

Commencement: 17 September 1976



## CHAPTER 90

# FORESHORE DEVELOPMENT

JR 31 of 1975

### ARRANGEMENT OF SECTIONS

- |   |                                    |
|---|------------------------------------|
| 1. Interpretation   | 5. Lapse of consent                |
| 2. Consent of Minister required for foreshore development | 6. Offences                        |
| 3. Application for consent                                | SCHEDULE – Application for consent |
| 4. Decision of the Minister                               |                                    |

## FORESHORE DEVELOPMENT

To regulate the carrying out of works on the foreshore.

### 1. Interpretation

For the purpose of this Act:

“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;

“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;

“Minister” means the Minister responsible for town and country planning.

### 2. Consent of Minister required for foreshore development

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.

### 3. Application for consent

- (1) An application for the consent of the Minister to the undertaking of such development shall be in the form set out in the Schedule and the applicant shall supply all particulars required to be given in such form.
- (2) The applicant shall deliver a copy of his application to the District Commissioner for the district in which the development is to take place who shall arrange for the same to be publicly displayed for a period of not less than 14 days following the day that the application is received.
- (3) The applicant shall also advertise sufficient particulars of the proposed development in a special edition of the Gazette notifying that the application is displayed at the office of the District Commissioner for the said district.

### 4. Decision of the Minister

The Minister may, after considering the application and any representations which may have been made to him as a result of the advertisement of the application, grant, refuse, or grant subject to such conditions as he may consider desirable, such application and shall not be required to give any reasons for his decision, which shall be final.

### 5. Lapse of consent

Any consent granted by the Minister under the provisions of section 4 shall lapse and be of no effect if the development has not been commenced within 1 year of the date of consent or completed within 2 years of that date or such extended period as the Minister may specify.

### 6. Offences

Any person who shall undertake or cause or permit to be undertaken development for which the consent of the Minister is required by the provisions of this Act in any case where such consent has not been obtained, or has lapsed, or has imposed conditions which have not been complied with shall commit an offence punishable by a fine of VT 200,000:

Provided that the foregoing shall not be construed to prevent the institution of further proceedings against an offender in the event of his continued failure to comply with the provisions of this Act.

**SCHEDULE**

(section 3)

**APPLICATION FOR CONSENT**

1. Name and address of applicant.
2. Title no. of parcel or parcels of land on the foreshore upon which the applicant intends to undertake development.
3. Name of owner/s of parcel/s referred to in 2.
4. Total area of land which will be developed (attach plan indicating all buildings, constructions, etc.).
5. Briefly describe the nature of the development to be carried out.

**NOTE**

All applications must be accompanied by plans –

- (a) clearly showing the exact location of the development; and
- (b) in the case of reclamation, showing where appropriate the estimated depth of fill required.

DATE: .....

SIGNATURE OF APPLICANT: .....

