primarily for facilities and activities that attract, accommodate, and entertain tourists, where some facilities are open to the public; and
b) requires a large parcel of land; and
c) includes two or more buildings; and
d) are developed in an integrated way, and managed as one entity; and
e) may include provision for conference facilities and for permanent residential accommodation. The term includes integrated tourists' resorts, tourist theme parks, and the like;

"Motel" (Class 12) means the use of premises for providing overnight, short-stay, or holiday accommodation for travellers and having on-site reception/booking office facilities. The term includes a building or buildings or any parts thereof used or intended for use for the provision of any ancillary administration, restaurant, and conference facilities, and the manager's, owner's, or caretaker's residence. The term does not include accommodation buildings, bed and breakfasts, or hotels as separately defined;

"Multiple dwelling units" (Class 11) means premises comprising an integrated development of more than two dwelling units on the site. The term does not include accommodation buildings, Beds, and breakfasts; institutional residences as separately defined but may include a manager's residence;

"Urban Gardens" means premises for the purpose of producing organic compost to be used for gardening purposes associated with residential premises.

Figure 18: Nesting of Rural Uses



"Rural use" means use for any of the following purposes (refer to figure 16 above):

"Agriculture" means the growing of crops, pastures, grass, flowers, fruit, vegetables, and the like on a domestic or commercial basis. The term does not include Forestry.

"Animal husbandry" means the keeping, depicturing, or stabling of any animal, bird, insect, reptile, or fish. The term includes the use of land for dairying, cattle grazing, animal breeding establishments, holding yards, or hatcheries. The term does not include the keeping of domestic animals or those types of animal industry which are separately defined (being aquaculture, intensive animal husbandry and stables);

"Aquaculture" means the use of premises for the cultivation of live fisheries resources and includes:

- Aquaculture (minor impact) - where the premises involve freshwater tanks with a total production area of <2,000 m2 (or <750 m2 where oxygen injection is used, or freshwater ponds with a total surface area of <5 ha and no off-site discharge of wastes from the tanks or ponds to natural waters; and
- aquaculture (significant impact) - where the premises are other than as defined as "minor impact;"

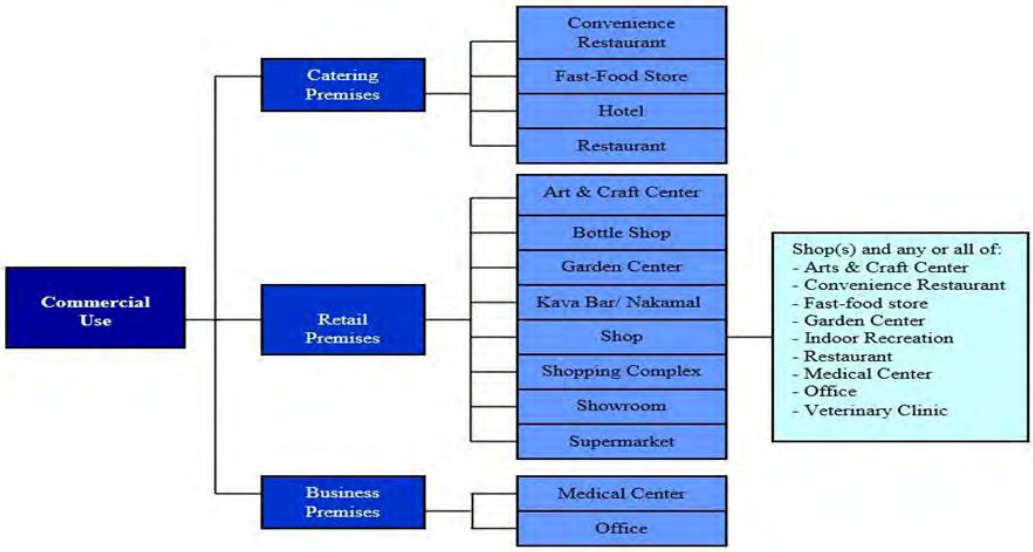
For the purposes of this definition:

- **"Tanks"** mean water-containing structures not formed by hollowing, excavating, or embanking natural surfaces; and
- "Ponds" mean water-containing structures formed by hollowing, excavating, or embanking natural surfaces;
- **"Forest"** *(according to Forestry Act No: 31 of 2019)* means any area in Vanuatu greater than 0.5 ha outside established agricultural production systems or urban parks and gardens:
    - **a.** with trees higher than 5 meters and a canopy cover of more than 10 percent of the area, or
    - **b.** with young trees able to reach the criteria under paragraph (a) over time; or
    - **c.** with planted trees able to reach the criteria under paragraph (a) or
    - **d.** with bamboos higher than 5 meters and a canopy cover of more than 10 percent of the area; or
    - **e.** with vegetation not meeting the criteria under paragraphs (a), (b), (c), and (d) resulting from human intervention or natural causes, when it can be expected that a forest meeting the criteria under paragraphs (a), (b), (c), and (d) re-establishes due to reforestation over time.

"Rural service industry" means the use of premises for handling, treating, processing, or packing locally grown primary products;

"Stable" means premises incorporating a building or roofed structure, including a shed, loose box, stall, or roofed yard, used for the stabling, keeping, feeding, watering, grooming, shoeing, or veterinary treatment of any horse;

Figure 19: Nesting of Commercial Uses



"Commercial use" (Class 1, 2, 3, or 4) means use for any of the following purposes, or for any other business purpose not separately defined and not characterized as an industrial activity (as shown in Figure 17).

"Art and Craft Centre" (Class 18) means the use of premises for making, displaying, and selling works of art or craft, such as handicrafts, pottery, paintings, and sculptures. The term includes ancillary use of such premises for individual or small group instruction in the making of such art or craft;

"Bottle Shop" (Class 3) means the use of premises for storage and retail of liquor and ancillary products;

"Convenience Restaurants" (Class 2) means the use of premises for the preparation of take-away meals and foods for sale to the public, where provision is made for high customer turn-over, facilities can also be provided for eating on the premises. The term does not include fast-food stores or restaurants as separately defined;

"Garden centre" means the use of premises for the display, hire, or retail sale of plants suitable for use in gardening or landscaping, whether such plants are grown on the site. The term includes ancillary use of such premises for the display and sale of such items as seeds, pots, packaged fertilizers and potting mixes, gardening tools, and garden furniture and ornamentation. The term does not include agriculture or landscape supplies as separately defined;

"Hotel" (Class 12) means the use of premises for short term accommodation and includes dining facilities, bar facilities, and other ancillary activities;

“Kava Bar/Kava Nakamal” means the use of premises for the purpose of storage, preparation, consumption, and retail of kava;

“Market” means the use of premises for the sale of home or farm produce, including poultry, fish products, the sale of craft work, and artifacts, where the premises comprise a single building or several buildings;

“Medical centre” (Class 17) means the use of premises for the medical care or treatment of persons not resident on the site. The term includes such typical premises as medical and dental surgeries or clinics, pathology labs, naturopath clinics, chiropractic clinics, counselling rooms, psychiatric and psychological consulting rooms, premises providing nursing services, and the like. The term does not include Home-based businesses and hospitals;

“Office” (Class 6) means the use of premises for administration, or clerical, technical, professional, or other business activity where no goods or materials are made, sold, or hired on the premises, whether for a public or private purpose. The term does not include medical centres or veterinary clinics as separately defined;

“Restaurant” (Class 2) means the use of premises for the preparation of meals and foods for sale to the public for immediate consumption mainly or exclusively on the premises (such as cafes, coffee shops, bistros, function centers, and tea rooms). The term can include an area used for outdoor dining. The term does not include convenience restaurants or fast-food stores as separately defined;

“Shop” (Class 1) means the use of premises for the display and retail sale of goods to members of the public;

“General store” (Class 1) means the use of premises for the display and retail sale of goods to members of the public, combined with the use of the same premises as a single dwelling unit, where the gross floor area of the retail component of the combined use is not more than 150m^2;

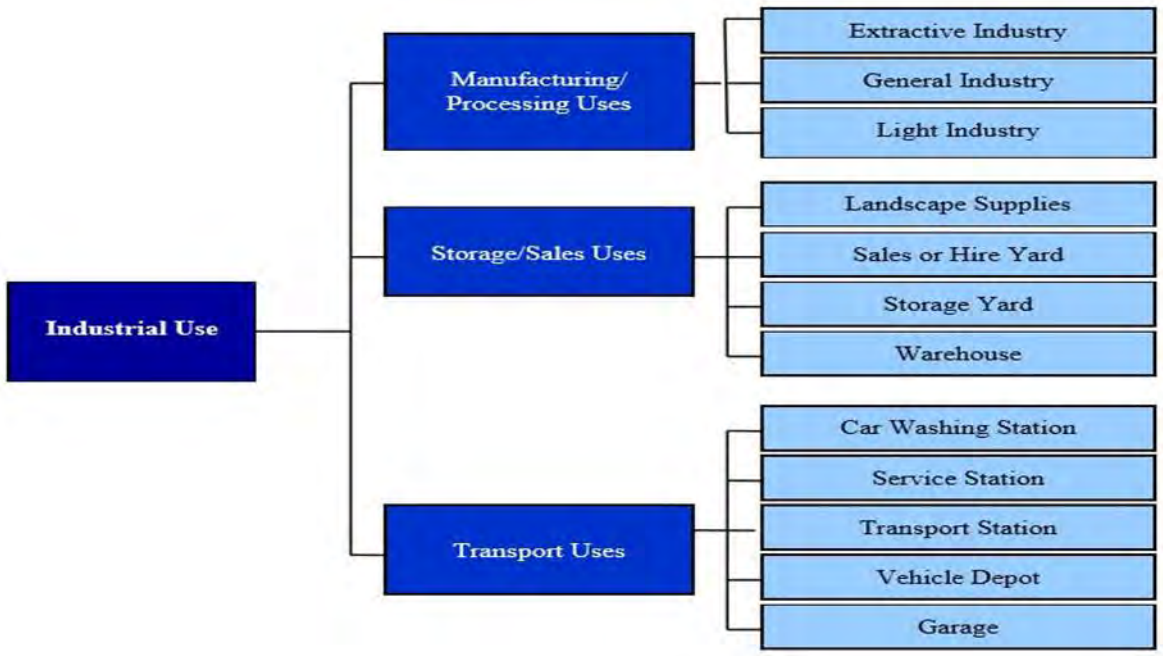
“Shopping complex” Class1 means premises, comprising one or more buildings in the form of an integrated development having a gross floor area of more than 1,000m^2, established in a coordinated manner, and used for one or more shops and can include ATM facilities;

“Showroom” (Class 5) means the use of premises for the display and/or retail sale of goods (not including food items) primarily of a bulky nature, including agricultural equipment, boats, hardware, electrical goods, computer goods, furniture, floor coverings, building supplies, motor vehicles, motor accessories, sporting equipment, or the like, mainly indoors. The term includes any area used for the selling of spare parts and the carrying out of repairs, servicing, and detailing where such use is incidental to and necessarily associated with the showroom. The term does not include shops, sales and hire yards as separately defined;

"Super Market" (Class 1) means the use of premises for the display and/or retail sale of goods, including food items, in either bulk or single components; where the gross floor area of the retail component exceeds 450m²;

"Veterinary clinic" means the use of premises for the treatment of sick or injured animals. The term does not include animal husbandry as separately defined;

Figure 20: Nesting of Industrial Uses



"Industrial use" means

a) use for any of the following purposes (see Figure 3.4), or use of any other premises for any industrial activity being:
    i. the making of any item or part of any item; or
    ii. the altering, repairing, servicing, ornamenting, finishing, cleaning, washing, freezing, packing, or canning, or adapting for sale, of any item;
    iii. the recycling of any material or item involving receiving and processing (other than only any collecting, stripping, sorting, packing, breaking up or demolition, storage, and sale or distribution) of such material or item;
    iv. the treatment or disposal of waste material; or
    v. the storage, whether for sale or not, of any solid, liquid, or gaseous fuel;

vi. the bulk storage of other goods, vehicles, equipment, and materials (whether for sale or hire), which is not separately defined as a "commercial use." or

b) when conducted as an ancillary activity on the same site as any of the above activities:
   i. the storage of goods or materials used in connection with or resulting from any of the above activities; or
   ii. the sale of goods, resulting from such activities; or
   iii. any work of administration or accounting in connection with such activities; or
   iv. facilities for the comfort of persons working on the site.

"Car washing station" means premises used for washing motor vehicles by means of mechanical, hydraulic, or pneumatic means;

"Extractive industry" (Class 9) means the use of premises or works for a business purpose, for the winning on or from the land, and/or the treatment and processing, including crushing and screening, of gravel, rock, sand, soil, stone, or other similar materials.

"Garage (Workshop)" means the use of premises for commercially servicing, repairing, or maintaining motor vehicles or motor vehicle equipment, agricultural machinery, and the like, including engine tuning, engine reconditioning, radiator repairs, and panel beating. The term does not include service stations as separately defined.

"General industry" (Class 8) means the use of premises for a business purpose for any industrial activity that is not separately defined;

"Special/Heavy Industry" (Class 9) means the use of premises for a business purpose for any industrial use which:

a. principally involves animal product processing, food processing or beverage production, or
b. is for the purposes of a junkyard or salvage yard; or
c. involves the use, storage, handling, or disposal of any radioactive substance or material, or
d. otherwise involves dangerous goods in quantities that are not minor;

These uses will also include uses such as:

- Abattoirs or slaughterhouses
- Acid manufacture
- Ammonia manufacture and storage
- Ammunition manufacture and storage
- Anima by-product manufacture
- Bacon factories

- Battery smelting
- Boiling down works
- Calcium carbide manufacture or storage
- Caustic soda manufacture
- Celluloid or celluloid products manufacture
- Cement or lime manufacture
- Chemical works
- Crushing stone, rock grave, sand
- Disinfectant manufacture
- Explosives manufacture or storage
- Fat extraction
- Fertiliser works
- Fireworks manufacture or storage
- Fish processing factory
- Flammable liquid manufacture, refinement, storage, or bottling
- Flock works
- Food preserving works
- Gasworks
- Germicide manufacture
- Incinerators (where such are capable of consuming more than one tonne of material per hour and whether the use of such is ancillary to some other use)
- Kava Manufacturing
- Knackeries (bits and pieces)
- Matches manufacture
- Meat preserving and processing works
- Oxygen production works
- Paint manufacture
- Petroleum Storage
- Pesticide manufacture
- Photographic film manufacture (other than non-flammable film)
- Plastics manufacture
- Poisons manufacture
- Radioactive material storage
- Rubber processing
- Sandblasting
- Sawmills
- Smelting works
- Soap works
- Tannery
- Tar and tar products manufacture
- Turpentine manufacture

- Wharf and related activities

"Light industry" (Class 7) means the use of premises for business purposes for any small-scale industrial activity that is not ancillary to another use on the site and which complies with the provisions of the Physical Planning Act 2004, Class 7;

"Sales or hire yard" means the use of premises or intended use of premises for:

a. the sale, hire, or leasing of any construction or industrial plant and equipment, motor vehicles or boats (sold, hired, or leased mainly outdoors), agricultural machinery, trailers, other transportable structures, and the like, where such items are stored thereat; or
b. the displaying for sale, hire, or leasing of any of the items referred to in (a) above; or
c. a timber yard.

The term includes any ancillary use of the premises for:

a. routine servicing of any of the items sold, hired, or leased, and
b. any ancillary use of those premises for the sale or hiring out of portable tools, machinery, or equipment;

"Service station" (Class 4) means the use or intended use of premises for use for the sale by retail of petrol and automotive distillate or any derivatives therefrom; and for all or any of the following ancillary purposes, namely:

a. the sale by retail of:
    i. lubricating oils and greases; or
    ii. batteries; or
    iii. tyres; or
    iv. accessories and spare parts for motor vehicles; or
    v. power and lighting kerosene; or goods, including food for the comfort and convenience of travellers by motor vehicles where the area of such activity is not used for a purpose that would constitute a convenience restaurant as separately defined;
    vi. other products manufactured or distributed by oil companies and motor accessory manufacturers;
b. the carrying out of all or any of the following operations:
    i. fitting, removal, and exchange of tires;
    ii. repairing of tubes;
    iii. supply of compressed air;
    iv. charging of batteries;
    v. lubrication and greasing of motor vehicles;
    vi. cleaning and adjustment and replacement of spark plugs;

vii. receipt of tyres for retreading and other processes and the redelivery thereof;
viii. running repairs of a minor nature and of a type that do not normally immobilize a vehicle for a period longer than four hours; washing of motor vehicles;

c. the rendering of minor services incidental to any of the foregoing;

"Storage yard" (Class 5) means:

a. a builder's yard, or construction or earthmoving contractor's yard; or
b. a container depot; or
c. other premises used for the storage of goods wholly or primarily in the open, whether any of those goods are sold by wholesale, where such premises are not used or intended for use for a separately defined purpose. The term includes ancillary activities:
    i. use of any facilities on the premises for the garaging, inspecting, cleaning, and routine servicing of vehicles and containers involved in the storage yard use; and
    ii. storage of goods in covered stacks or in enclosed structures not being a building but being in the nature of silos, bins, tanks (whether or not underground) or transport containers. The term does not include storage, which is an ancillary activity for another use on the same site, or the storage of dangerous goods other than in minor quantities;

"Transport station" means the use of premises for a road, air, or water transport passenger and/or goods terminal, a bus station, or heliport. The term does not include vehicle depots or major utilities as separately defined.

"Vehicle depot" (Class 5) means the use of premises for the overnight or longer storage, for commercial or public purposes, (either in the open or covered) of more than one bus, truck, taxi, other motor vehicle, trailer, and/or boat, and/or premises used as an operational base or depot for any such vehicles. The term includes ancillary activities:

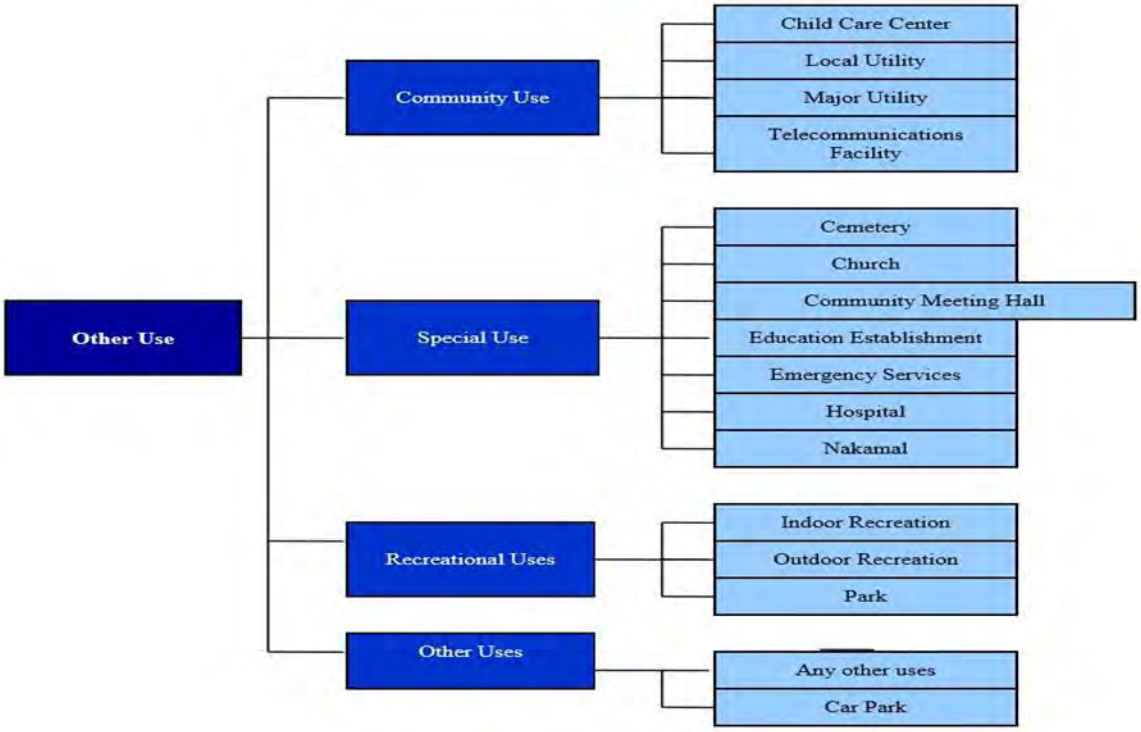
a. the servicing of any such vehicles on the premises; or
b. the sale of any such vehicles by wholesale. The term does not include facilities ancillary to another use on the same site, the retail sale of vehicles, or car parks, sales or hire yards, or transport stations as separately defined;

"Warehouse" (Class 5) means the use of premises for business purposes, for the storage of goods, merchandise, or materials in a building or buildings, whether pending their distribution or sale by wholesale. The term does not include:

(a) the storage of dangerous goods other than in minor quantities: or
(b) storage, which is an ancillary activity for another use on the same sites; or

(c) any separately defined storage use.

Figure 21: Other Uses



COMMUNITY USE

"Community use" means use for any of the following purposes (see figure 19);

"Child care centre" (Class 17) means the use of premises for the paid minding or care, but not residence, of children. The term includes a nursery school or kindergarten but does not include child care undertaken as a home-based business;

"Local utility (services)" means the use of premises other than parkland for:

(a) any of the undertakings of the Rovobay State Land or another public sector agency, including:
   i. the conveyance of water, sewerage, and stormwater drainage;
   ii. the provision of neighbourhood or district community services such as libraries, theatres, galleries, tourist information facilities, and the like;
   iii. the provision and maintenance of roads and traffic control devices;
   iv. administrative offices;
   v. the provision and maintenance of premises and facilities for public spaces and for conservation purposes;

vi. such other public purposes carried out by the Rovobay State Land pursuant to the By-Laws of Shefa Provincial Government

(b) the reticulation of electricity;
(c) public transport facilities other than transport stations, vehicle depots, garage, workshops, or offices;
(d) the following telecommunications facilities:
    i. communication dishes in any commercial, industrial or rural zone where the dish has a diameter not exceeding 1800 mm;
    ii. pits and manholes;
    iii. groups of up to four payphone cabinets; and
    iv. temporary facilities, for the purpose of providing additional network capacity or facilities, during special events or at other times of excessive demand, for a maximum duration of three months;

"Major utility" means the use of premises for the purposes of any installation or undertaking for:

(a) the generation and/or supply of electricity;
(b) the storage and/or treatment of water, sewerage, or garbage;
(c) the provision of community services such as major sports stadiums, convention centres, nakamals, and the like;
(d) a prison, reformatory, or similar institutional establishment;
(e) any national and provincial government purpose not otherwise defined;
(f) a depot operated by or for the Council, other public authority, or statutory corporation;
(g) the following telecommunication facilities:
    i. towers or other structures more than 10 metres in height in, or on a site adjoining, a Residential Zone, a Peri Urban Zone, or a Special Purpose Zone;
    ii. towers or other structures more than 15 metres in height in any other Zone;
    iii. any aboveground facility on or adjoining a site of cultural heritage significance, and
    iv. aerial cabling in a residential, periurban zone, or a special purpose zone. The term does not include Local utility as separately defined;

"Telecommunications facility" means any line, equipment, apparatus, tower, mast, antenna, tunnel, duct, hole, pit, pole, or other structure or thing used by a holder of a carrier's license under the Telecommunications Act, or for use, in or in connection with a system or series of systems that carries or is capable of carrying, communications by means of guided or unguided electromagnetic energy, whether such facility is manned or remotely controlled, and not being a local utility or major utility.

"Public Restrooms" means premises for the provision of toilet facilities for public use in public open spaces, town centres, community facilities, supermarkets, and the like;

SPECIAL USES

"Cemetery" means the use of premises for the interment of the dead;

"Church" (Class 15) means the use of premises for religious activities of a religious organization, community, or association. The term includes a chapel, synagogue, mosque, or temple;

"Community meeting/Nakamal" means the use of premises for the conduct of meetings or gatherings and other activities of a club, organization, or community association;

"Educational establishment" (Class 17) means the use of premises for a school, pre-school, college, adult education centre, university, or other educational facility. The term includes ancillary uses such as offices, libraries, bookshops, or canteens. The term does not include a child care centre as separately defined;

"Emergency services" means the use of premises for a police station, ambulance station, fire brigade, or emergency services depot, not separately defined as a commercial use;

"Hospital" (Class 16) means the use of premises for medical or psychiatric care and treatment of patients. The term includes ancillary facilities, including administrative offices, canteens, kitchens, and the like. The term does not include a medical centre as separately defined;

RECREATIONAL USES

"Sport and recreational use" means use or intended use for a public park or for either of the following purposes **(see Figure 19**);

"Indoor recreation" (Class 20) means the use of premises for any sporting or other recreational activity or leisure pastime which is conducted wholly or mainly indoors. The term includes such typical premises as theatres, cinemas, nightclubs, amusement centres, licensed clubs, indoor sports centres, gyms, and the like (including other premises having more than two pinball or electronic game machines). The term does not include a clubhouse or ancillary building used in association with an outdoor recreation or public park, or a hotel;

"Outdoor recreation" (Class 21) means any sporting or recreational activity, or other leisure pastime, which is conducted wholly or mainly outdoors. The term includes such typical premises as show grounds, (outdoor) public swimming pools, walk-in theatres, race tracks, golf courses and driving ranges, outdoor courts and sports grounds, and the like. The term also includes a public park as separately defined.

"Park" (Class 21) means the use of premises for the purpose of parks and gardens open to the public. The term includes associated ancillary buildings or structures, including a picnic area, playground equipment, amenities block, and open spaces. The term does not include indoor recreation or outdoor recreation as separately defined.

OTHER USES

“Any Other Uses” is any other use that may be prescribed by the Minister and/or any other relevant authority.

“Car park” means the use of premises for the parking of motor vehicles where such parking is not an ancillary activity on the site.

INTERPRETATIONS

Where there is any question about the definition of any use, the definition of that use shall be as determined by the Shefa Government Council and the Department of Urban Affairs and Planning, having regard to the nature and scale of the activities involved and their actual or potential impacts on the surrounding area.

Administrative Definitions

To assist the understanding of the use definitions and other provisions of the zoning document, the following terms are considered to have the meanings set out below.

"Ancillary activity" refers to a subordinate activity that is associated with the main activity on the site;

"Best management practice" refers to the management of any land use activity involving:

- The temporary or ongoing working of land;
- Earthworks or other altering of landform;
- Disturbance of natural vegetation;
- Changes to the quality or quantity of any water resources; or
- The generations of noise or air emissions and waste, to avoid or minimize environmental harm using cost-effective measures assessed against those currently used across the state, nationally and internationally for the activity;

Gazetted Amendment Vanuatu National Building Code 2000; contains building recommendations and requirements

"Buffer" refers to an area, structure, or physical feature separating a source of environmental impact from an area or use sensitive to such impact. A buffer area may include public park land, riparian zones, maritime zones, and any other areas where the Council may require such buffers.

"Building Height" means the maximum height that a building is permitted to be built to and refers to the height between natural ground level and the highest point of the building. Also refer to the Amendment of the Vanuatu National Building Code 2000.

"Building setback" refers to a line or lines, fixed by Shefa Provincial Government Council or any other authority, parallel to any boundary of a lot beyond which a building or other structure shall not encroach, and measured as the shortest horizontal distance from the outermost projection of the building or other structure to the vertical projection of the lot boundary;

"Car parking" refers to an area set aside for parking associated with the use on the site.

"Carport" refers to a building providing covered vehicular parking, which ensures that a vehicle can turn onsite and leave in a forward direction.

"Communal Waiting Places" refers to places outside public or private property where people gather to wait for public transport or the like.

"Council" means the Shefa Provincial Government Council (SPGC).

"Critical habitat" has the same meaning as incorporated in the Environment Management and Conservation Act 2002, and includes habitat that is essential for the conservation of a viable population of protected wildlife or community of native wildlife, whether special management considerations and protection are required. A 'critical habitat' may include an area of land that is considered essential for the conservation of protected wildlife, even though the area is not presently occupied by the wildlife, e.g., mangroves or riparian reserves;

"Cultural heritage significance" of a place or object, includes its aesthetic, architectural, historical, spiritual, scientific, social, or technological significance to the present generation or past or future generations. Refer to the Preservation of Sites and Artefacts Act 1988;

"Development" means the carrying out of building or other operations in, on, over, or under the land, or the making of any material change in the use of buildings or land, or the subdivision of any building and/or land;

"Development Plan" means a plan which is referred to in the conditions of a development approval as having been approved by relevant authorities and which shows the development approved on the site. The term includes any map, diagram, section, detail, schedule, or drawing shown or endorsed on or attached to the plan that may limit, condition, or otherwise describe the development;

"Dwelling unit" means habitable rooms and other spaces used or intended for use as one self-contained residential unit, comprising at least bathroom, toilet, and kitchen facilities provided on the same lot as well as other living and sleeping spaces to accommodate one or more persons;

"Environmental Impact Assessment" (EIA) means a study that may be required to be prepared to support an application for development approval and which includes in sufficient detail to allow an adequate assessment of the potential environmental impacts and the suitability of proposed mitigation measures as required in the Environmental Management and Conservation Act 2002.

"Environmental Management Plan" (EMP) means a document that may be required to be prepared to support a development application, or as a condition of development approval that describes, for the design, construction, and operation of the premises and for emergency situations or as required under relevant facts:

a. What acceptable levels of environmental impact are intended to be achieved or maintained;
b. How it is proposed to avoid or minimize risks of serious or material environmental harm or nuisance;
c. Who is responsible for implementing the management measures;
d. What monitoring and reporting will be undertaken, and
e. When actions will be taken.

"Environmental nuisance" means any unreasonable interference or likely interference caused by: a) noise, dust, odour, light, or b) an unhealthy, offensive, or unsightly condition because of contamination.

"Existing" in relation to a use, building, other structure, or premises means a use, building, other structure, or premises that was lawfully in existence, or approved, immediately before the commencement day of this document. Whether any such use, building, other structure, or premises remains lawful at any given time shall be determined in accordance with the relevant provisions of this Zoning Plan. To remove all doubt, where an existing use is in a zone where such use is not preferred, the use will cease at the time a new lease is secured over the parcel of land.

"Flood prone" means that land that is below the 100-year Average Recurrence Interval (ARI) flood level of any rivers, streams, or tributaries thereof.

"Foreshore" means the land below mean high water mark and the bed of the sea within the territorial waters of Vanuatu (including the ports and harbours thereof) and includes land below mean high water mark in any lagoon having direct access to the open sea;

"Foreshore Development" means the carrying out of any building, engineering, mining, or other operations in, on, over, or under the land, or the making of any material change in the use of buildings or other land whether or not such land is covered by water;

"Forestry Management Plan" is a plan prepared by a developer of forestry activity that details the nature and extent of forestry activities and their impact and has been prepared in accordance with the Vanuatu Code of Logging Practice.

"Gross floor area" means the sum of the plan areas (inclusive of all walls, columns, and balconies, whether roofed or not) of all storeys of a building or buildings;

"Ground level" means

a) the ground level of the lot on the day the first plan of survey showing the lot was registered; or
b) if the ground level on the day mentioned in paragraph (a) is not known, the natural ground surface or probable natural ground surface decided by the relevant assessing authority;

"Ground storey" means the storey that has its floor level closest to ground level at the time the construction of the building was completed, measured at the middle of the front wall of the building;

"Habitable Room" means a room used for normal domestic activities and includes a bedroom, living room, lounge room, music room, television room, kitchen, dining room, sewing room, study, playroom, family room, and sunroom, but excludes a bathroom, laundry, water closet, pantry, walk- in wardrobe, corridor, hallway, lobby, photographic darkroom, clothes drying room, and other spaces of a specialized nature occupied neither frequently nor for extended periods.

"Integrated development," as applied to the development of premises, means premises that combine different uses and/or buildings that are planned, designed, and built (either at one time or staged) to incorporate common and/or related siting, design, and/or construction elements;

"Lake" refers to an isolated water body that includes a swamp, marsh, or other natural collection of water, whether permanent or intermittent; it also includes an artificial lake or dam that is being created for the purposes of recreation, amenity, on-site water supply, flood retardation, or as part of a water quality management system.

"Landscape and recreation area" means:

a. any area used as any one or more of the following: lawn, garden, rockery, pathway, hedge, or other landscaping;
    i. a swimming pool;
    ii. a tennis court;
    iii. a children's play area, sand pit, or the like;
    iv. botanical gardens;
    v. an entertainment or recreation area, whether it includes barbecues, refreshment tables, or the like;
    vi. a balcony, courtyard, deck, or veranda not provided solely or mainly for access from one part of the premises to another part;
    vii. a roof- top terrace; and
b. where such area is provided at ground level or ground -storey level where the premises are used exclusively for residential purposes; and
c. which is not also provided or used as an area for any
    i. vehicle parking or standing;
    ii. vehicle access or movement;
    iii. building;
    iv. refuse a bin pad or shelter;
    v. incinerator
    vi. vehicle and gardening maintenance; or

vii. other caretaking or handyman facilities;

"Landscaping" means the treatment of premises for the purposes of protecting and/or enhancing any or all the environmental values, appearance, and comfort and use of public or communal land by way of any one or more of:

a) the planting of trees, hedges, shrubs, or grass, together with the provision of any irrigation works;
b) the laying out of lawns, gardens, hedges, court yards, or similar open or semi-open spaces;
c) the formation of banks, terraces, lakes, or gardens;
d) the provision of paving or edging for decorative or aesthetic purposes;
e) the erection of screen or decorative fences or walls, pergolas, trellises, or similar outdoor structures;
f) the installation of lighting, interpretive signage, fountains, pools, or outdoor furniture;
g) the placement of statues, sculptures, or other art for decorative purposes; and may include the incorporation of existing vegetation, waterbodies, landforms, and decorative structures.

"Local Area Structure Plan" means a schematic plan of an emerging urban development or peri-urban residential development area showing a conceptual layout of future major land uses, open space, roads, drainage, and other infrastructure for the locality as approved by Shefa Provincial Government Council and other relevant stakeholders. Such a Structure Plan is intended to provide the site planning and design framework for future lot subdivision, together with any associated engineering work, in the locality and is generally intended to be a component of an outline permission for development in such an area;

"Material change of use" means any change of use of a building or land that alters the character of the building or land such that the new use lies outside the use class of the former or existing use. Refer to the different use classes in the *Physical Planning Act, Cap. 193,* and in the extended use definitions provided, mentioned above:

"Mezzanine Floor" means an intermediate floor within a room that is not more than 1/3 of the floor area of the room or 200m², whichever is the lesser;

"Minor building work" means either:

1. Carrying out of works for the maintenance, improvement, or other alteration of any building if the works affect only the interior of the building and do not materially affect the external appearance of the building.
2. The extension, on one occasion only, of any building for which permission has already been given by Council, by not more than 10% of its net floor area.

3. The carrying out of works by a public authority required for the maintenance or improvement of a road if the works are carried out on land within a road reserve.
4. The carrying out by any public authority or statutory undertaker or of any works for the purposes of inspecting, repairing, or renewing any sewers, pipes, cables, or other apparatus “including the breaking open of any other land for that purpose.
5. The use of any building or other land within the curtilage of a dwelling house for any purpose incidental to the enjoyment of the dwelling house.
6. The use of any land and associated buildings, though not living accommodation, for the purposes of livestock keeping, agriculture, fishing, or forestry.
7. Any other operations or use of land that may be prescribed in regulations made by the Minister.

“Mixed- use building” means premises in which residential uses are integrated with commercial or other uses;

“New premises” includes extensions or alterations to existing premises;

“Relocatable home” means a habitable structure that is factory assembled or built in components and assembled on-site and capable of being transported by trailer or other vehicle, for which building approval has been granted on an approved site for accommodation purposes. Such structures may be fitted with wheels at the point of manufacture but only for the purpose of transport to the site on which they are to be located;

“Repository” means a place where goods are stored prior to sale;

“Riparian vegetation” refers to the vegetation along a waterway that has species and a character dependent on a close location to and interaction with the waterway system.

“Roof top terrace” means space on the roof of a building, used or intended for use for recreational purposes where such space:

- contains no habitable rooms;
- is open to the sky for at least 50% of its area;

“Room Unit” means any part of a building used or intended for use to accommodate one or more persons, but which does not include a kitchen;

“Shopping Complex Master Plan” means a schematic plan approved by the relevant authorities showing a conceptual layout of future retail and other associated land uses of a shopping complex and the coordination of pedestrian and vehicular access, car parking, drainage facilities, and landscaping. The Master Plan is intended to provide the site planning and design framework for the shopping complex and is intended to be a component of an outline permission for development in such an area;

"Significant Vegetations" means one or both of the following

b) vegetation within "environmentally sensitive areas" as identified by the environmental authorities; and/or
c) vegetation that contains or is likely to contain species noteworthy in terms of geographic distribution and vegetation with historic or cultural association, recreational, scientific, or educational value, habitat importance, land protection functions, or structural and visual buffer qualities;

"Site" means any land on which development is carried out, or is proposed to be carried out whether such land comprises:

a) the whole of any one lot or parcel of land;
b) only part of one lot;
c) more than one lot where each lot is adjoining with the other or another lot;

"Site cover" means the proportion of the site covered by buildings;

"Slope" means the slope of the building area determined as per the Vanuatu National Building Code 2000.

"Slope Analysis" means a diagram prepared by a licensed surveyor representing the slope of the site, indicating the slope of the site in the following slope categories:

- up to 15%
- 15% or more but less than 20%
- 20% or more but less than 25%
- 25% or more

"Storey" means a space within a building which is situated between one floor level and the floor level next above, including a mezzanine level, or if there is no floor level above, the ceiling or roof above;

"Tidal land' includes reefs, shoals, and other land permanently or periodically submerged by waters subject to tidal influence;

"Townscape significance" of a building, other structure, or premises, refers to its aesthetic, visual, and/or architectural value to the attractive appearance and sense of place of the street or locality in which it is situated;

"Watercourse" means a river, creek, or stream in which water flows permanently or intermittently:

a) in a natural channel;
b) in a natural channel artificially improved;

c) in an artificial channel that has changed the course of the watercourse; and includes bed and banks and any other element of a river, creek, or stream that confines or contains water;

“Waterway” means, any natural or constructed surface water flow path, whether ephemeral or permanent;

Appendices

BUILDING INFORMATION FOR APPLICANTS

REPUBLIC OF VANUATU

SHEFA PROVINCIAL COUNCIL
PRIVATE MAIL BAG 9078
PORT VILA
VANUATU

Telephone: 22752
Fax: 22785
Email: shefaprovincegovt@vanuatu.com.vu

REPUBLIQUE DE VANUATU

COUNSEIL PROVINCIAL SHEFA
SAC POSTAL PRIVE 9078
PORT VILA
VANUATU

Telephone: 22752
Fax: 22785
Email: shefaprovincegovt@vanuatu.com.vu

BUILDING INFORMATION

All development approved shall be completed not later than 24 months from the date of the Council's decision unless on further application this period is extended.

1. STRUCTURAL PROVISION

1.1 Design loads

1. Buildings and their elements must be designed and constructed in order to prevent structural failure during the expected life of the building and to avoid unacceptable deflections and vibrations during the normal use of the building, resulting from –
a). combinations and frequency of all possible loads, dynamic responses and internal actions;
b). the properties of the materials used in the building; and
c). the foundation conditions
2. All buildings must comply with the following:
a). any building must be a minimum of 4 meters away from the property limit where there are windows and a minimum of 2 meters where there are no windows and a minimum of 5 meters from the road frontage.
b). The concrete floor must be raised to a height that will be able to withstand any flooding within the area during heavy rain/storm.
c). The building shall be strictly based on **your floor area** as specified in your application.
d). During building inspection, inspector from Shefa Provincial Council will ensure that the development complies with the requirements outlined in Vanuatu National Building Code.
e). The building roof must match the natural vegetation of the environment or must meet any legal requirement of buildings in the locality.

1.2 Site work

a). Site works as necessary must be carried out to ensure the stability of the building site during the expected life of the building.
b). While carrying out works any damage to existing structures or adjacent property must be avoided.
c). Alterations to the ground water level resulting from site works must not be allowed to affect the stability of any building.

1.2 Design Criteria

The following criteria must be satisfied –
a). during the designed life of the building the probability pf experiencing unacceptable deflections or vibrations must not exceed 5%.
b). the probability of risk of structural failure must not exceed 0.1% within the designed life of the building.

2. ACCESS AND EGRESS

2.1 Number of Exits
Every class 1 building must have two exits. At least one of these exits must be provide easy means of egress in case of any emergency without security to the building. Such emergency exits may take the form of a trap door on an elevated floor or some such arrangement. *Windows* and other such opening as emergency exits must have a minimum clear dimension of 560mm and a minimum clear area of opening 0.6m2. The shutter must be capable of opening to 90º to the wall. The top of the window sill must be no more than 900 mm from the floor inside. The height of the window sill from the ground or floor outside must not exceed 1800mm.

2.2 Ramp in Exits
A ramp in exits may be used in place of a stairway. The gradient of any such ramp must be no steeper than 1.8.

3. ELECTRICITY

Objectives
All electrical work associated with a Class 1 or 10 building must meet the following objectives –
a). It must prevent electrocution, burns or fire
b). It must satisfy the reasonable expectations of the occupants by ensuring that it is adequate for their intended use, both current and anticipated.
c). ensure that the main switch is normally accessible only to the occupant

4. HEALTH AND AMENITY

4.1 Height and Rooms
Minimum height below the ceiling and any framing excluding minor projections such as cornices, are:
a). habitable rooms – average 2.3m and minimum of 2.1 m; and
b). bathroom, shower room, water closet, laundry, panty, or like – 2.1m.
c). Ceiling fans and other such appliances must be at a minimum vertical clearance of 2.1m

4.2 Provision of Natural Light

a). Natural light must be provided to all habitable rooms
b). Direct natural lighting must be provided by windows open to the sky or open verandah.
c). Natural lighting to a room may come through a glazed panel or opening from an adjoining room (including an enclosed verandah) if –
i). the glazed panel or opening has an area of not less than 10% of the combined floor area of both buildings.

4.3 Ventilation of Rooms

a). a habitable room, sanitary compartment, bathroom, shower room, laundry and any other room occupied by a person for any purpose must be provided with natural ventilation complying with 4.3b below. Where it is not practical to provide natural ventilation for any sanitary compartment, bathroom, shower or laundry, it is permissible to substitute natural ventilation with a mechanical ventilation system.
b). required natural ventilation must be provided by permanent windows, openings, doors or other devices which open to–
a). a court, or space open to the sky; or
b). an open verandah open carport, or the like

4.4 Water Supply Plumbing

1. The plumbing work for water supply must ensure –
a). the appropriateness of the materials and products used;
b). the correct sizing of water services for the intended use
c). the control of cross-connections and prevention of backflow
d). adequate care in the installation of the services
e). adequate connections to sanitary services without endangering health and hygiene.
2. Where rainwater is collected and stored, the storage and distribution must reasonably ensure that the water is not contaminated by unsafe or unsuitable materials. The capacity of the catchment and storage must be adequate to provide a continued supply of water during years of low rainfall.

5. SEPTIC TANKS

1. All building applications must be submitted with a plan of its associate septic.
2. Septic should be located to allow for easy access for removal of sewage.
3. Septic tanks may be of reinforced concrete or reinforced block masonry walls over a reinforced concrete base.
4. Fiber glass septic tank shall be permitted where they cater for households up to 10 persons, provided the tank capacities shall not be less than:

- 2 500 liters, where only toilet waste is treated
- 4,500 liters, where all sewage, including bathing and kitchen waste water is treated.

5. Every septic tank of block masonry or concrete construction must be covered with reinforced concrete slabs and removable manhole covers fitted over every compartment. The manholes are used when it is necessary to pump out or otherwise clean the tank. Inspection openings are also required over the inlet and outlet square junctions.

6. DOMESTIC WASTE

1. All domestic wastes shall be properly stored and ensured that they are disposed of to appropriate disposal site.
2. All surface water arising from the development of your proposed building must be diverted to a proper soak-away within the cartilage of the site.

Form 1: APPLICATION FOR PLANNING PERMISION

SHEFA PROVINCIAL GOVERNMENT COUNCIL

WEB: www.shefa.vu PH: 22752 MOB: 7639997

POSTAL ADDRESS: PMB 9078, PORT VILA, EFATE, Vanuatu

APPLICATION FOR PLANNING PERMISSION

Physical Planning Act No 22 of 1986

NOTE: Shefa Provincial Council through Physical Planning Unit will advise you if you need an Environmental Impact Assessment for your development.

1. THE LAND

Complete the address and the Land Description.

The information can be found in land certificate			
	NAME OF APPLICANT:		PHONE:
	AREA:		NATIONAL ID No:
	LAND TITLE:	LEASE HOLDER NAME:	
	LAND AREA:	sq meters	LOT NUMBER (if known):

2. THE PROPOSAL

Please provide full details of your proposal and attached the information required to assess the application.

Unclear or not enough information will delay submission of your application to the council for approval

Note: Provide additional information on a separate paper if the space provided is insufficient.

3. PROPERTY DETAILS

LOCATION OF DEV:		LEASE TITLE:
NUMBER OF STOREY:	BUILDING FLOOR AREA:	sqm
LENGTH (m):	WIDE (m):	HEIGHT (m):

5. BUILDER ENGAGED IN THE BUILDING WORK

NAME:	Business License N°:
	Class type:
MOBILE No:	Email:
Postal Address:	

4. EXISTING CONDITION

Describe the current usage or state the type of lease issued of the subjective land

I.....hereby declared that the above information is true to the best of my understanding

APPLICANT SIGNATURE:_____ **DATE:** .....

Form 2: APPLICATION FOR BUILDING PERMIT

SHEFA PROVINCIAL GOVERNMENT COUNCIL
WEB: www.shefa.vu PH: 22752 MOB: 7639997
POSTAL ADDRESS: PMB 9078, PORT VILA, EFATE, Vanuatu

SHEFA PROVINCIAL GOVERNMENT COUNCIL

BUILDING PERMIT AND PLANNING PERMISSION APPLICATION

Physical Planning Act No 22 of 1986

Applicant: **Ref:** _____

Name and address: _____ **Date:** _____

_____

Contact Number: _____
Email Address: _____
WhatsApp Account: _____
Facebook Account: _____

Please complete all the sections provided in this form before submission. Incomplete form will delay your application and permit.

Checklist:

The mentioned documents must be submitted together with this application. Negligence to provide any of these documents will delay submission to hearing panel, hence, delay obtaining permit

1. Lease Title or Lease Title with a copy of legal agreement (if you are not the owner) [ ]
2. **Two (2) copies** of complete architectural drawing of your proposed building [ ]
3. Two copies of septic plan together with its associate network [ ]
4. Attached a copy of your identification (ID) Card or passport or other ID [ ]
5. A map showing the position of the propose building within the property [ ]

If applying for fencing permit, please provide:

6. Consent leter from other property owners who share common boundary with you [ ]

Under the Provision of "PHYSICAL PLANNING ACT No: 22 OF 1986"
"ENVIRONMENT MANAGEMENT AND CONSERVATION ACT"

LAND SUBDIVISION PERMIT AND PLANNING PERMIT APPLICATION FORM

SHEFA PROVINCIAL GOVERNMENT COUNCIL
WEB: www.shefa.vu PH: 22752 MOB: 7367249
POSTAL ADDRESS: PMB 9078, PORT VILA, EFATE, Vanuatu

SHEFA PROVINCIAL GOVERNMENT COUNCIL

LAND SUBDIVISION PERMIT AND PLANNING PERMISSION APPLICATION

Physical Planning Act No 22 of 1986

Applicant: **Ref:** _____

Name and address: _____ **Date:** _____

_____

_____

Contact Number: _____

_____

Please complete Form 1 and Form 2. Form 4 will be filled by the Environmental Unit if the proposed development needs a preliminary Environmental Impact Assessment.

Application for:	PLANNING PERMISSION	(Form 1)	[ ]
	BUILDING PERMIT	(Form 2)	[ ]
	PRELIMINARY ENVIRONMENTAL ASSESSMENT IMPACT	(Form 4)	[ ]

Under the Provision of "PHYSICAL PLANNING ACT No: 22 OF 1986"

"FORESHORE DEVELOPMENT ACT"

"ENVIRONMENT MANAGEMENT AND CONSERVATION ACT"

FORM 3: APPLICATION FOR SUBDIVISION PERMIT

SHEFA PROVINCIAL GOVERNMENT COUNCIL
WEB: www.shefa.vu PH: 22752 MOB: 7367249
POSTAL ADDRESS: PMB 9078, PORT VILA, EFATE, Vanuatu

APPLICATION FOR SUBDIVISION PERMIT - FORM 3

Physical Planning Act No 22 of 1986

1. APPLICANT (OWNER / AGENT OF OWNER)

NAME:	TELEPHONE:
POSTAL ADDRESS:	MOBILE:
	EMAIL:

2. LAND OWNERSHIP DETAILS

Fill the table below **even if** the subjective land owner is the **same** as the applicant

NAME:	LEASE TITLE:	
CURRENT LAND USE:		
TELEPHONE:	MOBILE 1 :	MOBILE 2:
POSTAL ADDRESS:		

3. PROPOSED DEVELOPMENT

OVERALL SUBDIVISION AREA:	sq meters (This field must be field)	
SUBDIVISION TYPE:		N° of PLOTS:
Average Area per Lot: sq meters	Wide of road reserve:	
LOCATION OF ANY BODY OF WATER: YES [ ] NO [ ] *(tick appropriate)*		
If yes please provide GPS Coordinates		

Please specifiy the type of subdivision

1. Commercial [ ]
2. Industrial [ ]
3. Agricultural [ ]
4. Tourism [ ]
5. Residential [ ]

4. PLANS

Please provide a schetch plan lay-out for your proposed subdivision. The plan should contain each LOT number and should indicate the location of any body of water within the propose subdivision land should also provide information on road access and drainage system.

Indicate if you provide the above plan YES [ ] NO [ ]

8. SIGNATURE OF AGENT OR OWNER

I. _____hereby declared that the above information is true to the best of my understanding

Applicant Signature: _____ DATE: .....

FORM 4: APPLICATION FOR PRELIMINARY ENVIRONMENT IMPACT ASSESMENT

ROVOBAY STATE LAND (SHEFA PRONVICIAL GOVERNMENT COUNCIL)

APPLICATION FOR PRELIMINARY ENVIRONMENT IMPACT ASSESSMENT

Any Ministry, Department, Government Agency, Provincial Government or Municipal Council that receives an application for any project, proposal or development activity not exempt by Section 13 of the Environmental Management and Conservation Act, must undertake, or have undertaken on its behalf, a Preliminary Environmental Impact Assessment of that application.

If any of the above mentioned is the project proponent, the application must be referred to the Vanuatu Environment Unit which will be responsible for conducting the Preliminary Environment Impact Assessment.

A copy of the completed Preliminary Environment Impact Assessment, then a copy of the application and the completed Preliminary Environment Impact Assessment must be sent to the Vanuatu Environment Office where the Vanuatu Environment Unit will be responsible for establishing the Terms of Reference for the conduct of an Environment Impact Assessment with the developer and all other relevant stakeholders.

If an Environment Impact Assessment is not required, then a copy of the Preliminary Impact Assessment must be sent to the Vanuatu Environment Unit the application should be processed as per usual.

For Official Use only

(Circle the appropriate one)

1. Do you think that the proposal will require a Preliminary Environment Impact Assessment? Yes No

2. If you circled yes, then a PEIA must be produced before any decision is taken by the Council on the application.

3. Give reason(s) why they think a PEIA is required:

_____

_____

4. If you circled No, give reasons why_____

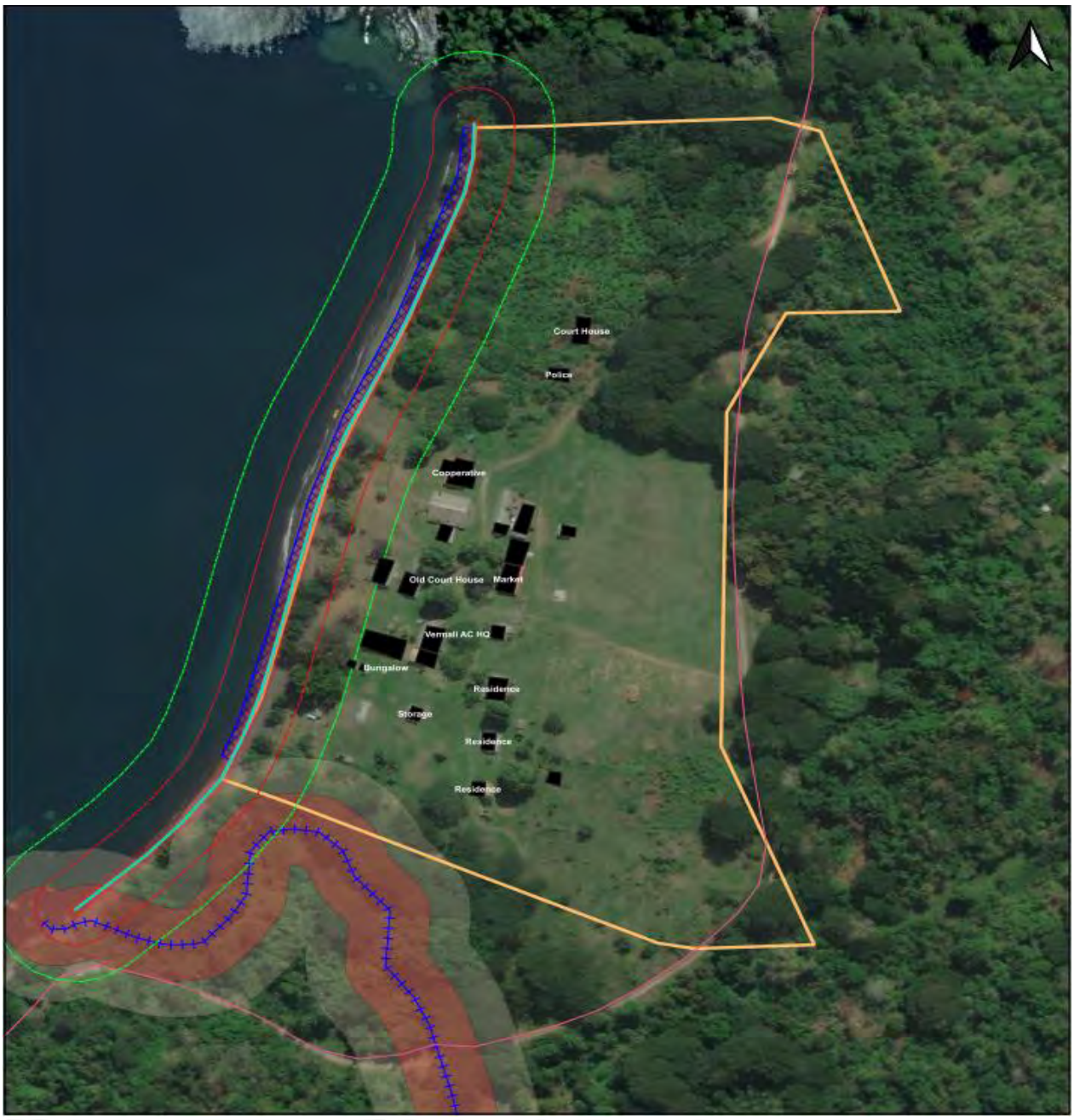
_____

5. When PEIA is confirmed not required, then Council will proceed to consider the application as per usual.

Signature: _____ Date: _____ Council Officer

MAPS

COASTLINE & RIVER BUFFER, ROVOBAY, EPI



KEY

Building Footprint
Rovo Bay Boundary
Coastline
River
25 meter(High Risk)
25 meter(High Risk)
50 meter(Low Risk)
50 meter(Low Risk)
Road
Foreshore

0 100 200 m

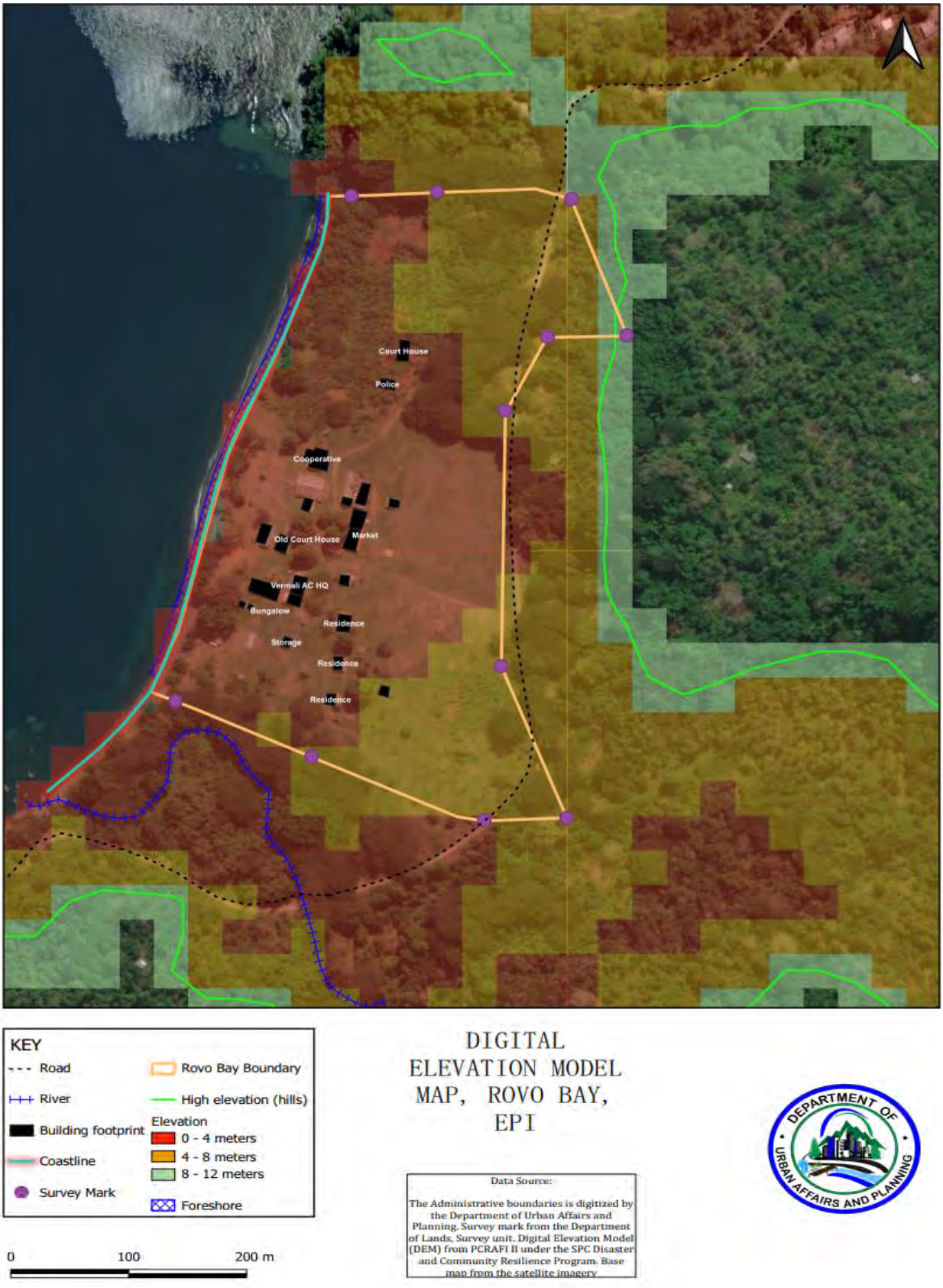
COASTLINE & RIVER BUFFER MAP, ROVO BAY, EPI

Data Source:

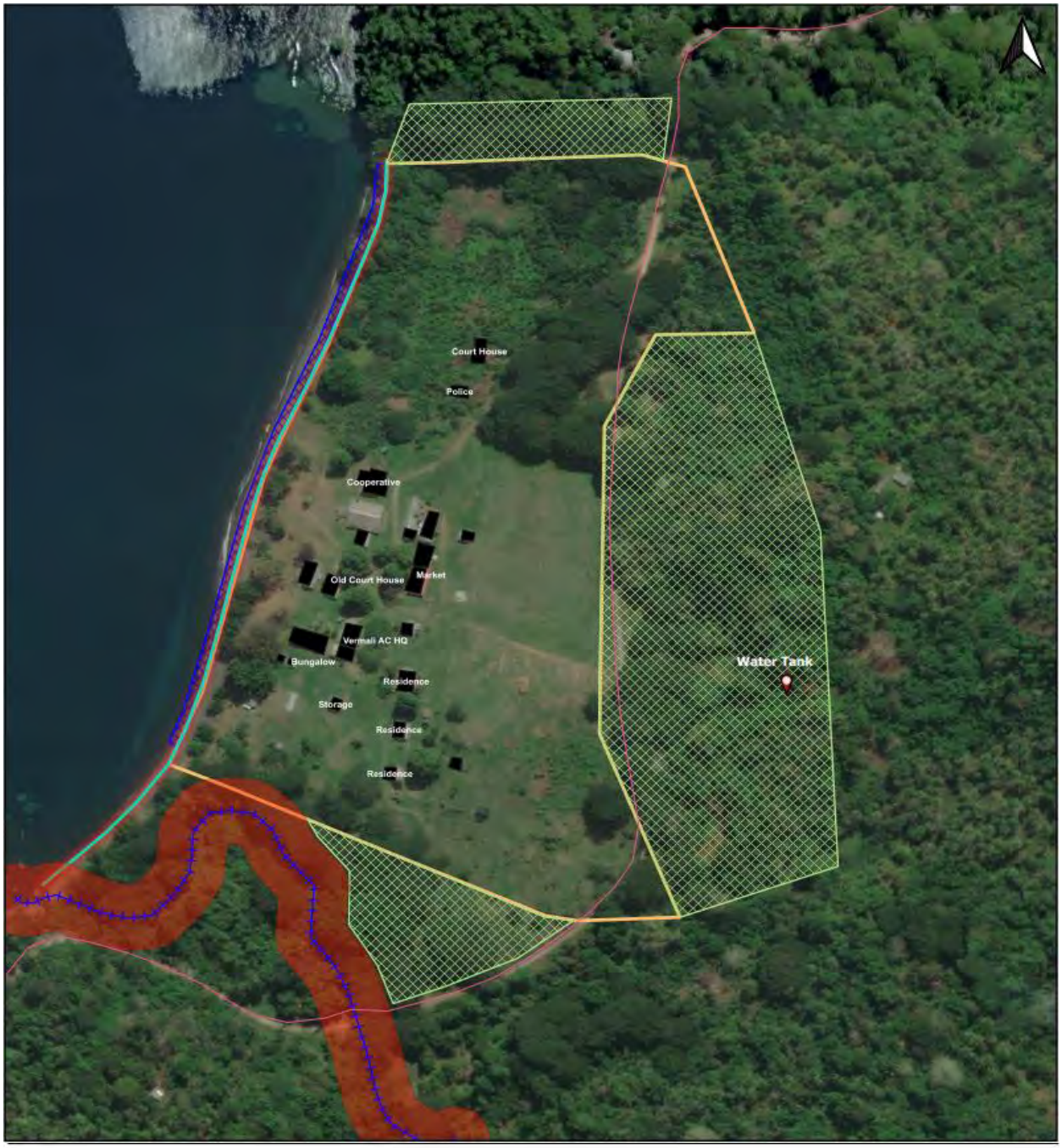
Coastline and River buffer for 25 meter and 50 meter done by the Department of Urban Affairs and Planning. Building footprint and other Administrative boundaries also created by the Department of Urban Affairs and Planning.

DEPARTMENT OF URBAN AFFAIRS AND PLANNING

DIGITAL ELEVATION MODEL MAP. ROVOBAY, EPI



PROPOSED EXPANSION MAP OF GREATER ROVOBAY, EPI



KEY

- Road
- River
- 25m(river)
- Proposed Expansion
- Building footprint
- Coastline
- Rovo Bay Boundary
- Foreshore

Data Source:

Administrative boundaries and Proposed expansion, digitized by the Department of Urban Affairs and Planning. Base map from the satellite imagery.

PROPOSED EXPANSION MAP, ROVO BAY, EPI

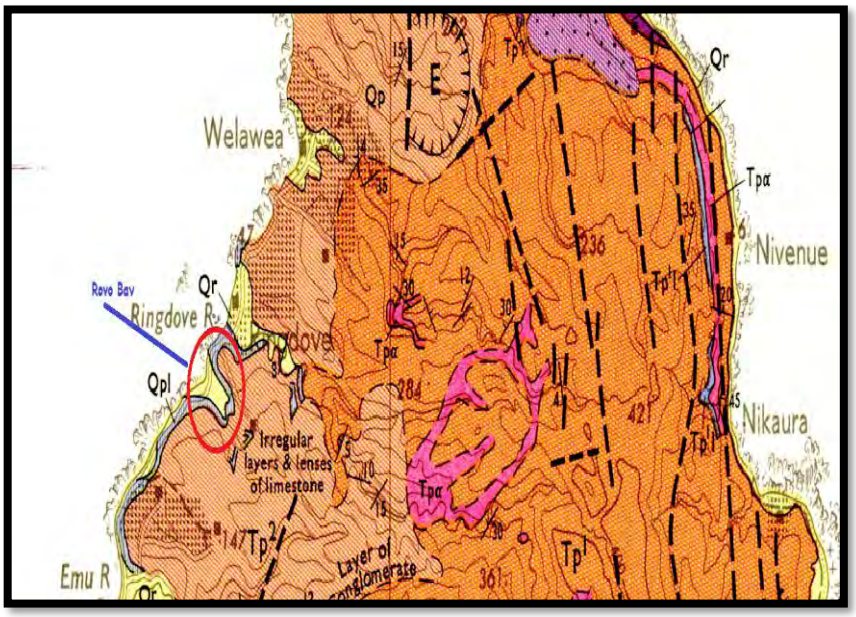
0 100 200 m

DEPARTMENT OF URBAN AFFAIRS AND PLANNING

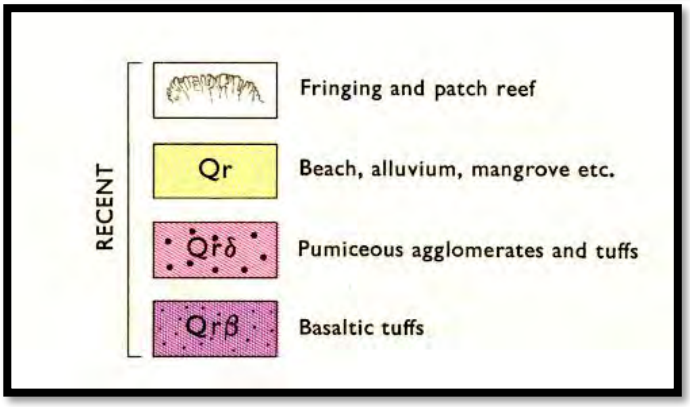
SPECIAL ZONE MAP

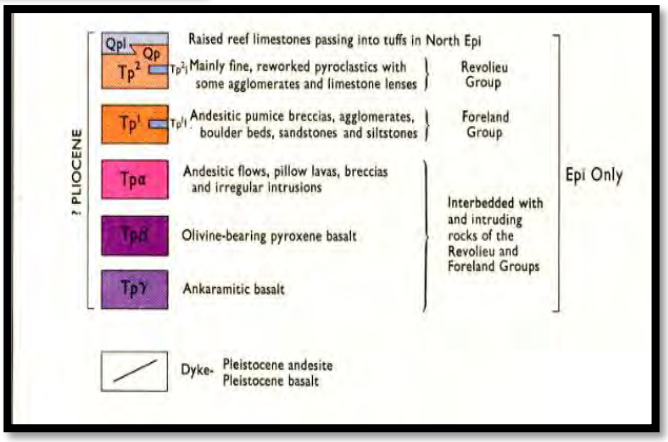


ROVO BAY GEOLOGICAL FORMATION



]





SUMMARY

Rovo Bay Area (Circle in Red) is within the raised limestone formation. There is also an extend of alluvium (in yellow) that runs along the coastline of Rovo Bay.
Since the area is of limestone formation, and having the property of permeable, water runoff/drainage can easily pass through the joints and cracks exist within the formation. Hence, reduce water logging.

It is better to conduct drilling core to determine the extent of limestone formation and the alluvial plan. Since the area is located along the coastline, water level and coastal erosion will be somethings to consider. (Mines, 2024)

Reference: Department of Geology & Mines 2024

PLANNING PERMISSION FOR THE USE OF BUILDINGS

Table 17: Planning Permission for Each Zone Use of Buildings

Zones & Colour	Development not requiring planning permission	Development requiring planning permission	Prohibited Development
Residential	1. Carrying out of works for the maintenance, improvement, or other alteration of any building if the works affect only the interior of the building and do not materially affect the external appearance of the building 2. The extension, on one occasion only, of any building for which permission has already been given by Council, by not more than 10% of its net floor area 3. The carrying out of works by a public authority required for the maintenance or improvement of a road if the works are carried out on land within a road reserve 4. The carrying out by any public authority or statutory undertaker or of any works for the purposes of inspecting, repairing, or renewing any sewers, pipes, cables, or other apparatus including the breaking open of any other land for that purpose.	12. Accommodations buildings 13. Bed and breakfast accommodation 14. Duplex dwellings 15. Dwelling house 16. Flat/ apartment 17. Home based business 18. Multiple dwellings 19. Professional offices 20. Shops 21. Fencing	59. Aged persons homes 60. Agriculture 61. Airports 62. Airstrips 63. Animal husbandry 64. Aquaculture 65. Bulk garden supplies 66. Bulk stores 67. Camping grounds 68. Caravan parks 69. Catteries 70. Domestic animal husbandry 71. Estate sales offices* 72. Extractive industries 73. Forestry 74. General industries 75. Hospitals 76. Hotels 77. Indoor entertainment 78. Institutions 79. Junkyards 80. Kennels 81. Light industries 82. Liquid fuel deposits 83. Lot feeding of stock 84. Marinas 85. Marine industries 86. Markets 87. Nightclubs 88. Noxious, offensive, or hazardous industries 89. Nurseries 90. Outdoor entertainment 91. Passenger terminals 92. Piggeries 93. Poultry farms 94. Produce stores 95. Relocatable homes parks 96. Services industries 97. Services shops 98. Services stations 99. Showrooms

	5. The use of any building; or other land within the curtilage of a dwelling- house for any purpose incidental to the enjoyment of the dwelling house. Any other operation or use of land which may be prescribed in Regulations made by the Minister		100. Special purposes 101. Sports and recreation 102. Stables 103. Stockyards 104. Tourist facilities 105. Vehicles hire premises 106. Warehouses
Commercial	1. Carrying out of works for the maintenance, improvement, or other alteration of any building if the works affect only the interior of the building and do not materially affect the external appearance of the building 2. The extension, on one occasion only, of any building for which permission has already been given by Council, by not more than 10% of its net floor area 3. The carrying out of works by a public authority required for the maintenance or improvement of a road if the works are carried out on land within a road reserve 4. The carrying out by any public authority or statutory undertaker or of any works for the purposes of	24. Bottle shop 25. Car park / car wash 26. Commercial premises 27. Commercial services 28. Convenience restaurant 29. Fast food store 30. Function rooms 31. General stores 32. Hotel 33. Indoor entertainment (see below) 34. Licensed club 35. Medical centre/ Pharmacy 36. Multiple dwellings 37. Nightclubs 38. Estate sales office 39. Professionals' offices 40. Restaurants 41. Sales office & Administration 42. Services shops (barber shop, beauty salon and the like) 43. Shops 44. Tourist facility 45. Vehicle hire premises 46. Veterinary clinic Indoor entertainments: 11. Amusement hall 12. Art gallery (commercial) 13. Billiard Saloon 14. Broadcasting studio 15. Cinema 16. Concert hall 17. Covered swimming pool 18. Dance hall – building must be soundproof	49. Aged persons homes 50. Agriculture 51. Airports 52. Airstrips 53. Animal husbandry 54. Aquaculture 55. Bed and breakfast 56. Bulk garden supplies 57. Bulk stores 58. Camping grounds 59. Caravan parks 60. Catteries 61. Domestic animal husbandry 62. Dwelling houses 63. Educational establishments 64. Estates sales office 65. Extractive industries 66. Forestry 67. Funeral Parlors 68. General industries 69. Home based business 70. Hospitals 71. Institutions 72. Junkyard 73. Kennels 74. Light industries 75. Liquid fuel deposit 76. Lot feeding of stock 77. Marinas 78. Passengers' terminal 79. Marine industries 80. Noxious, offensive, or hazardous industries 81. Nurseries 82. Outdoor entertainment

	inspecting, repairing, or renewing any sewers, pipes, cables, or other apparatus including the breaking open of any other land for that purpose. 5. The use of any building; or other land within the curtilage of a dwelling- house for any purpose incidental to the enjoyment of the dwelling house. Any other operation or use of land which may be prescribed in Regulations made by the Minister	19. Exhibition 20. Theatre	83. Piggeries 84. Place of worship 85. Poultry farm 86. Produce store 87. Relocatable home parks 88. Services industries 89. Service shops 90. Service stations 91. Special purposes 92. Sports and recreation 93. Stables 94. Stockyard 95. Vehicles sales premises 96. Warehouses
Industrial Zone	1. Carrying out of works for the maintenance, improvement, or other alteration of any building if the works affect only the interior of the building and do not materially affect the external appearance of the building 2. The extension, on one occasion only, of any building for which permission has already been given by Council, by not more than 10% of its net floor area 3. The carrying out of works by a public authority required for the maintenance or improvement of a	27. Automobile repair shop 28. Bulk stores 29. Bus depots 30. Engine reconditioning or repair 31. Farm machinery sheds 32. Freight Depot 33. Furniture manufacturing 34. Light industries 35. Local services 36. Local utilities 37. Manufactures shop 38. Service station 39. Warehouse 40. Liquid fuel storage 41. Mechanic workshop 42. vehicle repair/services 43. Panel beating 44. Vehicle detailing 45. Spray painting 46. Wood working/manufacturing	41. Accommodation Buildings 42. Aged persons homes 43. Agriculture 44. Animal husbandry 45. Bed and breakfast 46. Camping grounds 47. Caravan Parks 48. Catteries 49. Child care centers 50. Commercial stables 51. Dairies 52. Domestic horticulture 53. Duplex dwellings 54. Dwelling house 55. Extractive Industries 56. Forestry 57. General Industries 58. Home based business 59. Hospitals 60. Hotels 61. Institutions 62. Junk Yards 63. Kennels 64. Licensed clubs 65. Lot feeding of stock 66. Markets

	road if the works are carried out on land within a road reserve 4. The carrying out by any public authority or statutory undertaker or of any works for the purposes of inspecting, repairing, or renewing any sewers, pipes, cables, or other apparatus including the breaking open of any other land for that purpose. 5. The use of any building; or other land within the curtilage of a dwelling- house for any purpose incidental to the enjoyment of the dwelling house. Any other operation or use of land which may be prescribed in Regulations made by the Minister	involving the use of power tools 47. Metal working 48. Welding	67. Medical centers 68. Motels 69. Noxious, offensive, or hazardous industries 70. Piggeries 71. Poultry farms 72. Relocatable home parks
Special Zone	1. Carrying out of works for the maintenance, improvement, or other alteration of any building if the works affect only the interior of the building and do not materially affect the external appearance of the building 2. The extension, on one occasion only, of any building for which permission has already been given by Council, by not more than 10% of its net floor area	73. Public / Government Offices 74. Chiefs Nakamal 75. Childcare centres 76. Court 77. Educational establishments (including Schools and Colleges teaching) 78. Hospitals/Clinic 79. Government Institutions 80. Local utilities 81. Medical Centre 82. Places of public worship/church 83. Professional Offices as NGO's 84. Public utilities 85. support centres	Any use not specified in Column 1 or Column 2

	3. The carrying out of works by a public authority required for the maintenance or improvement of a road if the works are carried out on land within a road reserve 4. The carrying out by any public authority or statutory undertaker or of any works for the purposes of inspecting, repairing, or renewing any sewers, pipes, cables, or other apparatus including the breaking open of any other land for that purpose. 5. The use of any building; or other land within the curtilage of a dwelling- house for any purpose incidental to the enjoyment of the dwelling house. Any other operation or use of land which may be prescribed in Regulations made by the Minister		



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