

NATIONAL LAND SUBDIVISION POLICY

OF THE
REPUBLIC OF VANUATU

April 2019





NATIONAL LAND SUBDIVISION POLICY

THE MINISTRY OF LANDS AND NATURAL RESOURCES
GOVERNMENT OF THE REPUBLIC OF VANUATU



Foreword by the Minister

As Minister responsible under the Land Leases Act [CAP. 163] and other key land laws in Vanuatu, and having overall responsibility for the management and development of leases and subdivision developments in the Republic of Vanuatu, it is my sincere pleasure to be able to launch and publish officially this National Land Subdivision Policy.

This National Policy is the culmination of several years of research, consultation, policy design and building on lessons learned through the work of committed technical persons, Government Departments, Ministry of Lands, Ministry of Internal Affairs along with the support of key Donor partners.

The issuance of this National Policy by the Ministry is timely, given the current emerging trends in Vanuatu where new settlements, new suburbs and new groups of people are moving to reside in towns and cities. We can increase the positive social, economic and environmental impacts of this demographical trend, by putting in place the policies and measures to support the resilience, affordability, and livability increased settlements.

This National Policy has the direct aim of dealing with subdivisions development by providing a clear purpose and guidelines by which subdivisions may be created and to establish the parameters of the administrative processes to achieve the purpose. In addition, the environmental, disaster, and climate change risks must also be taken into account, including health and safety.

It is my hope that the people and Government of Vanuatu will see this National Policy as a tool for harnessing managing development, rather than a barrier. This policy will assist the Government of Vanuatu towards enabling affordable and resilient settlements.

I now officially declare the launching and commencement of the National Subdivision Policy effective from the date of publication enclosed.

Honourable ALFRED MAOH MP
Minister for Lands & Natural Resources

Contents

1	Definition of Subdivision	3
2	Purpose of this policy	3
3	General principles	3
4	Minimum requirements	5
5	Roads	7
6	Water supply and sanitation	8
7	Drainage	8
8	Electricity	9
9	Funds for providing services	9
	Table 1: Minimum lot sizes and minimum road frontages	10
	Table 2: Minimum road widths	11
	Table 3: Minimum amenities provisions	11

1 Definition of Subdivision

For the purpose of this policy, a subdivision is defined as the division of an existing registered lease or registration of a new lease into two (2) or more lots by way of subleases, derivative leases or community titles. Such developments are still subject to the written consent of the Director of Land Surveys per the provisions of Section 12(a) of the Land Leases Act (CAP 163).

2 Purpose of this policy

- A To provide a clear purpose and guidelines by which subdivisions may be created and to establish the parameters of the administrative processes to achieve the purpose.
- B To ensure that the creation of subdivisions results in **environmentally and socially sustainable development** and an **improved quality of life** for residents with suitable standards of **amenity, access, affordability, disaster risk reduction and health and safety**.
- C To provide equity for all landowners and residents including present and future generations by taking into consideration cultural, economic, and environmental values attached to the land being subdivided.



Figure 1: Outcomes of a sound Subdivision Policy.

3 General principles

- A This Policy is subject to and complements all existing laws of the country. Particular laws which have relevance are:
 - i. Land Leases Act
 - ii. Strata and Community Titles Act
 - iii. Land Reform Act
 - iv. Land Surveyors Act
 - v. Environmental Protection and Conservation Act
 - vi. Foreshore Development Act
 - vii. Physical Planning Act
 - viii. Customary Land Management Act
 - ix. Building Act
 - x. Preservation of Sites and Artifacts Act
 - xi. Roads Act
 - xii. Valuation of Land Act
 - xiii. Drainage Act
 - xiv. Any other future laws that will complement this policy.

- B** All subdivisions must be administered under the Land Leases Act and the Strata and Community Titles Act.
- C** This Policy establishes the minimum standards of amenity, access, disaster risk reduction, health and safety which must be met in any subdivision development.
- D** Where a Zoning and Development Control Plan of a Physical Planning Area declared in terms of Section 2 of the Physical Planning Act (CAP 193) or a Physical Plan exists, its provisions override the requirements of this Policy as regards zoning and approved land uses.
- E** The Director of Lands is the final approving authority for subdivisions and may take into account as appropriate, recommendations from the Land Management and Planning Committee (LMPC).
- F** Where a Physical Planning Area or Plan does not exist, the LMPC will require all applicants for subdivisions to prepare an initial concept plan based on a site assessment for the proposed subdivision area identifying
 - (i) the natural hazards to which the site is exposed,
 - (ii) the suitability of the site for different income groups and proposed land uses; and
 - (iii) area-wide road and infrastructure services and links and potential connections and buffers or zones of transition between the proposed subdivision and adjacent land uses.
 The LMPC will confer with the responsible Local Government Council and either refer the development for declaration as a Physical Planning Area prior to approval of any subdivision plan or has authority to impose appropriate land use zoning, development controls and other requirements in accordance with the guidelines provided in this Policy.

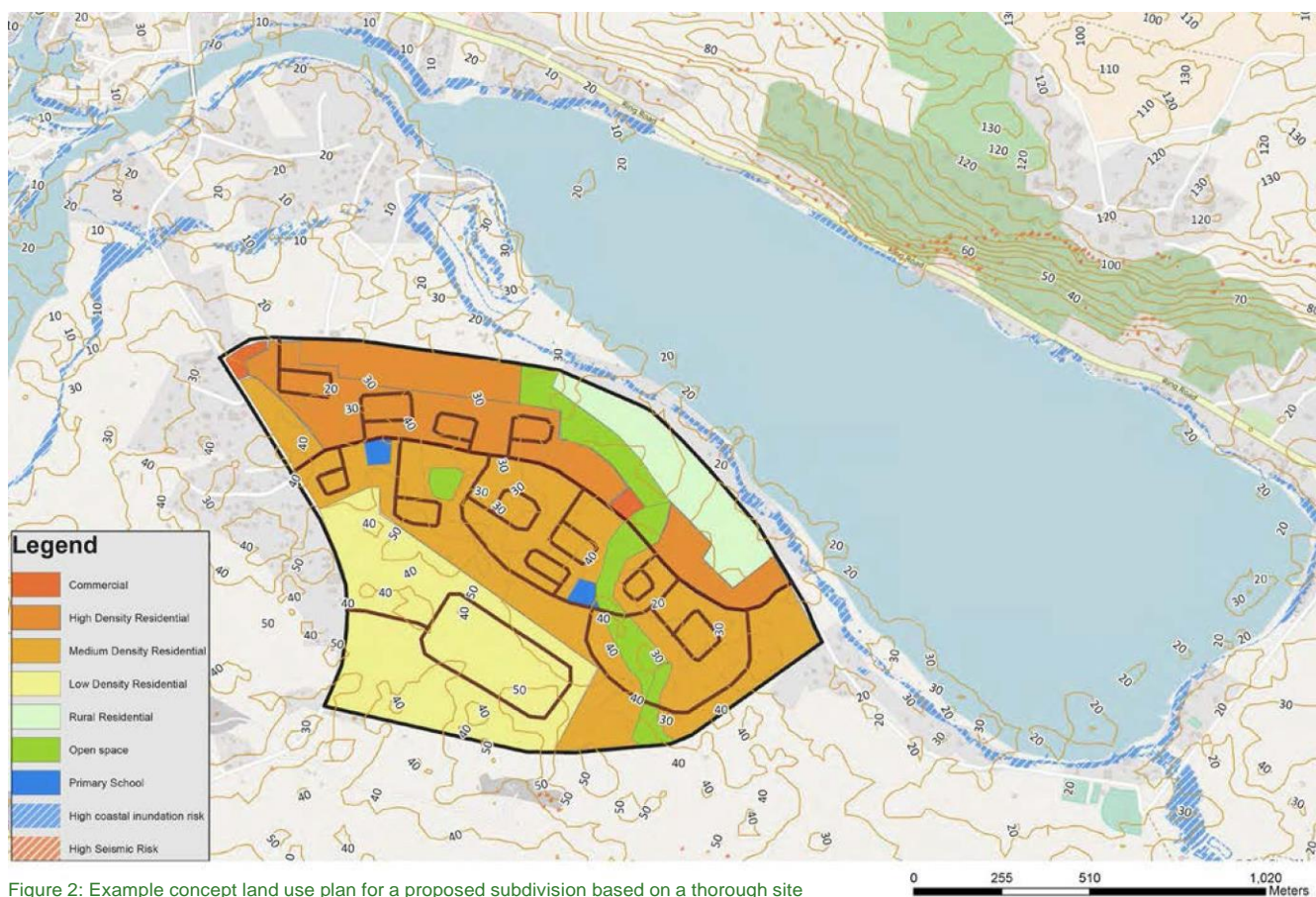


Figure 2: Example concept land use plan for a proposed subdivision based on a thorough site assessment, mix of land uses and densities, economic road hierarchy and appropriate open space¹

¹ Source: The World Bank Group / The Ministry of Lands and Natural Resources

G

All development must take into consideration the risk of flooding, erosion and landslides and the level of the water table, factors which may impact the proposed development and are subject to the consideration and recommendation of the Vanuatu Meteorology and Geohazards Department (as a member of the LMPC) in the application process.

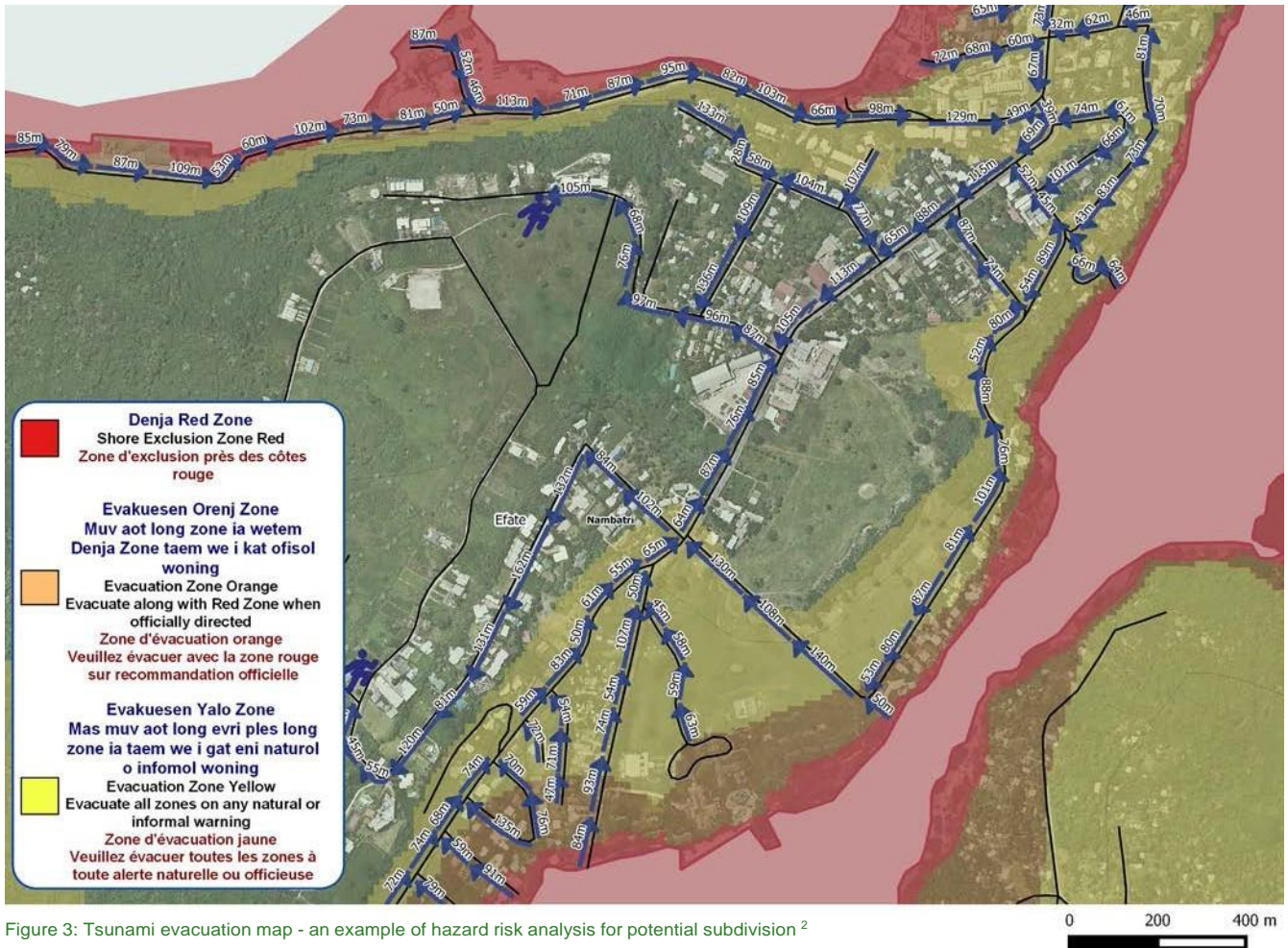


Figure 3: Tsunami evacuation zone map - an example of hazard risk analysis for potential subdivision ²

4 Minimum requirements

A

Lot sizes are contained in Table 1

B

Road widths are contained in Table 2.

C

Amenities provisions are contained in Table 3.

D

A site assessment and concept plan must be submitted as a required component of all subdivision applications, identifying key features including topography (especially steep slopes), soil conditions, proximity to coastal zones, water bodies, fault lines, or vegetation that may impact exposure to specific hazards and be relevant for the amenity and affordability of the proposed development. The concept plans must be overlain on all relevant hazard and/or risk maps available from the VMGD or other Government agency. If no such hazard or risk maps are available from Government agencies, alternate hazard/risk information may be utilized. The report accompanying the plan must outline the appropriate mitigation measures that will be taken in the physical planning of the site to adequately mitigate against the risks identified as a result of the hazard and site assessments.

² Source: Vanuatu Meteorology & Geo-Hazards Department

- E For all natural water features like the ocean, lagoons, lakes, rivers and streams (including streams that only run after heavy rainfall), there must be a minimum buffer zone of 15 meters from the edge of the water body on which no development can occur. Any development on the foreshore of the coast is subject to the provisions of the Foreshore Development Act (CAP 90). Any proposed subdivision along the coastlines must limit all development to be above the mean high tide mark + 0.4m or above 1.5m above mean sea level whichever is higher. This buffer (no build) zone is to be created within the survey plan of the lot or lease.

- F For subdivision developments along the foreshore, an unhindered public right of way to the foreshore must be provided at a minimum of every 300 meters along the coastline. The management of access to the right of way shall be the duty of the lessor (the custom owners or the Minister of Lands).



Figure 4: Diagram demonstrating required buffer between water features and new development and minimum provision for public access to foreshore.

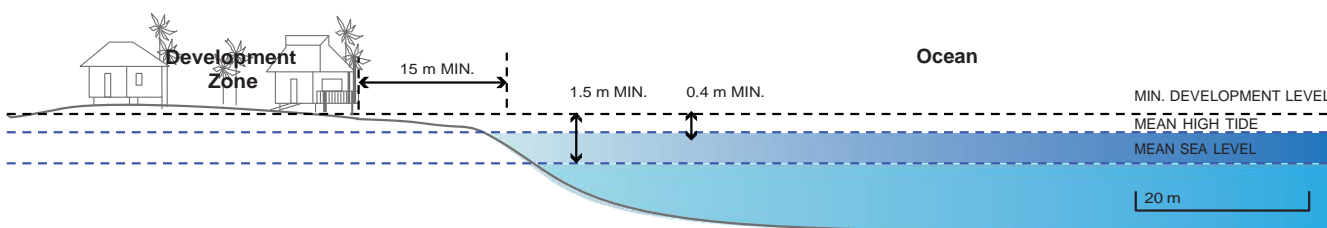


Figure 5: Diagram demonstrating minimum buffer between new development, coastal foreshore and public rights of way to the foreshore.

5 Roads

- 5.1 The street or road system within a subdivision must maximize safety and convenience in providing for traffic flow, property access, adequate drainage, vehicle parking and pedestrian passage.
- 5.2 Movement networks for vehicles (including fire and other emergency services), public transport, pedestrians and cyclists must be integrated, safe and convenient, cost effective and sensitive to the environment in which they are provided.
- 5.3 A road verge of 4 meters wide for principal roads and 2 meters wide for residential roads must be allocated in all subdivisions.
- 5.4 There must be suitable access from the road to each plot which is at least 4 meters wide.
- 5.5 All plots within the subdivision must be given a street name and number. Street names are to be approved by the local authority.
- 5.6 Provision must be made for road access at the edge of a subdivision to adjacent land or subdivisions.

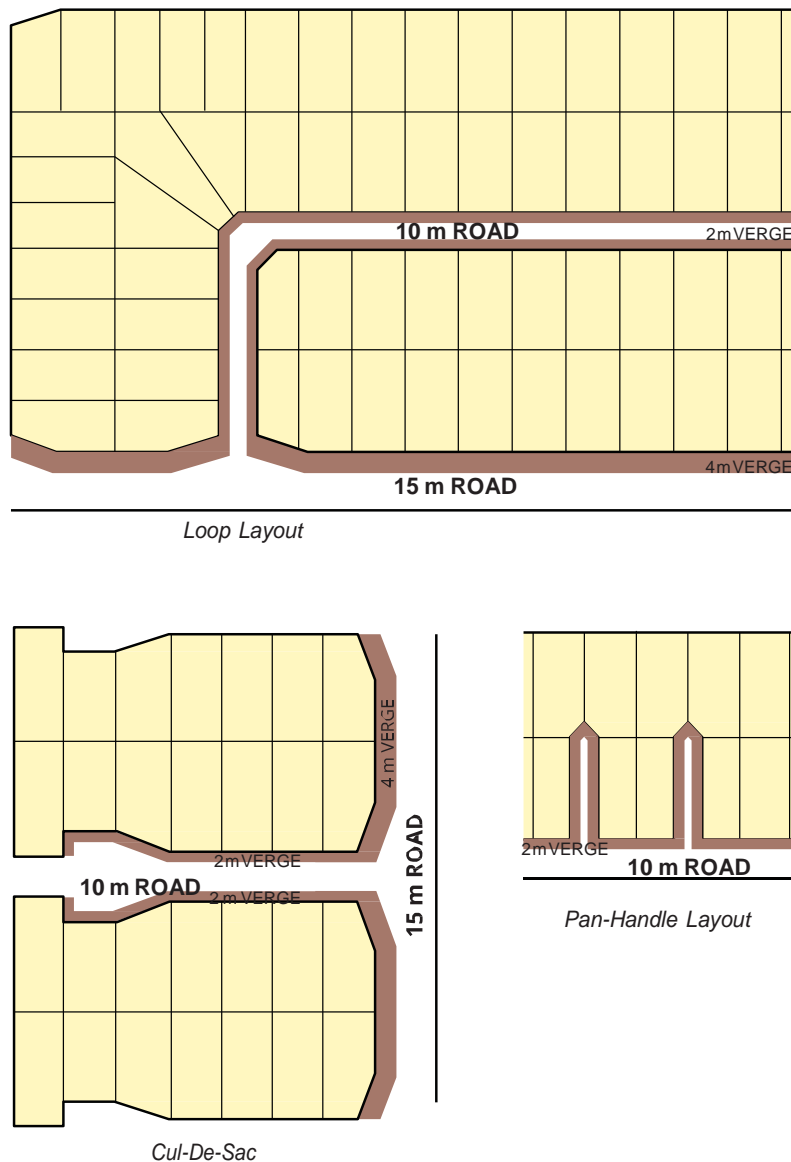


Figure 5: Three example subdivision road systems demonstrating a number of required provisions

6 Water supply and sanitation

WATER

- 6.1 An applicant proposing to subdivide land must supply potable water to all lots within a subdivision. Provision of water supply to each lot is compulsory for subdivisions of all classes (agricultural, residential, commercial and industrial and public buildings).
- 6.2 Detailed designs for the provision of water supply in a subdivision must be checked and approved by the appropriate water authorities to ensure that the construction and on-going management of water services will comply with the required standards prior to approval of the subdivision proposal.
- 6.3 The applicant must consult the Department of Water Resources and apply for the appropriate water works and water use permits. For the purpose of the protection of water sources, it may be necessary to establish and declare water protection zones.
- 6.4 Every applicant must develop a drinking water safety and security plan.

SANITATION

- 6.5 Every applicant must include fire hydrants in the developed areas of a residential, commercial or industrial subdivision. An applicant proposing to subdivide land must provide an adequate sanitary system for the collection and safe disposal of human excreta and household wastewater for each household within a subdivision. Provision for collection and safe disposal of sewage and liquid waste for each lot is compulsory for subdivisions of all classes (agricultural, residential, commercial and industrial and public buildings).
- 6.6 The sanitation arrangements may be either (i) Off-site sanitation in the form of a sanitary sewer system and connections for every lot, leading to a waste treatment plant serving the subdivision or public system; or (ii) On-site waste treatment consisting of a single septic tank with soak pit for each single-occupancy lot or shared septic tanks and percolation trench arrangements serving multiple units.³
- 6.7 Detailed designs for the provision of sanitation in a subdivision must be checked and approved by the appropriate authorities to ensure that the construction and ongoing management of the sanitation services will comply with the required standards prior to approval of the subdivision proposal.

7 Drainage

- 7.1 An applicant proposing to subdivide land must construct surface drainage in accordance with the requirements of the relevant local authority for the full length of the road frontage of the subdivided land. All specifications and requirements must be in accordance with the Drainage Act.
- 7.2 The applicant is responsible for the alterations necessary to any public utility mains, services or installations where required at no cost to the relevant Municipal Council, Provincial Government or any other statutory authority.
- 7.3 All land intended to be subdivided for residential purposes must be filled and appropriately compacted to a level that ensures the land is not subject to inundation (e.g., coastal, riverine, fluvial). Adequate drainage must be provided to the land to avoid ponding of water or any other adverse environmental impacts. Any adverse impacts, including cumulative impacts, as a result of flooding must be minimized through drainage system to ensure unacceptable risk to people and property is not created.

³ The appropriate solution will be dependent on the soil types, water usage, sub-soil conditions, natural drainage conditions, etc. The type of sanitation provision to or on each lot will have a significant impact on the lot size and road width that serves the lot.

8 Electricity

- 8.1 Electricity must be provided to a subdivision. Provision of electricity is compulsory for residential, commercial and industrial subdivisions, but not agricultural subdivisions.
- 8.2 Where the subdivision is less than 1 kilometer away from the electricity main, electricity to the subdivision must be connected to the electricity main.
- 8.3 Where the subdivision is more than 1 kilometer away from the electricity main, the decision to connect the electricity main to the subdivision will be made by the LMPC.
- 8.4 Where electricity is not available, the applicant must seek to develop other alternative energy sources.
- 8.5 Electrical transformers are to be included within the road area of the subdivision plan.

9 Funds for providing services

- 9.1 The applicant must provide all costs for services to the subdivision for consideration by the LMPC - mainly for roads, water, sanitation, drainage, slope protection, and electricity, including maintenance, where applicable.
- 9.2 The costings referred to must be obtained by means of the provision of at least 2 quotations from companies experienced in the provision of the services, or from a qualified/certified person or body in the particular field.
- 9.3 There must be an approved mechanism for ensuring the costs of providing services to a subdivision are “ring fenced” so they are available for this purpose.
- 9.4 The LMPC is responsible for approving the option proposed by the applicant to “ring fence” funding for this purpose and the LMPC is responsible for ensuring this “ring fencing” actually happens or that the subdivider provides a financial guarantee in lieu thereof before final approval of the subdivision application.

Options for “ring fencing” include:

1. The total cost for services is paid off by the allocation of titles with the projected sale price. The value of the number of titles equivalent to the cost of services required must be put on reserve and deposited into a special purpose sinking fund until such time as the infrastructure services are fully constructed. This can be done by the use of a Director’s Caution in the Lands Registry under the Land Leases Act. The reserved titles cannot be sold until such time all the required infrastructure services are established.
2. The financial institution financing the subdivision is required to provide a guarantee, performance security or similar assurance for construction of the infrastructure services. A contract must be signed between the developer and the financing institution to accommodate these arrangements and must be submitted to the LMPC for approval as part of the subdivision application.
3. There is a contract between the subdivider and the purchaser providing that the full purchase price is not paid until the infrastructure services are provided

Table 1: Minimum lot sizes and minimum road frontages

Zone	Minimum lot size (Area)
Residential and Tourist Area - Low Density	1,000 m ²
Residential Area - Medium Density	500 m ² (sewered sanitation). Plot frontage: depth ratio should be no more than 1:2 and no less than 1:3. Maximum 10 dwelling units per hectare (nett density) if on-site sanitation
Residential Area - High Density	400 m ² (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 (nett density) if on-site sanitation
Business/Commercial Area - Low Density	1,000 m ²
Business/Commercial Area – High Density	500 m ² (sewered or shared on-site sanitation)
Industrial Area	1,500 m ²
Special Use ²	1,000 m ²
Rural (Agriculture lease)	2,500 m ²

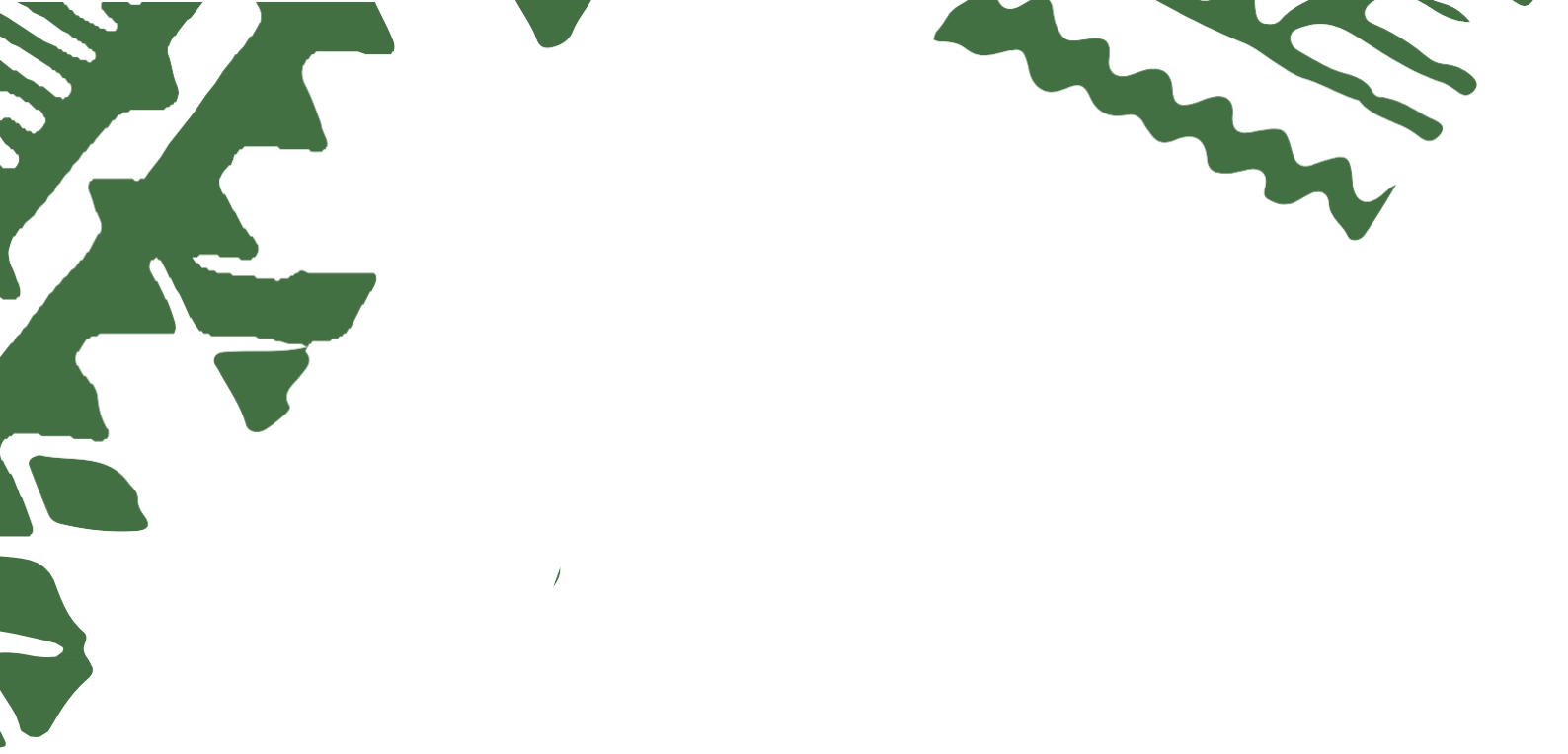
² Including public facilities such as schools, churches, health centres, libraries.

Table 2: 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 ratio of 1:4	10 m
Road verge for residential roads	2 m
Lanes, being thoroughfares, 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

Table 3: 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 400 m ²) for every 1000 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 1,000 m ²) for every 10,000 population



THE MINISTRY OF LANDS AND NATURAL RESOURCES
GOVERNMENT OF THE REPUBLIC OF VANUATU

