

Guidelines

Coastal Development

Environmental Protection and Conservation Act [CAP 283]



Introduction

Vanuatu welcomes sustainable and good quality development projects. These guidelines set out typical issues to be considered for coastal projects requiring Environmental Permits under the *Environmental Protection and Conservation Act [CAP 283]* (EPC Act) and accompanying regulations. Although these short guidelines set out the main environmental requirements for coastal development in Vanuatu, they do not remove the need to apply for an Environmental Permit under the EPC Act or any other legislation such as the Foreshore Development or Land Leases Acts.

By following these guidelines, project proponents will be able to take into account the requirements of the EPC Act and incorporate these requirements into their project planning process. Please note these guidelines are for coastal protection. Other environmental protection measures may also be required for your development and will be included in your final Environmental Permit.

These guidelines are set out in six sections:

1. Location and project design
2. Pre-Construction
3. Construction
4. Operations
5. Conclusion
6. Where can I find more information?

Location and project design

Before entering into negotiations for a lease to undertake a project in a coastal area you should consider the following:

Is the site suitable for the type of development planned?

If coastal land is available for lease it does not necessarily mean it is suitable for the type of development you are intending. For example, a white sand beach and clear water will not be easily achieved on a coastline where mangroves are present. A shallow coastal reef in front

of a property may preclude water sports or boating activities. The environmental, social and custom impacts of trying to establish an unsuitable development in a location may be so great that your proposed development could be refused under the EPC Act. It is important that you choose a suitable site for your project.

Will the project require work on, or occupation of, land under the high water mark?

A lease title above the high water mark does not automatically confer riparian rights to the coast in front of a lease title. Under Vanuatu law, land under the high water mark cannot be leased (unless it is formally reclaimed). You will require written permission from the relevant kastom owner for any development under the high water mark prior to any applications being considered by regulatory authorities. The types of approvals you may need include an Environmental Permit and a Foreshore Development Consent.

Does the project design take into account the local environmental conditions?

Any development should take into account the local environment. Unnecessary damage or alteration to the underwater environment is discouraged. You will need to demonstrate that you have considered all suitable alternatives and that your project plan minimises environmental damage like the destruction and removal of flora and fauna such as coral reefs and mangroves. Coastal processes must be considered in your project and some designs, such as solid wharves or piers, are generally unsuitable as they provide a barrier to natural coastal processes. Site drainage must also be designed to avoid damage to the environment.

Pre-Construction

Once you have identified the project site and prepared designs the next thing to consider is how the project site is to be prepared prior to project construction. These details must be included in any application for an Environmental Permit and should answer the following:

Will the project require clearing large areas?

This question refers to both coastal vegetation such as mangroves and also any significant trees or other vegetation already present on your project site. These should be preserved and retained as much as possible in your project design. Any land clearance and earthworks needs to be clearly presented in your Environmental Permit application. Note that mangroves typically grow under the high water mark and so permission from the kastom owner and the Minister of Internal Affairs is required for this, in addition to any environmental considerations.

If your project will involve clearing large areas, you will need to carefully manage earthworks so no silt or debris enters the sea or waterways. The easiest way to achieve this is to provide a strip of vegetation no less than 10 metres wide to help filter silt in natural overland flows. For larger sites, formal stormwater management such as silt traps will need to be constructed before site clearance begins.

What are the arrangements for waste management/disposal?

Vanuatu law prohibits dumping of all types of wastes. You will need to arrange to dispose of your demolition and pre-construction waste with your local government council (provincial or municipal). Arrangements for waste disposal must be included in your application for an Environmental Permit. Treatment systems for septic wastes must have capacity to suitably treat sewage wastes and disposal sites (such as soakaways) for treated waste must be located away from the coast to avoid pollution. The Department has published specific guidelines about treating sewage for small tourism operators.

Construction

For many projects the greatest environmental impacts can occur during the construction stage. In coastal areas particular care must be taken to avoid damage to the fragile coastal environment which can take years to recover from careless construction practices.

How will you manage construction materials and wastes?

Wastes or construction materials must not enter the sea. Management controls must be implemented for fuels, chemicals, construction materials (including the location of stockpiles), construction wastes, wash water, toilets for workers etc. Controls to manage wastes and prevent siltation of the coastal environment must be in place and are similar to those required for pre-construction.

Will the project include development below the high water mark?

If you are developing below the high water mark you will need to take special precautions to avoid unnecessary damage to the underwater environment, protect vegetation and underwater life especially from silt etc. You will need to use appropriate project controls to avoid damage.

What controls will you use to control the environmental, social and custom impacts of construction?

You will need to provide evidence of how you will manage potential environmental, social and custom impacts. These are often put together in what is referred to as an Environmental

Management and Monitoring Plan (EMMP). Typical project controls include using silt curtains to avoid siltation of coral and other marine habitats, working from barges or seawards from the land, working at certain tides to avoid damage, using a long armed digger rather than driving bulldozers and other heavy machinery on the intertidal area.

These are all examples of site project controls to avoid damage to the coastal area. The pre-construction safeguards must continue to be implemented during construction, for example measures to avoid silt, soils and debris washing into the sea.

Operations

Nowadays looking after the environment is a standard part of doing business. Ensuring your project looks after the environment includes monitoring project operations to minimise and avoid any environmental, social and custom impacts. Adopting an environmental policy or code of conduct can assist in identifying and managing the direct and cumulative impacts from your project. You can then use these environmental policies or codes of conduct as a means to advise your employees, suppliers and customers of your environmental obligations and the actions you are taking to minimise and avoid environmental, social or custom impacts.

How will you manage your wastes?

Poor waste management such as wastes entering the sea is an example of an ongoing impact on the coastal environment. Suitable arrangements must be made to ensure the ongoing management of all liquid and solid wastes, including meeting any national standards for water quality.

How will you manage your project activities?

The coastal environment is sensitive and can be impacted over time. Although you may manage the main operations of your project to minimise impacts, there may still be environmental damage through related activities and minor changes to your project, for example customer use of the coastal area for water sports etc. It is important to manage all aspects of your project operations to ensure that the surrounding environment adds value to your project rather than slowly degenerating over time. Take the opportunity to develop an environmental policy and inform your guests and customers how to look after the environment.

How will you manage your project's success?

Business expansion on the coast can be a challenge with limited space and the need to look after a sensitive environment. Expansion of your business will also require expansion of your environmental controls. For example, a sewage system designed for a house will not have sufficient capacity for the development of bungalows or a restaurant. Business expansion typically requires an additional application under the EPC Act to ensure environmental, social and custom impacts are managed appropriately.

Conclusion

Vanuatu's coastal areas are under significant development pressure. Sustainable, high quality coastal development is still welcome in Vanuatu but it must enhance rather than destroy our coastal areas. Therefore it is vitally important that developers understand the importance of looking after our coastal areas and develop accordingly. This includes proposing sympathetic and appropriate types of development, in suitable locations and in a manner which ensures that the environmental benefits of the coastal area can still be enjoyed after the development is established.

Please respect our country and especially its coastline and help us manage our environment sustainably for the benefit of our economy and people.

Where can I find more information?

Further information can be found on our website: www.environment.gov.vu

You may also arrange an appointment with a member of our Environmental Planning and Impact Assessment division or provincial extension officers by contacting us:

Department of Environmental Protection and Conservation

Port Vila: Ministry of Climate Change Adaptation, Meteorology & Geo-Hazards,
Environment, Energy and Disaster Management compound, Nambatu
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