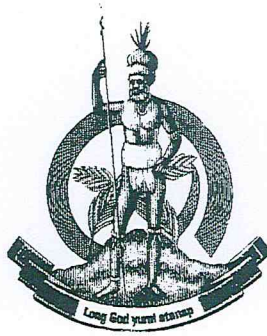


**REPUBLIQUE
DE
VANUATU**
JOURNAL OFFICIEL



**REPUBLIC
OF
VANUATU**
OFFICIAL GAZETTE

23 AOUT 2016

NO. 59

23 AUGUST 2016

SONT PUBLIES LES TEXTES SUIVANTS

NOTIFICATION OF PUBLICATION

ORDER

FORESHORE DEVELOPMENT ACT [CAP 90]

- PRESCRIBED APPLICATION FORM FOR
FORESHORE DEVELOPMENT ORDER
NO. 144 OF 2016



REPUBLIC OF VANUATU

FORESHORE DEVELOPMENT ACT [CAP 90]

Prescribed Application Form For Foreshore Development Order No. 144 Of 2016

In exercise of the powers conferred on me by paragraphs 10(2)(a), (b) and (c) of the Foreshore Development Act [CAP 90], I, the Honourable ALFRED MAOH, Minister of Internal Affairs, make the following Order.

1 Application Form

The prescribed application form for a proposed development is set out in the Schedule.

2 Application fee

The application fee for a proposed development is VT20, 000.

3 Prescribed permit fee for types of development

The prescribed permit fees for types of development on foreshore are set out in Part 4 of the Form in the Schedule.

4 Commencement

This Order commences on the day on which it is made.

Made at Port Vila this 19 day of August, 2016.


Honourable ALFRED MAOH
Minister of Internal Affairs



SCHEDULE
APPLICATION FOR APPROVAL UNDER THE
FORESHORE DEVELOPMENT ACT

APPLICATION FORM



PHYSICAL PLANNING UNIT OF THE MINISTRY OF INTERNAL AFFAIRS

IMPORTANT NOTES:

Under the Foreshore Development Act, foreshore development is any physical development that occurs below the high water mark. This includes excavations, reclamations, structures and other activities that either take place below or cross over the mean high water mark. All development in the foreshore in Vanuatu requires a permit under the Foreshore Development Act in the format prescribed in this form.

This application form and any supporting information provided with it are for the purpose of enabling an assessment process under the Foreshore Development Act and any accompanying regulations. The information supplied in the form must be a true and accurate description of the proposed development and as such forms part of the foreshore permit. If the development is changed from the permitted development then a separate application must be made.

If you need help to complete your application please refer to: Foreshore Development Act: Guidelines for Applicants

Your application will not be considered unless you provide the following documents to the **local government council where your development is located:**

SCHEDULE
APPLICATION FOR APPROVAL UNDER THE FORESHORE DEVELOPMENT ACT

- a) This form, completed and signed **plus** an additional two copies of this form and three copies of all supporting documentation.
- b) All relevant attachments and information required in the sections of this report.
- c) An application fee of VT: 20,000. This is payable to the Government of Vanuatu in advance and an official receipt must be included with your application.

This application fee is non-refundable once paid.

NB: No work may commence unless and until written approval is given by the Minister of Internal Affairs and the relevant permit fee for the proposed development category (ies) is paid.

SCHEDULE
APPLICATION FOR APPROVAL UNDER THE FORESHORE DEVELOPMENT ACT

FOR GOVERNMENT OFFICE USE ONLY		
Council:	Application Fee Paid? Yes / No	Received by: GOV Receipt No
Province:	Amount Paid:	Date Received:
Physical Planning Area: Yes / No	Zone:	
Decision of Council? Decline / Approve / Approve with conditions		
Decision of Government? Decline / Approve / Approve with conditions		
Government Officer Name:	Government officer's signature	
	Date:	

TO BE FILLED OUT BY THE APPLICANT(S)
[PLEASE ATTACH ADDITIONAL INFORMATION AS REQUIRED]

1. Applicant Details		
Full Name(s):		
Business details: Please Tick <input type="checkbox"/> Registered Business <input type="checkbox"/> Other organisation (attach copy of your business licence) (attach copy of your VFSC)		
Organisation name:	CT Number:	
Physical Address:	Mailing Address	
Telephone:	Mobile :	E-mail:

2. Project Details
PROJECT SITE LOCATION Give name of island, area and nearest town. Please also include scale maps showing location in relation to neighbours, coastal or other existing foreshore developments etc. GPS or Geo reference is useful.
LAND TITLE Please tick appropriate box for the land adjacent to the development which will provide access to the foreshore and your development. Please include a copy of the land lease with your application.
<input type="checkbox"/> Leased Land <input type="checkbox"/> Customary Land <input type="checkbox"/> In the process of acquiring land

SCHEDULE
APPLICATION FOR APPROVAL UNDER THE FORESHORE DEVELOPMENT ACT

<p>Does the lease title extend to the high water mark? Yes / No</p> <p><i>If no then please advise agreed access arrangements to access the foreshore from your property. Attach all relevant documentation to support this.</i></p>
<p>Will the development require a change in lease class? Yes / No</p> <p><i>If yes then please advise the current <u>and the proposed</u> lease classes.</i></p> <p>Current lease class: _____ Proposed lease class: _____</p>
<p>Does the kastom owner agree to your development? Yes / No</p> <p><i>As all land in Vanuatu under the high water mark belongs to kastom owners you must attach a signed, dated agreement to the proposed project from the kastom landowner.</i></p>
<p>What is the kastom owner's name, phone number and contact details (address)?</p>
<p>What is the total area of <u>foreshore</u> to be used by the development? _____ m²</p>
<p>Can you please fully describe your development?</p> <p><i>Please supply scale drawings of the development including detailed construction drawings, profile plans and materials to be used. Your plans <u>must</u> show the Mean High Water Mark. Continue description on another sheet of paper if required.</i></p>
<p>What is the intended use of your development? Choose one of the following:</p> <p><input type="checkbox"/> Private Use <input type="checkbox"/> Commercial use <input type="checkbox"/> Public or community use</p>
<p>What is your <u>development category</u> (refer Part 4 of this form)?</p> <p><i>Put as many categories as required for the different elements of your project.</i></p> <p>Ref #: _____ Type: _____</p>
<p>What effects will the proposed development have on the neighboring owners and occupiers?</p>
<p>What are the names and contacts for neighboring owners and occupiers who may be affected?</p>
<p>Are there any existing rights of way over the area of land or the foreshore area?</p>
<p>Is the proposed development in compliance with the physical planning requirements for the location?</p>
<p>Is the development vulnerable to the effect of climate change or natural disaster such as rising sea level, flooding, landslide etc.? <i>If so you need to take this into account in your project design. The Government of Vanuatu will not be held liable for any loss or damage resulting from the effects of natural disasters or climate change.</i></p>

SCHEDULE

APPLICATION FOR APPROVAL UNDER THE FORESHORE DEVELOPMENT ACT

Is the land vulnerable to the effects of natural disasters such as volcanoes, landslides etc.?
The Government of Vanuatu will not be held liable for any loss or damage resulting from the effects of natural disasters or climate change.

Are there any other development permission(s), licenses of approvals that have been applied for? *Please write type of permit and reference number, attach copy of permit if already approved.*

3. APPLICANT (S) STATEMENT AND DECLARATION

I/We _____ applicant(s) declare that the above information is true and correct to the best of my/our knowledge and that all relevant information has been provided to allow the Minister to make a proper informed decision.

I/We declare that the following information is included in my/our application:

APPLICATION CHECKLIST:

(Please tick to confirm each item on this checklist, you must provide 3 copies of all documents)

- Completed all sections of this Application Form
- Location map of area showing neighbouring properties and any existing foreshore developments
- Site plan showing location, layout and design of development on the site and foreshore
- Detailed drawings, plans and details of development including dimensions of structures or development
- Custom owner agreement to the development
- Land lease document *(if leased land)*
- Application fee
- Reference number(s) for Environmental Permit (attach copy if already received)
- Reference number(s) for any other applications for licenses, permits or approvals (attach copy if already received)
- Supporting letters or confirmation from relevant Government of Vanuatu Agencies (Fisheries, Geology & Mines)

DECLARATION:

I/We _____ declare that all the information presented herein is correct and an accurate description of the proposed development project.

Signature(s) _____

Date _____

WARNING

No work may commence unless and until written approval is given by the Minister of Internal Affairs and the relevant permit fee for the proposed development category(ies) is paid (REFER PART 4).

If any of the information provided is false or misleading, the application will be declined and legal action may be pursued under Section 9 of the Foreshore Development Act.

SCHEDULE

APPLICATION FOR APPROVAL UNDER THE FORESHORE DEVELOPMENT ACT

4. CATEGORIES OF FORESHORE DEVELOPMENT

REF #	TYPE OF DEVELOPMENT*	PERMIT FEE
1.	Non commercial single lane boat ramps and jetties under 15 metres. Single lease or unit title - private residential use only.	75,000 Vatu
2.	Permanent fixed moorings outside jurisdiction of Port Authorities. Single mooring – private residential use only.	75,000 Vatu
3.	Permanent fixed moorings outside jurisdiction of Port Authorities. Commercial or tourist use.	100,000 Vatu
4.	Non commercial boat ramps and jetties over 15 metres. Multiple lease or unit title - private residential use only.	100,000 Vatu
5.	Commercial or tourism developments including over water bungalows, hotel wharves, jetties, boat ramps or haul out facilities. Private jetties over 30 metres in length.	VT 500,000
6.	Marinas including: First 10 berths. Additional berths or moorings inside the marina. Boat launching or haul out facilities - additional fee applies (refer 5 above).	VT 1, 000, 000 VT 100,000
7.	Reclamations** – residential use and zoning only up to 100 square metre	VT 10,000 per square metre
8.	Reclamations** – residential use and zoning only over 100 square metres	VT 20,000 per square metre
9.	Reclamations** – commercial or tourist use or zoning	VT 20,000 per square metre
10.	Excavations or embayment - residential use and zoning only. Includes development of semi natural pools. Excludes minor excavation for boat ramps.	VT 2,000 per square metre
11.	Excavations or embayment Commercial or tourist use or zoning. Charges for developments under 3 and 4 still apply in addition.	VT 10,000 per square metre
12.	Sea walls	VT 50,000 plus relevant reclamation or excavation charges
13.	Floating platforms commercial, fixed for more than 1 month.	VT 20,000 per square metre

* All developments must be in line with local development requirements or standards and have formal consent of custom land owners.

** Should a reclamation be subsequently added to a leasehold or unit title, an additional fee may be payable under the relevant land lease legislation.